

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. Harley Stump, pastor of the Empire Church of the Brethren, gave the invocation.

APPROVAL OF MINUTES OF COUNCIL MEETING

Council members having received a copy of the minutes of the Council meeting of December 7, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM D. A. RYDBOM-PROTEST TO USE TAX ON AUTO PURCHASED OUTSIDE CITY OF MODESTO

A letter from D. A. Rydbom protesting to the payment of Use Tax on an automobile which he had purchased outside the city, was read. Councilman Anderson moved, seconded by Councilman Hammond, and it was unanimously carried, that the letter be referred to the City Manager for reply, rejecting the protest.

PETITION FILED BY THE MODESTO CITY SCHOOLS FOR ANNEXATION OF THE LALOMA SCHOOL SITE TO THE CITY OF MODESTO

A petition for annexation of the LaLoma School site, together with report from the Stanislaus County Boundary Commission, indicating the boundaries were definite and accurate, was filed by the Modesto City Schools. Councilman Adams introduced

RESOLUTION NO. 56-1

seconded by Councilman Hammond, referring the petition to the Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote:

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

(Councilman Robinson arrived at this time.)

DISCUSSION OF GARBAGE DISPOSAL AREA WITH BOARD OF SUPERVISORS

Members of the Board of Supervisors appeared before the Council to discuss the feasibility and possibility of using a portion of the city-county airport as a disposal area or to consider some other area which would better serve the entire county than the present Greer site.

Mayor Marks, speaking for the Council, expressed willingness to work with the Board on this matter.

Supervisor Bradshaw, Chairman of the Board, stated that it was

the feeling of the Board that the community should adopt a cut and fill method for garbage.

Councilman Merrill brought up the question "what effect would the county's proposal have on the Tuolumne Park project---would it have any financial repercussions on the state's allocation?"

Supervisor Adams advised that Supervisor Wilson and he had been appointed as a Board committee on the disposal site. He outlined the difficulties which the county had encountered during the past years to find anyone interested in providing a disposal area site until Mr. Greer had offered his property which is located 19-20 miles from Modesto. He stated that the county had expended a considerable sum of money on the Laird Park Slough disposal site during the past year, as well as subsidizing sites at Patterson and Newman and the Greer site. Approximately \$7800 a year of the taxpayers' money is being spent by the county for a program which is only of a temporary nature. The Board is anxious, he stated, to solve the problem on a permanent basis and arrange for a site at some proper location within the county which will be operated purely by the modern cut and fill method. This site should be available to all the citizens in the county, he stated, and to all the garbage disposal haulers.

Mr. Greer is willing to continue his disposal area and has submitted two proposals: 1) A 10 year franchise with a guarantee of \$750 per month for the operation and site. If the fees paid by the public haulers and others would not provide this guarantee the county would have to make up the deficit; 2) a 3 year franchise with a \$1000 guarantee per month. The Board, he continued, should select a site which is accessible and useable at all times, regardless of which district it is located in, as rapidly as possible.

Mayor Marks suggested that the Council Garbage Committee be reactivated to work with the Board committee to find the answers to numerous questions which must be answered before the site can be selected and to determine what effect the use of the airport property would have on the Tuolumne River Park project.

Supervisor Delphia pointed out the urgency of the problem since the county would have to be able to advise Mr. Greer whether his proposal would be accepted by January 10.

Attorney Walter Crow, speaking on behalf of Mr. Greer, pointed out that Mr. Greer had originally agreed to operate the area on the basis that he would get all the haulers of the garbage association to use the disposal area. The short time all the haulers were using the area, there was no need for a subsidy from the county. When the matter came up for bids again, it was on the basis that the City of Modesto would not be using the disposal area. If the city and county can get together and arrange to haul the garbage to the area, it will not be necessary to use the taxpayers money to subsidize the site. He pointed out that this area was not flooded this year, as was true of the other area. He stated that if these arrangements could be agreed upon, that his client would not insist upon the hearing before the Board on January 10, and that it could be carried over until the end of the month.

Mayor Marks pointed out that the city's decision not to use the Greer disposal area was because it would cost the people of this city considerably more money; that it would be necessary for the companies to increase their fees if they had to haul the garbage to a site 19 miles from the city limits.

Councilman Hammond moved, seconded by Councilman Anderson, and it was unanimously carried that the Garbage Committee, composed of

Councilmen Adams, Merrill and Robinson, be reactivated; that this committee work with the committee from the Board of Supervisors on the study relating to the disposal area site, to come up with the answers based upon the facts which will benefit both the county and city, by January 10; that Director of Public Works Ray work with County Engineer Deatsch to determine if the C.A.A. would permit the use of a portion of the airport property.

Mr. John Borghello of the Modesto Garbage Company stated that if it was necessary to use the Greer site, that the rates would have to be increased to meet the increased costs of transportation.

Supervisor Bradshaw reported that the Board had rescinded its emergency permit to the city to use the old disposal area south of the river, as of this date.

Arrangements were made for the joint committee to meet Thursday noon for luncheon to discuss the problems. Mr. Ray was asked to contact the C.A.A. as soon as possible regarding the possibility of using a portion of the airport property. Mr. Borghello was asked to attend the luncheon meeting with the joint committee.

FURTHER DISCUSSION ON TUOLUMNE RIVER PARK APPLICATION

The City Manager presented a map showing the city owned property and the city-county owned property adjoining the Tuolumne River. He stated that the staff had endeavored to define some area which could be offered to the state for the Tuolumne River Park project. He pointed out that this was being presented for Council consideration and the Board's information primarily at this time, because it would be necessary to submit a formal application to the state by January 15. He listed the various properties which could be offered to the state: 1) trail easement along the golf course; 2) Legion Park and a portion of the present airport; 3) Dennett Dam; 4) trail along the airport property, subject to approval by the C.A.A.; 5) a large portion which is now planted to walnut trees on the Bowen-Hagedorn property recently purchased by the city and county.

Supervisor Melugin asked if the city had taken into consideration the possibility that the state would charge an admission fee to the park as was done at the state park located at the Turlock Reservoir. The City Manager stated that this had not been considered at this time.

Councilman Hammond moved, seconded by Councilman Adams, and it was unanimously carried, that the Council approve, in principle, the application to the state for funds for the Tuolumne River Park as generally outlined by the City Manager.

The City Manager stated that a further report would be presented to the Council before the application was submitted.

The City Manager expressed appreciation to the Board of Supervisors for its cooperation with the city during the past year.

HEARING ON RECLASSIFICATION OF MEHEGAN PROPERTY, BLOCK 71, LOTS 29, 30, 31 and 32

Mayor Marks announced that the hour of 4:15 P.M. had arrived, the time set for the public hearing on the petition of Rose Mehegan for the reclassification of Block 71, lots 29, 30, 31 and 32, from the General Commercial (C-2) zone to the Commercial-Industrial (C-M) zone, which had been recommended by the Planning Commission after a public hearing had been held on December 6, 1955.

The City Clerk filed a statement that the notice of the public hearing had been published in accordance with the requirements of the code and that no written protests had been filed.

Mayor Marks asked if there were any oral objections or any statements to be made by any person. There being no oral or written protests, Mayor Marks declared the hearing closed. Councilman Anderson moved the introduction and passage to print of

ORDINANCE NO. 65-C.S.

entitled: "AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON", which motion being duly seconded by Councilman Merrill was upon roll call carried and ordered printed and published by the following vote:

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

HEARINGS ON UNCLASSIFIED USE PERMITS

Modesto Junior College for the construction of a new auditorium, classrooms and plant facilities

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the petition of the Modesto Junior College for the construction of a new auditorium, classrooms and plant facilities on the Junior College site, which had been approved by the Planning Commission after a public hearing on December 6, 1955.

The City Clerk filed an affidavit that the notice of the public hearing had been published in accordance with the requirements of the code and that no written protests had been filed.

Mayor Marks asked if there were any oral objections or any statements to be made by any person or organization.

Paul Garrison, Sr. filed a petition on behalf of the Stanislaus County Wildlife Society protesting the destruction of the grove of trees just south of the South Hall, with especial attention to those bearing dedicatory memorial plaques and to rare species such as the Spanish Cork, Oak, Sierra Sequoia and Cedars of Lebanon.

Superintendent of Schools James Corson presented a map of the Junior College site, showing the proposed location of the buildings and the location of the trees. He pointed out that this protest had never been filed with the Board of Education. He stated that only six trees would be lost due to the new construction and of that number, only one was a dedicatory tree. It is proposed also, he stated, if possible, to swing the sidewalk construction around as many trees as possible in order to save the trees. He explained the program of the College for the construction of buildings which would be needed for an enrollment of 4000 students. He pointed out that every possible consideration was being given in the construction program to save the trees. He pointed out that the only other alternative available to the Schools was to abandon the present Junior College site and buildings and buy an entirely new site at a new location. Mrs. H. S. Walton, representing the Garden Club, and Mrs. Robert Crabb, representing the American University Women's Club, raised various questions regarding the removal of the trees, which were answered by Mr. Corson.

Robert Elliott, Assistant Superintendent of City Schools, pointed out that the Schools had planted many trees at the new schools

and had spent considerable money in landscaping the grounds of the various schools.

Director of Planning Smeath reported that at the Commission's public hearing on the School's request, the matter of parking had been raised. He stated that the Council should know that the Schools have presented a plan which indicates that the present 691 parking spaces now on the campus will be increased by 725 additional spaces. This was one of the factors taken into consideration, he stated, by the Commission in approving the request, but was not put as a condition. However, it is generally understood that the Schools are going to work toward the goal of 725 additional parking spaces.

The City Manager read a letter received from the Modesto City Schools advising that the Schools would make every reasonable effort to provide the maximum parking facilities in connection with the Junior College Campus. The letter was ordered filed.

Mayor Marks declared the hearing closed.

Councilman Adams introduced

RESOLUTION NO. 56-2

seconded by Councilman Merrill, granting an unclassified use permit to the Modesto City Schools to construct a science building, music building, classroom building, auditorium and related facilities on the Junior College Campus (College and Stoddard Avenues), in accordance with the recommendation of the Planning Commission, as set forth in its Resolution No. 264, which resolution was regularly adopted by the following vote:

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

MAYOR MARKS REVIEWS COUNCIL'S POLICY ON TREES

Mayor Marks outlined the Council's policy on trees for the benefit of Mr. Garrison and those who had appeared before the Council on the School's request for the unclassified use permit. He pointed out that Modesto had more trees per capita than any other city in the valley. He asked them to convey back to their organization that the Council intends to do everything possible to build up the number of trees.

Grace Ayer for the day care of 8 children at 205 Buena Vista Avenue

Mayor Marks announced that the hour of 4:35 P.M. had arrived, the time set for the public hearing on the application of Grace Ayer for the day care of 8 children at 205 Buena Vista Avenue, which had been approved by the Planning Commission after a public hearing held on December 6, 1955.

The City Clerk filed an affidavit that the notice of the public hearing before the Council had been published in accordance with the requirements of the code and that no written protests had been filed.

Mayor Marks asked if there were any oral objections or any statements to be made by any person or organization.

Mayor Marks declared the hearing closed.

Councilman Merrill introduced

RESOLUTION NO. 56-3

seconded by Councilman Hammond, granting an unclassified use permit to Grace Ayer, for the day care of 8 children at 205 Buena Vista Avenue in accordance with the recommendations of the Planning Commission, which resolution was regularly adopted by the following vote:

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

Grover C. Montgomery for the day care of 5-6 children, 403 Rowland Avenue

Mayor Marks announced that the hour of 4:40 P.M. had arrived, the time set for the public hearing on the petition of Grover C. Montgomery for the day care of five or six children from 7:00 A.M. to 6:00 P.M., daily, except Saturdays and Sundays at 403 Rowland Avenue, which had been approved by the Planning Commission at its public hearing on December 6, 1955.

The City Clerk filed an affidavit that the notice of the public hearing before the Council had been published in accordance with the requirements of the municipal code and that no written protests had been filed.

Mayor Marks asked if there were any oral objections or any statements to be made by any person.

Mayor Marks declared the hearing closed.

Councilman Robinson introduced

RESOLUTION NO. 56-4

seconded by Councilman Anderson, granting an unclassified use permit to Grover C. Montgomery for the day care of 5-6 children at 403 Rowland Avenue, in accordance with the recommendations of the Planning Commission, which resolution was regularly adopted by the following vote:

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

ADOPTION OF ORDINANCE NO. 62-C.S. GRANT B. J. FORSYTHE, DBA MODESTO
TRANSIT ADVERTISING COMPANY, EXCLUSIVE FRANCHISE TO INSTALL BUS BENCHES
WITH ADVERTISING ON STREETS AND SIDEWALKS

Attorney John M. Trimbur appeared before the Council on behalf of the California Bench Company protesting the granting of an exclusive franchise to B. J. Forsythe, doing business as Modesto Transit Advertising Company for the right to place and maintain benches with advertising thereon at designated locations on the streets and sidewalks in the City of Modesto. He stated that in view of the fact that his client had submitted the bid which would mean the highest income to the city, that this matter should have further consideration by the Council. He stated that his client had been advised that if there was to be any further action by the Council on this matter, after the bids had been rejected, that he would be advised, but he was not notified. He contended that his client presently has 25 benches on private property, 21 within the limits of the city, and that he would be in a position to give equally as good service as the local company; that the Modesto Transit Advertising Company was not paying any other city taxes or

licenses than the regular business license fee, which the California Bench Company was also doing; that his client had a local office located in the Beaty Building and was prepared to pay the city more money for the franchise. He asked that in justice to the bid procedure, that the adoption of the ordinance be reconsidered by the Council.

Councilman Merrill pointed out that the Modesto Transit Company had cooperated with the Council during the time the ordinance regulating bus benches was being considered, which was not true of the California Bench Company. This company, he stated, took this opportunity to install numerous benches with advertising throughout the city on private property.

Councilman Anderson considered that the installation of these benches while the ordinance was under discussion was unethical, although it was legally permissible. He pointed out that the benches to be installed by the Modesto Transit Advertising Company were to be manufactured locally.

Mr. Trimbur stated that his client also manufactured benches locally.

Councilman Hammond pointed out that while the Council was striving to arrive at a uniform system for benches, the California Bench Company took that period of time to move in.

The City Attorney stated that before the California Bench Company had installed the benches, legal requirements had been cleared with his office. He had pointed out to the company, he stated, that so far as he could see there was nothing to prevent them from being put out, but he did not go into the policy or ethics with the company. Mr. Armstrong did contact him, he stated, and he had been advised that there would be no legal objections on private property.

The City Manager pointed out that the Council members represented the placing of these benches in the city by the California Bench Company, while the ordinance was under consideration.

Mr. Tomson of the Modesto Transit Advertising Company, stated that one of the prime considerations of the Council in granting the franchise to his company was due to the cooperation which existed between Mr. Kleinenbroich, owner of the Bus Company, and his company.

Councilman Merrill moved the adoption of

ORDINANCE NO. 62-C.S.

entitled: "AN ORDINANCE GRANTING B. J. FORSYTHE, DOING BUSINESS AS MODESTO TRANSIT ADVERTISING COMPANY, AN EXCLUSIVE FRANCHISE FOR THE RIGHT, PRIVILEGE AND PERMISSION TO PLACE, CONSTRUCT AND MAINTAIN BENCHES WITH ADVERTISING THEREON AT DESIGNATED LOCATIONS ON THE STREETS AND SIDEWALKS IN THE CITY OF MODESTO", which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance finally adopted by the following vote:

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

The City Attorney stated that the Council had full power to grant the franchise without calling for bid. He pointed out that if this award had no direct connection with the previous calling for bid, this Council had the authority to grant the franchise as it did.

REQUEST BY SMITTY'S TAXI FOR TWO ADDITIONAL TAXI STANDS

A request was filed by Hershel Lawrence operating Smitty's Cab Company for two additional parking stands, one on H Street east of 10th Street across from the Tack Room, and the other on 10th Street in front of the Anglo Bank in back of the bus stop. Councilman Hammond moved, seconded by Councilman Adams, which was unanimously carried, that the request be referred to the staff to consider along with other taxicab matters.

The City Attorney called the Council's attention to the fact that the priority rating on taxicab matters was low on the list of pending matters.

FINAL HEARING ON PARKS DIVISION

Mayor Marks declared the final hearing on the Parks Division open for further Council questions and discussion. Director of Parks and Recreation Lowrey filed a supplemental report on the Park Division in outline form.

The City Manager reported on the staff meeting held on December 21, relating to site restrictions at intersections. He pointed out that it would require time and patience to obtain compliance from the citizens. He pointed out that this problem was similar to the one confronting the Fire Department at the time the new fire prevention code was adopted. If this department had gone out and insisted that all citizens immediately correct certain hazards that there would have been a lot of objection and resentment, but by patient, understanding and persuasive pressure, the property owners have been gradually correcting many hazards. He pointed out that time, patience and publicity would be required to correct various site restrictions at intersections. He recommended that the Council adopt a policy of working these things out on a voluntary basis by the property owners. He stated that this activity of the Park Department will be a new service and will take man-power, time and money. He reported that a report previously submitted by Traffic Engineer Carmody listed intersections in the city where site restrictions existed.

Mr. Lowrey reported that already a few property owners had been asked to correct certain restrictions and had willingly complied with the city's recommendation for correction. He stated that the department did not anticipate too much of a problem. Councilman Hammond moved, seconded by Councilman Anderson, and it was unanimously carried that the procedure of gradual correction of site restrictions at intersections outlined by the City Manager be approved.

Mr. Lowrey was commended on the clarity of his report.

He outlined the need for the purchase of the tractor with hydraulic lift mowing units, which he had recommended in his report; that it could be utilized for a variety of uses, due to the broad tread on the wheels. When not in use for mowing, it could also be used to haul sludge to the parks.

Councilman Adams brought up the question of overlapping of operations relating to the sludge. Mr. Lowrey stated that when the sludge becomes fertilizer it is the responsibility of the Park Department. The available supply of sludge is expected to increase considerably in the near future, he pointed out, and additional labor will be needed to handle the operation.

Mr. Lowrey stated that the present and past budgets do not permit purchase of weed killing chemical and certain weeding that is done must be done by hand, around tennis courts and playgrounds. It is impossible to keep all the weeds under control.

He pointed out that the number of children using the park facilities would be covered more in detail in the recreation department report. He stated that a cross section had been taken of the number of children during the summer season and it was determined that approximately 200 were using the facilities at one time.

Councilman Hammond asked how many of the parks had the old type of sprinkling systems which should be converted to the quick-coupling type. Mr. Lowrey advised that Westside, Graceada, and Maze Wren presently had underground type.

Mr. Lowrey stated that he did not have a program drafted for the removal of over-crowded trees and shrubs but would prepare a proposal for consideration later. Councilman Hammond asked Mr. Lowrey if citizen objections would be forthcoming on a program of this type.

Mr. Lowrey reported that each time the department received a complaint regarding the removal of a tree that all available information had been sent to the complainant outlining the reasons for the removal. He pointed out that the removal of a number of trees in Graceada Park would result in the remaining trees "doing a better job". Trees which are a potential hazard are removed, he stated.

He briefly discussed the need for chain link type fences at the old John Muir School Park site and Roosevelt Park site.

Councilman Hammond asked Mr. Lowrey if he had considered using a telescope boom hoist for trimming trees. He reported on his attendance at a demonstration of a hoist which was being inspected by the Modesto Irrigation District. The cost of \$20,000 would preclude the purchase of this type of equipment, he stated, due to its limited use. He stated that only the outer limbs could be trimmed with a hoist.

MR. MARKHAM ASKED THAT HEDGE BE TRIMMED AND PARKING OF CARS NEAR FENCE AT ROBLE AND ROWLAND BE CHECKED

Mr. Markham asked that an investigation be made of the cars which were parking near a fence at Roble and Rowland Avenues. He was asked to check this with Director of Planning Smeath.

He also asked that the hedge which created a site restriction on Haddon and Rowland be trimmed lower. Mayor Marks suggested that the Traffic Engineer and Park Department make an investigation.

AWARD BID FOR GASOLINE FOR YEAR 1956 TO SIGNAL OIL COMPANY

Bids received from 9 suppliers for the city's gasoline requirements for the period January 16, 1956, to January 16, 1957, which had been opened on January 3 in the office of the City Clerk, were considered by the Council. Councilman Hammond introduced

RESOLUTION NO. 56-5

seconded by Councilman Robinson, accepting the bid of the Signal Oil Company, as the lowest responsible bid and authorizing the execution of an agreement by the city's designated officials, which resolution was regularly adopted by the following vote:

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

APPROVE AGREEMENT WITH STATE RELATING TO ASSISTANCE IN LOCAL HEALTH PROGRAM

Upon the recommendation of the City Manager, Councilman Robinson introduced

RESOLUTION NO. 56-6

seconded by Councilman Anderson, approving the agreement between the city and the State Department of Public Health, providing for reimbursement to the city for certain public health expenditures from funds allocated to California by the United States Public Health Service and the Children's Bureau, and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

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

ACCEPT CONSTRUCTION OF ROOFS ON DIGESTERS AT THE SEWER PLANT FROM CONTRACTOR NORTH BAY CONSTRUCTION COMPANY

The Director of Public Works filed a report that the roofs for domestic sewage digesters at the sewage treatment plant had been completed in compliance with the specifications and recommended the acceptance of the project from contractor North Bay Construction Company. Councilman Robinson introduced

RESOLUTION NO. 56-7

seconded by Councilman Anderson, accepting the construction of the roofs for domestic sewage digesters at the sewage treatment plant as recommended by the Director of Public Works; ordering the filing of Notice of Completion with the County Recorder; and authorizing payments as due under the contract, which resolution was regularly adopted by the following vote:

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

APPROVE APPROPRIATION TRANSFER FOR INCREASE IN LEAGUE OF CALIFORNIA DUES

The City Manager reported that the latest official population places Modesto in a higher step in the League of California Cities dues schedule. \$750 was included in the 1955-56 budget for this item but the city was billed for \$925, based on a population of \$30,523. Councilman Merrill introduced

RESOLUTION NO. 56-8

seconded by Councilman Anderson, approving appropriation transfer of \$175.00 from the general reserve to Miscellaneous Unclassified-Memberships and Dues, which resolution was regularly adopted by the following vote:

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

FURTHER DISCUSSION ON APPLICATION TO STATE ON TUOLUMNE RIVER PARK PROJECT

City Attorney Grimes pointed out that another point to be taken into consideration on the Tuolumne River Park application to the

State, would be whether the leasing of a portion of the airport property would have any effect.

PRELIMINARY REPORT BY PERSONNEL OFFICE

The City Manager reviewed his memorandum, dated January 4, 1956, copies of which were sent to the Council members, on the subject "Personnel Administration". He pointed out that "the present city personnel system, as set up in the Charter approved by the people and the ordinances approved by the Council, is a result of both historical development and action taken on specialized studies and recommendations both by city officials and outside consultants. It incorporates the best features of many modern personnel systems, including fairness for all concerned and a reasonable degree of flexibility of administration and operation. Reduction could be made in the personnel staff, but it would result in one of two things: 1) reduction in important functions, including safety and training program; or 2) returning to various departments functions now performed centrally and uniformly in the Personnel Office". He pointed out that either of these would represent apparent, rather than real economy. He recommended that the training program throughout city departments be stepped up materially since the returns to the city would represent many times the cost of such a program, and specific proposals were being prepared. He stated that one important area of training was in the field of public relations. Additional training is also needed in the supervisory field. Copies of a summary report on the number of employees per 1,000 population for the period 1951 to 1955 were also distributed to the Council members.

Personnel Officer Masonheimer briefly outlined his report on the "Purposes and Functions of the Personnel Department", copies of which had previously been sent to the Council members. He pointed out that the personnel office needed to expand its training service but in order to do this additional staff will be needed. He stated that one of the phases of the program which had been suggested for consideration by Commissioner Carter was to place a technician in the field to observe the job being performed by individual workers in the city service, to assist the department in keeping its plan up to date, and to give an individual analysis and evaluation of the need for employees in their given job.

Mr. Masonheimer pointed out that the personnel staff was presently supervising the safety program for the entire city. The results of this program were 1) the employee is safety conscious, and 2) it pays dividends in reduction of accidents and in real money, as much of the premium refund from the compensation carrier is possible because of this program.

He briefly discussed the number of examinations given in 1955 by the department and the appointments which resulted from these examinations. Mr. Masonheimer reported, when asked by Mayor Marks, that practically all of the recommendations in the Public Administration Service report of June 15, 1951, had been adopted by the City. Many of the recommendations in the Louis J. Kroeger report of November 18, 1953, which resulted in the current classification plan, have also been adopted, he stated.

Mayor Marks suggested that extra copies of the departmental reports submitted to the Council in the series of meetings should be bound in a loose leaf note book for future study and copies made available to future Council members.

ADJOURNMENT.

Councilman Arata moved, seconded by Councilman Adams, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:30 P.M.

ATTEST: 
 REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., 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 Adams presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Pro Tempore Adams
Absent: Mayor Marks

Rev. Lewis Whitehead, pastor of the Wesley Methodist Church gave the invocation.

CONSIDER PROPOSAL FOR LEASING OF AIRPORT LANDS

Councilman Arata reported on the bids received January 9, by the County Board of Supervisors for the leasing of the airport lands. The top bid received for the Hagedorn-Bowen property, he stated, was \$4600, city to receive one-half of bid, and \$400.00 on the Olson property, city to receive one-half. He recommended the acceptance of these bids by the city and that agreements prepared by the County Counsel be approved and executed by the city's designated officials.

City Attorney Grimes briefly outlined the provisions of the agreements. Councilman Arata introduced

RESOLUTION NO. 56-9

seconded by Councilman Robinson, approving the agreement for the leasing of 24-plus acres of the Olson property at the city-county airport to M. Souza, and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

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

Councilman Arata introduced

RESOLUTION NO. 56-10

seconded by Councilman Robinson, approving the agreement for the leasing of approximately 83 acres of the Hagedorn-Bowen property at the city-county airport to H. D. Peters, and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

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

The City Attorney stated that section 6 of the agreement with H. D. Peters on this land required the lessee to obtain the written consent of the city and county first, in order to sublet the property to any other person. Mr. Peters desires to sublet the property to Mr. Joe A. Macedo. Councilman Merrill introduced

RESOLUTION NO. 56-11

seconded by Councilman Arata, approving the subletting of the premises by H. D. Peters to Joe A. Macedo (Hagedorn-Bowen property), which resolution was regularly adopted by the following vote:

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

The City Attorney reported that at the present time a tenant resided on this property but that the attorney for the seller was handling the removal. The lessee, he stated, is entitled to possession, under the lease, on January 12.

GRANGE COMPANY REQUEST FOR VARIANCE FROM MUNICIPAL CODE CURB CUT REQUIREMENTS

A letter was received from the Grange Company appealing for a variance to Section 7-1.104 of the Municipal Code relating to curb cuts and waiving notice for a public hearing before the Council, as provided by Section 1-403 of the Code. The Company requested two additional curb cuts in Block 443, Lot 1, one for 24 feet and the other for 20 feet to serve the new bulk bins now being constructed at its plant located on Tully Road and North 99 Highway. These new bins are under construction adjacent to and west of the existing bulk loadout bins.

Director of Public Works Ray presented a map showing the location of the proposed entrances to the property. He reviewed the background on the granting of the previous revokable permit on June 11, 1952, to permit an entrance for the present bulk bins which were constructed without regard to the existing street grades. He stated, instead of a curb cut this resulted in a fill approximately 1' 3" above the regular gutter grade of Campus Way at this point. It also resulted in a reverse elevation at the intersection of Madonia and Campus Way. He pointed out that the new request for a variance would result in an additional section of Campus Way being filled. He stated that observation on the ground will show that with the present construction the city now has a street canted from one side to the other and it is very possible that it will remain in that condition many years and it may be surmised that the company would oppose any street improvement program for this area which would involve returning the street to its original cross section. He stated that since the original damage was done in 1952, little would be lost if the Council approves this request. He stated that he considers it is a Council policy matter and he was submitting it without recommendation. However, if the variance was granted he recommended that the company be required to relocate the existing drain to a new location and connect it to the storm drain in the center of Campus Way to provide for drainage. Mr. Ray pointed out that the granting of the permit would not affect the traffic in the area since it was largely industrial traffic and approximately 90% was generated by the company itself.

Councilman Hammond asked Mr. Henry G. Turner, who was present representing the Grange Company, whether in the event any future problems would arise, would it hamper the company's operation to cut this ramp down.

Mr. Turner stated that it would present a problem for the heavy trucks pulling into the bins to load.

After a general discussion on the grade of the street, Councilman Arata introduced

RESOLUTION NO. 56-12

seconded by Councilman Robinson, granting a revokable permit to the Grange Company on the condition that it will agree to relocate the existing drain to a new location and connect it to the storm drain in the center of Campus Way to provide for drainage, as recommended by the Director of

Public works, without cost to the City, which resolution was regularly adopted by the following vote:

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

Mr. Ray stated it would not be necessary for the company to pay a curb cut fee for replacement since it could not be considered a curb cut as the company was actually building over the curb and there was no way the fee could be applicable.

ACCEPTANCE OF BEL AIR SUBDIVISION FINAL MAP AND APPROVAL OF AGREEMENT

Mr. Elliott Davon, subdivider of the Bel Air Addition, reported that he was unable to file the required subdivision bond at this time, but would be able to do so within a week or ten days. He stated that all other requirements had been met and since he did not expect to do any further work on the subdivision for a short period, asked that the final map be approved.

The City Attorney pointed out that subdivision regulations required that the bond be filed before the final map was approved by the Council. Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that approval of the final map of the Bel Air Subdivision be tabled until such a time the required bond is filed by the subdivider.

ACCEPTANCE OF ASHFORD SUBDIVISION NO. 2 - FINAL MAP AND APPROVE AGREEMENT

The City Attorney reported that the required bond on the Ashford Subdivision No. 2 had not been filed and recommended that approval of the map be delayed.

The City Manager recommended that the time for the filing of the final map be extended for a two weeks period from January 15, 1956. Councilman Anderson introduced

RESOLUTION NO. 56-13

seconded by Councilman Merrill, extending the time for Mr. Boyce Ashford to file the final map of the Ashford No. 2 Subdivision from January 15 to January 30, 1956, which resolution was regularly adopted by the following vote:

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

RESOLUTION RELATING TO FLOOD CONTROL DAMS

Councilman Arata recommended the adoption of a resolution which was to be executed by the Mayor and copies sent to President of the United States, Dwight Eisenhower, Governor Goodwin Knight, Senator William Knowland, Congressman Leroy Johnson, Senator Hugh Donnelly, and Assemblyman Ralph Brown.

Councilman Arata introduced

RESOLUTION NO. 56-14

seconded by Councilman Anderson, urging the President of the United States, the Governor of the State of California, the Congress of the United States of America, and the Legislature of the State of California, to bring about the immediate construction of additional reclamation,

flood control, and public power projects on the main rivers of this State, which resolution was regularly adopted by the following vote:

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

HEARING ON PETITION TO RECLASSIFY PROPERTY OF CHARLES T. CHADWICK ON TULLY AVENUE FROM R-1 TO C-1 ZONE

Mayor Pro Tempore Adams announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the petition of Charles T. Chadwick for the reclassification of property located on Tully Road (Section Map No. 19) from the one-family residential (R-1) zone to Neighborhood Commercial (C-1) zone which had been recommended by the Planning Commission after a public hearing had been held on December 6, 1955.

The Acting City Clerk filed a statement that the notice of the public hearing before the Council had been published in accordance with the requirements of the Municipal Code and that no written protests had been filed.

Mayor Pro Tempore Adams asked if there were any oral objections or any statements to be made by any person. There being no oral or written protests, Mayor Pro Tempore Adams declared the hearing closed.

Councilman Merrill moved the introduction and passage to print of

ORDINANCE NO. 66-C.S.

entitled: "AN ORDINANCE AMENDING SECTION MAP 19 OF ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED IN THE CITY OF MODESTO THEREON", which motion being duly seconded by Councilman Anderson, was upon roll call carried and ordered printed and published by the following vote:

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

Planning Director Smeath reported that the staff of the department had recommended against this change in zoning but the Commission had voted unanimously in favor of it. The reason the staff opposed the change was that it is a cluster type, with commercial operation on both sides of a proposed four lane street which would create a traffic problem. He stated that there could be a need for more commercial zoning in the area. He reported that Mr. Chadwick had informally agreed to remove the present lumber yard shortly, if the zoning was changed to C-1.

(Councilmen Arata and Merrill left the meeting at 8:10 P.M.)

CONSIDERATION OF THE USE BY THE COUNTY OF THE CITY GARBAGE DISPOSAL AREA

Mayor Pro Tempore Adams, chairman of the Garbage Disposal area committee reported on the meetings held with the Board of Supervisors Committee on the garbage disposal problem. He reported that the Director of Public Works and the County Engineer had checked with the C.A.A. on the possibility of using a portion of the airport for a temporary disposal area until a permanent site could be selected by the county. It appeared that there would be some land available at the airport that might be used but since this site would be located close to a proposed recreation area, it might complicate matters with the state on appropriation of funds.

The conclusion of the committee was that the city would offer the county the use of the disposal area located at the city's sewage plant during the period of six months while the county is selecting its permanent site in an area close to the populated center.

However, since these meetings, the County has made arrangements to enter into an extended agreement with Mr. Greer to operate the county's present disposal area for an additional period of six months.

A general discussion was held on the problem of the local garbage companies, due to the floods, being required to haul to the Greer Dump until the city's area was accessible. Mr. Borghello of the Modesto Garbage Company stated that he did not see any reason why the County refused permission to reopen the old disposal area south of the river. He reported much difficulty in hauling to the Greer area, that his trucks had to be pulled out of mud holes each day by a caterpillar. Unless the city's area would be available shortly, he stated, some relief would have to be afforded the company. Mr. Ray reported on the condition of the city's disposal area. The City Manager stated that a further report would be submitted shortly.

ACCEPT SEWAGE AND INDUSTRIAL WASTES TREATMENT WORKS FROM NORTH BAY CONSTRUCTION COMPANY

Director of Public Works Ray reported that the North Bay Construction Company had completed its contract on the construction of Industrial Wastes and Sewage Treatment plant units except miscellaneous items which could not be done until weather conditions permit. He stated that in lieu of the completion of this work the company had filed a check in the amount of \$980 and requested that the contract be accepted in order that they may obtain their retained percentage. He recommended that the contract be accepted as completed, notice of completion be filed and payments of amounts due be authorized since the check the city has received would cover the clean up work when weather conditions permitted.

Councilman Anderson introduced

RESOLUTION NO. 56-15

seconded by Councilman Robinson, accepting the contract for the construction of industrial wastes and sewage treatment plant units, from the North Bay Construction Company, as recommended by the Director of Public Works, authorizing recordation of Notice of Completion with the Stanislaus County Recorder, and payment of amounts due as provided by the contract, and acceptance of check for \$980 from the contractor to cover the costs to the City of doing items which cannot be completed until weather conditions permit, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Pro Tempore Adams
 Nays: None Absent: Arata, Merrill and Mayor Marks

DIRECTOR OF PUBLIC WORKS REPORTS ON TEST PLANT

Director of Public Works Ray reported that the pilot plant at the sewage disposal plant was completed.

REQUEST OF FRANK FRANCEK FOR SEWER SERVICE

The City Manager reported that Frank Francek, subdivider, had an option on a 20 acre parcel of land located on Floyd Avenue at the projected extension of Sunrise Avenue, and has asked that the city furnish sewer service to this area. This land, he stated, would be the north

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easterly limit that could be reached by grade with the present sewage facilities. Whether the city would be willing to reach out this far at this time, providing all other conditions could be met by the subdivider, was the question to be resolved at this time.

Councilman Anderson recommended that the Council pay closer attention to the people already in the city limits and that until this property was contiguous to the city, consideration for sewer service be delayed.

The City Manager pointed out that the granting of this service would not be a change in the present Council policy. He pointed out that the city might be required to share costs for installing the sewer line but this cost would be picked up later from other areas as they were developed.

Councilman Anderson recommended that the Council delay consideration until all the members were present.

The City Manager reported that the usual agreements in these cases provided that the city serve the areas if they will agree to annex to the city, and if they do not within a year, the city reserves the right to charge a higher rate. He stated that there was a dead line for Mr. Francek and it was urgent that the Council make its decision today.

Mr. Francek stated that his option of the property expired on January 15. He stated that he had worked with the Planning Commission for a period of three months to clear the possibility of the city serving sewer service to a much larger tract of land in this area but had given up his option on all except with 20 acres which could be served with gravity. He stated that he was interested, at this time, to secure an expression from the Council whether the city would serve the area with sewer service.

The City Attorney pointed out that if the area was inhabited at the time it became contiguous that it would be necessary to hold an election and that there might be opposition unless the deeds provided that the area be annexed at this time.

Assistant Director of Public Works Fredricksen reported on the approximate cost to the city for the construction of a sewer line to serve the area.

Councilman Hammond expressed himself in favor of serving the area.

Councilman Robinson asked about serving the area with water. The City Manager stated that it would be served with city water if it could reasonably be done.

Councilman Hammond moved, seconded by Councilman Robinson, that the Council go on record as approving the plan for extending the sewer service to this area and that the staff be authorized to proceed on the basic work to accomplish this plan, before the vote was taken the following discussion was held.

Councilman Anderson questioned why the Council had been given such a short time to consider the request, since it had been before the Planning Commission for three months. He questioned the advisability of the Council making these decisions without at least a week to consider them. He pointed out that the Council did not want to be responsible for any financial loss to any person and wanted to process these things as fast as possible, and not put the public under any obligation, but believed there should be more time for deliberation.

The City Manager pointed out that it had been a problem of engineering and planning which had to be cleared, and that it had been necessary, also, to make preliminary engineering surveys and layouts to determine whether or not the area could be served by gravity and that the final meeting on these matters had been held only this week. He pointed out that the Council could not be responsible for any financial loss. He urged the Council not to act if it was not clear.

Mr. Francek stated that the Planning Department had been working over time on this problem and he was well satisfied with the department's work and that all he wanted from the Council was the approval of the sewer.

The City Manager recommended that if the motion were adopted, it provide that the granting of the sewer service be contingent on whether the applicant be willing to annex the area to the city and will use city water if the area can be served, and will meet all the other city obligations, as set forth in the regular type city agreement.

Mayor Pro Tempore Adams called the vote and the motion was carried unanimously.

HEARING ON RESOLUTION OF INTENTION TO VACATE AND ABANDON PORTION OF DEL VALE AVENUE LOCATED WITHIN PIKE PARK

Mayor Pro Tempore Adams announced that the hour of 8:30 P.M. had arrived, the time set for the public hearing on the proposed vacation and abandonment of a portion of Del Vale Avenue located within Pike Park.

The Acting City Clerk filed a statement that the notice of the public hearing before the Council had been published in accordance with the Street Vacation Act of 1941, that the property had been posted along the line of the street proposed to be vacated by the Superintendent of Streets and that no written protests had been filed.

Mayor Pro Tempore Adams asked if there were any oral objections or any statements to be made by any person. There being no oral or written protests, Mayor Pro Tempore Adams declared the hearing closed.

Councilman Anderson introduced

RESOLUTION NO. 866-S.P.

seconded by Councilman Robinson, ordering and declaring the vacation and abandonment of that portion of Del Vale Avenue located in Pike Park and authorizing the City Clerk to file a certified copy of this resolution with the County Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: Anderson, Hammond, Robinson and Mayor Pro Tempore Adams
 Nones: None Absent: Arata, Merrill and Mayor Marks

FINAL CONSIDERATION OF REPORT ON ACTIVITIES OF PERSONNEL DEPARTMENT HELD OVER

The final consideration of report on activities of the Personnel Department was held over until the next Council meeting.

REPORT ON RAILROAD GRADE CROSSING PROTECTION FUND

The City Manager stated that a written report on grade crossing gates would be given to the Council members for their consideration

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whether to do some of that work instead of signals. Since the state funds are available now, and possibly will not be later, he stated, consideration should be given to this matter. He pointed out that the state would pay one-half the cost price under this program.

APPROVE PURCHASE ORDER FOR VALVE BOXES FROM MUELLER CO.

Upon the recommendation of the City Manager, Councilman Hammond introduced

RESOLUTION NO. 56-16

seconded by Councilman Robinson, approving the purchase of 400 cast iron valve boxes at a purchase price of \$1600.79 from Mueller Company, which resolution was regularly adopted by the following vote:

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

WITHDRAW CERTAIN ANNEXED AREAS FROM FIRE PROTECTION DISTRICT

The City Attorney reported that a number of areas annexed to the city had not been withdrawn from the respective fire districts in which they were located prior to annexation. He stated that a new procedure on checking these areas prior to annexation would be followed by the Planning Commission in the future.

Councilman Robinson introduced

RESOLUTION NO. 56-17

seconded by Councilman Anderson, withdrawing the Gregory Gardens No. 2 Addition from the Woodland Fire Protection District by reason of its annexation to the City of Modesto, which resolution was regularly adopted by the following vote:

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

Councilman Anderson introduced

RESOLUTION NO. 56-18

seconded by Councilman Robinson, withdrawing the Mineni Manor Addition from the Burbank-Paradise Fire Protection District by reason of its annexation to the City of Modesto, which resolution was regularly adopted by the following vote:

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

Councilman Anderson introduced

RESOLUTION NO. 56-19

seconded by Councilman Robinson, withdrawing the Hudson-Uccello Addition from the Burbank-Paradise Fire Protection District by reason of its annexation to the City of Modesto, which resolution was regularly adopted by the following vote:

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

Councilman Anderson introduced

RESOLUTION NO. 56-20

seconded by Councilman Robinson, withdrawing the Gregory Gardens Addition from the Woodland Fire Protection District by reason of its annexation to the City of Modesto, which resolution was regularly adopted by the following vote:

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

Councilman Anderson introduced

RESOLUTION NO. 56-21

seconded by Councilman Hammond, withdrawing the Dryden-Durand Addition from the Burbank-Paradise Fire Protection District by reason of its annexation to the City of Modesto, which resolution was regularly adopted by the following vote:

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

Councilman Robinson introduced

RESOLUTION NO. 56-22

seconded by Councilman Anderson, withdrawing the Bel-Air Addition from the Woodland Fire Protection District by reason of its annexation to the City of Modesto, which resolution was regularly adopted by the following vote:

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

COMMUNICATION FROM STANISLAUS COUNTY PLANNING COMMISSION

A letter from Stanislaus County Planning Commission was read, advising that the University of California was to offer a course in City and Regional Planning this Spring in Modesto. The City Manager recommended and the Council concurred that the city pay the fee of \$9.00 for any city employee or member of a commission who planned to attend the meetings. He stated that more information would be furnished on this course before it started this spring.

OFFER TO DEDICATE LAND TO STATE ON TUOLUMNE RIVER PARK

The adoption of a resolution offering to dedicate land to the state on Tuolumne River Park was held over for a future meeting.

REPORT ON MEETING WITH REPRESENTATIVES OF THE DIVISION OF HIGHWAYS

The City Manager reported that a meeting had been held, as planned, with representatives of the county and state relating to the construction of grade separations. Deputy State Highway Engineer Vickrey, J. C. Womack, Assistant State Highway Engineer and representatives from the Stockton District office of the Highway Department were present. The state officials agreed to proceed immediately with studies which would show the traffic flow and a careful analysis of the grade separation problem and of the plan, both alternate and interim for state highways and

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street patterns as it relates to grade separation. Councilman Anderson introduced

RESOLUTION NO. 56-23

seconded by Councilman Hammond, directing the administrative staff of the City of Modesto to work with the representatives of the Division of Highways of the State of California, the Southern Pacific Railroad Company and the Tidewater Southern Railway Co., in making a traffic and street and highway survey, particularly in connection with the proposed freeway and railroad grade separations in connection therewith and to expedite and complete said survey at the earliest practical time, which resolution was regularly adopted by the following vote:

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

REQUEST OF BOY SCOUTS TO DISPLAY EXHIBITS ON CITY STREETS

Ralph Sturtevant, representing the Boy Scouts, appeared before the Council to request permission to use either portions of the sidewalk area or street parking spaces to display live outdoor exhibits for one day only between the hours of 12:30 P.M. to 4:00 P.M., February 11, 1956. He reported that more than one unit would be participating this year and more spaces would be needed than in the previous years. The City Manager pointed out the necessity of barricading a parking space, if it was used, to protect the participants. The City Attorney recommended that a parking space rather than a sidewalk area be used.

The City Manager pointed out the necessity of a definite plan on the program.

Mr. Sturtevant stated that it would be possible to submit a detailed report shortly, as soon as each troop had been contacted by letter. Councilman Hammond moved, seconded by Councilman Robinson, and it was unanimously carried, that the granting of this permit be approved subject to such conditions established by the Traffic Engineer and Chief of Police.

The City Manager pointed out that the Council should consider this request very carefully and not get into the business of doing anything to incur any liability and responsibility. He recommended that the granting of a permit be approved in principle and a further detailed report be submitted by the Scouts giving the location each troop would like to display its exhibits so that the Chief of Police could assign the spaces. Councilmen Hammond and Robinson withdrew their motion and moved that the Council go on record as being in favor of a plan to make available a display area for Scouts facilities. The motion was unanimously carried.


FINANCIAL REPORT FOR MONTH OF DECEMBER FILED

The City Manager filed the financial statement for the month of December, 1955.

ADJOURNMENT

Councilman Hammond moved, seconded by Councilman Anderson, and it was unanimously carried that this Council meeting now in session adjourn. The meeting was adjourned at 9:10 P.M.

ATTEST:


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 Pro Tempore Adams presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Pro Tempore Adams
Absent: Mayor Marks

The pledge of allegiance to the flag was given by all the citizens of the United States who were present.

Rev. James Buerer, pastor of the Grace Baptist Church, gave the invocations.

INTRODUCE GUESTS TO COUNCIL

General Carlos Romulo, Philippine Ambassador to the United States and his party who were in the city at the request of the Modesto Committee for the Observance of the United Nations Week, guests of the Council, and co-sponsored by the Modesto Lions' Club, were introduced by L. R. Robinson, Sr.

General Romulo stated that he had come to pay his respects to the citizens of the city and to extend the hand of good will and friendship and that it was also his privilege to extend greetings from the President of the Philippines.

APPROVAL OF MINUTES

Council members having received a copy of the minutes of the Council meeting of December 14, 1955, and the same being available for public inspection, and there being no objections, the minutes were approved.

CARD FROM VACATIONING MAYOR MARKS

A card received from Mayor Harry Marks from Acapulco, Mexico, absent from the city on vacation, was read.

FINAL HEARING ON PERSONNEL DEPARTMENT

Mayor Pro Tempore Adams brought up the subject of the safety program. He stated that the benefits to be derived were well known to the Council from the decreased insurance premiums. He stated that it would seem to be in order to consider this in the next budget year. Industry as a whole, he stated, is using safety programs to good advantage.

Councilman Hammond asked if the Personnel Department assisted the supervisors in their safety programs at the present time.

The City Manager stated that each department is basically responsible for its own program, but the Personnel Office is responsible for the general program and for coordination of the program and if special help was needed that the Personnel Department lent assistance. The stepped up program would relieve some of the departments of the details for the program. He stated that further consideration could be given to the safety program and training program, with the possibility of combining both under one supervisor, at a later date. The two areas, training and safety, he stated, both pay good dividends. He asked that the Council be thinking about them and raise any questions

they might have about the problems, benefits, and cost.

Councilman Merrill commended the Parks and Recreation Department on their tree trimming program and the safety methods used to prevent accidents. "If this is a criteria, there should be no doubt that a safety program is an investment that we should make," he stated.

COMMUNICATION FROM THE COMMITTEE FOR BROADENING COMMERCIAL BANK PARTICIPATION IN PUBLIC FINANCING

A letter received from the "Committee for Broadening Commercial Bank Participation in Public Financing", was reviewed by Director of Finance Lawrence. He pointed out that the Committee was asking support for a proposed amendment to the 1933 Banking Act, which would permit a broader market for State and local revenue bonds.

Councilman Arata stated that he considered this proposed amendment would be beneficial to the City.

The City Manager suggested that the Council indicate its approval in principle, so that a resolution could be prepared for consideration at a later meeting.

Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that the Council indicate its approval, in principle, of the proposed amendment to the 1933 Banking Act.

PLACE ON AGENDA FOR DEPARTMENTAL REPORTS DISCUSSED

Councilman Merrill suggested, and moved, that in order to expedite the procedure at meetings and to serve the general public in a better manner, the departmental reports be placed as Item 1 under "Reports". This motion was seconded by Councilman Arata and unanimously carried. It was generally agreed that both the preliminary report and the final departmental report would be placed as No. 1 and No. 2 under subject, "Reports".

INTRODUCTION OF ORDINANCE NO. 67-C.S. - FEES AT THE MODESTO CITY-COUNTY AIRPORT

Councilman Robinson moved the adoption and passage to print of

ORDINANCE NO. 67-C.S.

entitled: "AN ORDINANCE AMENDING SECTIONS 7-3.402 AND 7-3.404 OF ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO FEES AT THE MODESTO CITY-COUNTY AIRPORT", which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

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

FINAL ADOPTION OF ORDINANCE NO. 65-C.S. - AMEND SECTION MAP 32 OF THE ZONING MAP

Ordinance No. 65-C.S. entitled, "AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON", having been heretofore introduced and ordered printed and published at a regular meeting of January 4, 1956. Councilman Arata moved, seconded by Councilman Anderson, that

the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

Ayes: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and
Mayor Pro Tempore Adams.
Noes: None Absent: Mayor Marks

APPROVAL OF FINAL MAP AND AGREEMENT - ASHFORD NO. 2 SUBDIVISION

The City Attorney reported that the bond was on file and the necessary fees were paid on the Ashford No. 2 Subdivision. It would be in order, he stated, to approve the final map and the usual agreement on this subdivision.

Councilman Anderson introduced

RESOLUTION NO. 56-24

seconded by Councilman Robinson, approving the final map and agreement between the City of Modesto and C. Boyce Ashford, relating to Ashford No. 2 Subdivision, and authorizing its execution by the City's designated officials, which resolution was regularly adopted by the following vote:

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

APPROVAL OF FINAL MAP AND AGREEMENT - BEL AIR SUBDIVISION

The approval of the final map and agreement on the Bel Air Subdivision was held over due to the fact that the necessary bond had not been filed.

REPORT BY COMMITTEE ON CIVIC CENTER - CITY HALL

Councilman Anderson briefly reported on the progress of the City Hall. He stated that a meeting had recently been held with some members of the Council and Planning Commission, and Planning Department staff. He stated that the reason this had not been previously reported to the Council was that the matters to be discussed were presented to the Citizens Civic Center Committee for approval.

Mr. Smeath stated that the general attitude of the group was one of approval, as to what is being done.

CONSIDER INSTALLING TWO HOUR METERS ON 13TH STREET BETWEEN K AND L STREETS AND CONVERSION OF PARALLEL PARKING

A report was submitted by Traffic Engineer Carmody outlining the need for the establishment of two hour meters on 13th Street between K and L Streets, and conversion of parallel parking.

Councilman Merrill introduced

RESOLUTION NO. 56-25

seconded by Councilman Hammond, establishing a parking meter zone and parallel parking on both sides of Thirteenth Street between K and L Streets in the City of Modesto, and rescinding Resolution No. 8645-N.S., which resolution was regularly adopted by the following vote:

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

CONSIDER EXTENDING EFFECTIVE TIME OF PARKING METERS ON NINTH STREET PARKING LOT

Upon the recommendation of Traffic Engineer Carmody, Councilman Hammond introduced

RESOLUTION NO. 56-26

seconded by Councilman Merrill, amending Section 1 of Resolution No. 55-291, entitled, "A RESOLUTION ESTABLISHING AND FIXING PARKING RATES AND CHARGES FOR USE OF MUNICIPAL OFF-STREET PARKING FACILITIES IN THE CITY OF MODESTO", which resolution was regularly adopted by the following vote:

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

CONSIDER REMOVING DIAGONAL PARKING ON 16TH STREET AT METHODIST CHURCH

Upon the recommendation of Traffic Engineer Carmody, Councilman Arata introduced

RESOLUTION NO. 56-27

seconded by Councilman Robinson, establishing parallel parking on both sides of Sixteenth Street between H and I Streets in the City of Modesto, and rescinding a portion of Resolution No. 6539-N.S., which resolution was regularly adopted by the following vote:

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

Mr. Dale Graver, representative of the First Methodist Church, appeared before the Council. He stated that the Church Board offered no objections to the establishment of parallel parking on 16th Street, but he would like to be advised, so that he could report back to the Church Board, why this street was considered more dangerous than the street adjoining the Bethel Church, where both diagonal and parallel parking was permitted. He pointed out that another consideration made by the Board was that if the City parking lot on 15th Street, between I and H Streets, was discontinued, the church reserved the right to request the reestablishment of diagonal parking on 16th Street.

Mr. Carmody reported that it was planned to establish a loading zone in front of the church, which would relieve the dangerous situation when people unload children for Sunday School.

Mr. Graver was advised by the Council that the system of diagonal and parallel parking, established on 15th Street at G Street, was on an experimental basis.

DISCUSSION ON GRADE CROSSING GATE PROTECTION DEVICES

The City Manager asked that the Council consider during the next week, the possibility of using a portion of the funds allocated for traffic signals to match State funds for the construction of grade crossing protection gates. He reported that the League of California Cities considered the possibility of the State replenishing this fund, which was rapidly being depleted, at the budget session of the legislature, was remote. He reported on the additional cost to the city if state participation was not forthcoming. He listed the various locations in the city where traffic signal installations could temporarily be delayed so that the funds could be used for crossing gates. He

also listed the various locations throughout the city where gates were needed.

The Traffic Engineer reported that in many locations, the Southern Pacific Company and Public Utilities Commission were now using gates instead of red light signals. Surveys have indicated that accident incidence is materially decreased with the gate protection device as compared to the signals.

CONSIDER ESTABLISHING 30 MILE PER HOUR SPEED LIMIT ON GRISWOLD AVENUE BETWEEN VIRGINIA AVENUE AND MCHENRY AVENUE

Upon the recommendation of Traffic Engineer Carmody, Councilman Robinson moved the adoption and passage to print of

ORDINANCE NO. 68-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. 50-C.S.", which motion being duly seconded by Councilman Merrill, was upon roll call carried and ordered printed and published by the following vote:

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

CONSIDER RESCINDING RESOLUTION INSTALLING MID-BLOCK CROSSWALK ON H STREET AT JAIL

Upon the recommendation of Traffic Engineer Carmody, Councilman Arata introduced

RESOLUTION NO. 56-28

seconded by Councilman Anderson, rescinding Resolution No. 5100-N.S. entitled, "A RESOLUTION DIRECTING THE CITY ENGINEER TO ESTABLISH A CROSS-WALK ON H STREET BETWEEN ELEVENTH AND TWELFTH STREETS AT THE ALLEY BETWEEN THE SHERIFF'S OFFICE AND THE COURT HOUSE", which resolution was regularly adopted by the following vote:

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

RECOMMENDATIONS BY THE MODESTO CITY PLANNING COMMISSION RELATING TO AMENDMENTS OF THE ZONING MAP

Resolution No. 272, adopted by the Planning Commission on January 10, 1956, recommending to the Council the amendment of Section 33 of the Zoning Map of the City of Modesto, (Newman and Baker Applicants), was read.

Resolutions No. 271, 273, and 274, adopted by the Planning Commission on January 10, 1956, recommending to the Council the amendment of Section 32 of the Zoning Map of the City of Modesto, (Buffer Strip; Lot 1, Block 340; H. E. Zimmerman), was read.

Councilman Anderson introduced

RESOLUTION NO. 56-29

seconded by Councilman Arata, setting the date of February 1, 1956, at

the Council Chamber, for a public hearing on these proposed changes of the zoning map, as follows:

- (a) Section 33 of the Zoning map (Newman and Baker Applicants) Lot 11 and portion of Lot 10, Block 98, be reclassified from General Commercial (C-2) to Commercial-Industrial (C-M) zone. Hearing at 4:30 P.M.
- (b) Section 32 of the Zoning map (H. E. Zimmerman) Lots 1 through 16, Block 80, and Lots 1 through 9, Block 79, be reclassified from General Commercial (C-2) to Commercial-Industrial (C-M) zone. Hearing at 4:35 P.M.
- (c) Section 32 of the Zoning Map Lot 1, Block 340, be reclassified from Two-Family Residential (R-2) zone to Neighborhood Commercial (C-1) zone. Hearing at 4:40 P.M.
- (d) Section 32 of the Zoning Map (Buffer Strip) be reclassified from General Commercial (C-2) and Light Industrial (M-1) to Commercial-Industrial (C-M) (two and one-half block area bounded by 9th Street and the alley between 11th and 12th Streets and "F" and "G" Streets). Hearing at 4:45 P.M.

which resolution was regularly adopted by the following vote:

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

RESOLUTION RENUMBERING CERTAIN CITY LOTS

Resolution No. 275, adopted by the Planning Commission on January 10, 1956, recommending that the City Council change the duplicate block numbers in Block 3071 in Mineni Manor, was read.

Councilman Arata introduced

RESOLUTION NO. 56-30

seconded by Councilman Robinson, changing the numbers of Lots 1, 2, 3, 4, 5, and 6, in Block 3071 in Mineni Manor to Lots 1-A, 2-A, 3-A, 4-A, 5-A and 6-A, Block 3071, which resolution was regularly adopted by the following vote:

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

REPORT ON BICYCLE PARKING AT THEATRES

A report was submitted by Traffic Engineer Carmody as requested by the Council on the parking of bicycles at theatres. He made the following recommendations:

1. Establish parking space or spaces (if two racks used), adjacent to loading zone in front of theatres as reserved for bicycle racks when show is in progress and for one-half hour preceding show.
2. Theatre attendants would place racks in these spaces and remove them after show.

3. No bicycles would be allowed on sidewalks or in loading zone in front of theatres.
4. During time that show is not in progress, loading zone in front of theatre be opened to general public parking for same parking periods as adjacent spaces. Little or no use is made of these spaces for loading purposes.
5. If necessary to obtain some indication of success of program, trial might be instituted at Strand Theatre where parking demand is most critical.

Councilman Anderson moved, seconded by Councilman Hammond, and it was unanimously carried, that the recommendations outlined by the Traffic Engineer be approved in principle, and that the City Attorney be instructed to prepare the necessary documents for Council consideration.

FURTHER REQUEST OF SMITTY'S TAXICAB COMPANY FOR ADDITIONAL STAND

A request was filed by Hershel Lawrence, operating Smitty's Taxicab, that his request for two parking spaces, previously filed, be considered before the other matters relating to the taxicab regulations.

The City Attorney pointed out that it would be in order to set a date for a hearing on this request, along with the previous request filed by Mrs. Lois Lane for one additional parking space.

Councilman Anderson introduced

RESOLUTION NO. 56-31

seconded by Councilman Merrill, setting the time of 8:15 P.M., January 25, 1956, in the Council Chamber, as the time and place for a public hearing on the request of Red Top Taxi Co., for one additional parking space, and of Smitty's Taxi, for two additional parking spaces, which resolution was regularly adopted by the following vote:

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

CONSIDER REDUCTION IN SEWER SERVICE CHARGE ON BUILDINGS NOT CONNECTED TO SEWERS

The consideration of reduction in sewer service charge on buildings not connected to sewers was held over until the Sewer Committee had had an opportunity to review the matter.

RESOLUTION GRANTING EXTENSION OF TIME FOR COMPLETION OF IMPROVEMENT DISTRICT NO. 3 TO W. M. LYLES

Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 867-S.P.

seconded by Councilman Robinson, extending the time for the contractor to complete the work and improvements in Improvement District No. 3, which resolution was regularly adopted by the following vote:

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

PROTEST FILED BY DR. HOYT R. GANT

A protest to the assessment made on his property located in Improvement District No. 3, was received from Dr. Hoyt R. Gant. This was ordered carried over to be considered at the public hearing scheduled for 8:00 P.M., January 25, 1956.

CONSIDER USE OF PROPERTY AT 1625 McHENRY AVENUE AND RELATED PROBLEMS OF LAND USE

The City Manager asked that the matter of the use of the property at 1625 McHenry Avenue by the Ground Lumber Company for a Building Materials retail store, be held over for Council consideration until the City Attorney's ruling, which had been requested by the Planning Commission, was available.

However, he stated, the Council could be thinking about the solution during the interim period, as this is a general sort of problem which the city is faced with in zoning. The administrative staff, he stated, does not know how to resolve all these problems.

Mr. Smeath stated that the matter had been placed on the agenda at this time at the request of Mr. Ground, who was present, with the thought that there might be some discussion of the general problems of the zoning ordinance itself and the refinement of uses permitted in certain zones. He cited a number of examples of types of uses relating to the operation of lumber yards, plumbing shops, heating and air condition operations, which raised many questions which needed further clarification in the zoning ordinance. Zoning, he stated, is a very difficult and tough problem and as you study and work with the ordinance hundreds of problems are presented. He pointed out that it would take many years to get an ordinance which would express exactly the desires of the Council and the people of the community. There are quite a number of people who are presently trying to find locations in a retail area to sell retail products and also at the same time carry on some part of their business which would normally be considered industrial use. He stated that the staff had studied 30-40 zoning ordinances from other cities relative to "machine shops". All of these ordinances permit machine shops in the M-1 zone but not one had a break down on "what a machine shop is". There are still some serious problems relating to the approving of the Ground Lumber Company operations at this location, he stated; 1) whether or not there is an existing non-conforming use for the kind of use that is being proposed (this is being checked with the City Attorney); 2) what kind of use it is (this is being checked with the owner); and 3) whether a non-conforming right is existing. The staff does not yet have the answers to all of these questions.

Mr. Ground spoke on the difficulty which his company had encountered in securing a new location zoned for retail trade. The present site on Tuolumne Avenue, where his company had operated for the past 28 years, had been placed in a zone which would require them to relocate within a few years and they could not expand unless they had a new location. From all the information which was obtainable on the McHenry Avenue location, he stated, the type of operations proposed by his company, were permissible. His company did not carry on the usual type of lumber yard operations, where a great deal of noise was made with power saws and other types of machinery, but catered to a different type of trade. He asked that the use being planned by his company be favorably considered by the council and also that it take under consideration that other citizens had the same problem and that customers were being chased away. He asked "where do we put our business in this city". He stated that he considered that he had made it clear at the time he took out his building permit as to just what the proposed operations would be. He pointed out that his company had

gone to a great deal of expense in remodeling the present building for its operations.

The City Manager stated that a further report would be made to the Council after the legal problems involved had been cleared.

Mr. Smeath pointed out that after a land use study of the area in the city had been completed that it would provide a solution to many similar problems.

CONSIDER NAME FOR PARK AREA AT OLD JOHN MUIR SCHOOL.

The City Manager reminded the Council of its policy for naming of park areas to honor persons now living or dead, who had made a substantial contribution to the community, and he asked that they consider a name for the park area surrounding the old John Muir School.

Councilman Arata moved, seconded by Councilman Hammond, that a committee composed of Councilmen Robinson, Chairman, Merrill and Anderson, be named to suggest to the Council, names for this park, which motion was unanimously carried.

FURTHER REPORT ON PROPOSED RECREATION PROGRAM - BRET HARTE SCHOOL AREA

The report on the proposed recreation program in the Bret Harte School area was held over until a later date.

MATTERS FOR THE CONSIDERATION OF THE COUNCIL AND GOOD OF THE COMMUNITY

Mayor Pro Tempore Adams asked if there were any persons in the audience who had matters they wished to present for the consideration of the Council and good of the community.

Paul Smith, operating May Warehouse Company, located on Roseburg Avenue, at Virginia Avenue stated that as a taxpayer of the city he wished to bring up a matter concerning the renting of the company's warehouse storage facilities. The question, he stated, has to do with the authority of Planning Director Smeath and Associate Planner Cook. He stated that he had had the opportunity, the latter part of November, to rent a portion of the property to the Pacific Telephone and Telegraph Company for storage facilities for approximately 16-26 trucks to be used in the program for the developing of the telephone operations in this community. He stated that Mr. Simpson, representative of the Telephone Company, from the Sacramento office, contacted the Planning office, after unsuccessful efforts to buy property for this purpose, and was advised by Associate Planner Cook that the May Warehouse property was not zoned for the type of use proposed by the Telephone Company. Mr. Cook also informed Mr. Simpson that the warehouse was only to be there for a period of 10 years and would have to be discontinued after that period of time, that the building was not good for Mr. Simpson's operations.

Mr. Falger of the Warehouse Company contacted Mr. Smeath's office to find out why that operation could not be carried on there since it was essentially the same type of operation as was presently being conducted--5 bread trucks and the Sonora Freight lines are operating at this location, as well as the Helm Chevrolet Garage operations. "We found that we are soon to be out of business as far as the Planning office is concerned," Mr. Smith stated. Mr. Smeath asked Mr. Falger to get a letter from Mr. Simpson outlining the exact type of operation the telephone company planned to carry on so that it could be determined if something could be worked out.

It was too late, however, he stated. He stated that as far as he knew the proposed operation was in conformance with the present zoning. He protested that he had arranged a satisfactory rental deal only to find out that the Planning Department says "no you can't operate". He stated that the information received from Mr. Cook was that the building is "no good and that it will be out of there in 10 years, a butler type of building which does not conform with restrictions and operations permitted. We do not like that kind of underhanded method of treating taxpayers. We dig up a business deal to help pay the taxes and have that story come back. We do not like that at all."

Mayor Pro Tempore Adams asked Mr. Smith what action he wished the Council to take.

Councilman Hammond recommended that until it was definitely known the kind of use the Telephone Company was proposing and until the Council had a report on this point, that consideration of the problem be held over for a week.

Councilman Anderson asked Planning Director Smeath if his office had told Mr. Smith that he could not use that building for that purpose.

Mr. Smeath stated that no one in the planning office had the right to tell anyone that their building is "no good". "As soon as I had a report on this incident, the staff was brought into conference immediately and I went into the matter. I emphasized that it was not the business of the staff and we should not do it. We can have Mr. Cook come before the Council and tell just what he said. I do not know. He possibly said something he should not have said, if Mr. Smith says so. It is our firm policy not to interfere in people's business. Building construction and building safety is another department's--- is no concern of the Planning Department." He pointed out that it had not been the practice to advise the public when a zone has been changed and an agreement executed to change the operations within a certain number of years. "It is not our policy to tell anyone who asks for a permit that a building is only to be there 10 years. We do not give any information on the length of the life of a building." It will be necessary, however, he stated, to prepare a list of those buildings for analysis of the ordinance but as far as telling anyone the life of a building, "we have never done so to my knowledge, except if it was done in this case."

Councilman Anderson asked if this information was given to the Telephone Company.

Mr. Smeath stated that possibly in this case, Mr. Cook went further than he should have. He probably told Mr. Simpson the history of the rezoning of this area.

Councilman Arata recommended that Mr. Cook be present at the next Council meeting.

Mr. Smeath pointed out that he had directed his staff, whenever it was a question as to architectural structure and safety of buildings that they were not to tell anybody "that you like a building or not". "This is private business and not ours. We are administering a zoning ordinance." Mr. Smeath stated that he had advised Mr. Falger that the proposed use of the building by his company was a complicated matter and that he would have to have a ruling by the City Attorney.

Councilman Anderson suggested that instead of arbitrarily telling Mr. Smith that he could not use his property for any such purpose that he should have been told what use could be made of the property.

Mr. Smeath pointed out that the administration of the zoning ordinance was difficult and one of the reason for this difficulty was due to the limited staff. He stated that the whole question of zoning needs to be talked about. The staff spends many hours with people, explaining the uses permitted for varicus properties. "We also tell the people the provisions of the ordinance and assure them that they can always go to the Council and ask for an amendment to the ordinance."

Councilman Anderson stated that Mr. Smith had reported that he had some bread trucks in the building and that his storage operations were to be discontinued in 10 years.

Councilman Hammond stated that before the Council discussed the matter any further that a complete report on the use contemplated should be prepaid for the Council's information.

Councilman Arata recommended that Mr. Cook should appear at the next Council meeting.

Councilman Hammond moved that the discussion be held over until the next Council meeting so that a report could be submitted by the Planning Department and so that Mr. Cook could be present.

Before the motion was seconded Mr. Smith asked whether the Warehouse Company would have to take the building out of this location in 10 years.

Mr. Grimes stated that Mr. Smith had signed an agreement to this effect in June, 1954, as a condition of zoning the property as C-1.

Mr. Smith stated that at the time Mr. Smeath had asked Mr. Simpson to set forth in writing just what the telephone company proposed to use the building for so that the matter could be thoroughly checked out and also so that the charges made against Mr. Cook could be checked, that Mr. Simpson had stated that the company's public relations would not permit this.

Mr. Grimes advised the Council that it had the right to conduct an investigation, power to issue subpoenas and put people under oath, that so far the Council had only hearsay evidence.

The City Manager recommended that if these charges are to stand that the man who is reported to have made them should be here at the hearing. The facts should be brought out. The city employees are here to serve the people and "we do our best at all times". It is not fair for any charge to be made on behalf of someone who is not willing to appear before the Council. The man who is reported to have made the report, Mr. Simpson, should be here to made the charges.

Councilman Hammond recommended that Mr. Falger also be present.

Councilman Robinson pointed out that since Mr. Simpson initially made the charge that he should be present.

The City Manager pointed out that if Mr. Simpson was not willing to be present that the section should be stricken from the record.

Councilman Arata stated that "our employees should not tell anyone that his building is no good. We want the answer on that."

The City Manager pointed out the difficulty of getting this information unless Mr. Simpson would appear and make the charges officially---anything else would be hearsay, he stated.

Councilman Hammond stated that Mr. Simpson should be asked to come in.

Mr. Smith stated that he was willing to let the matter drop, that he had given the Council the story as it came to him, that Mr. Simpson had told him that he did not want public relations of this type and also that his company did not want them.

The City Manager stated that he would be glad to let the matter drop and have all the charges stricken from the record if the man was not willing to come down and support the statement.

At this time Councilman Arata seconded Councilman Hammond's motion that the matter be held over until the next Council meeting so that a report could be submitted by the Planning Department. The motion was carried unanimously.

Councilman Anderson recommended that "we get to the bottom of this thing, that no taxpayer should be jeopardized by misinformation from the city office."

Mr. Smeath stated that a full report would be prepared for the Council's information.

Councilman Hammond asked that in this report that the following points be cleared:

1. The use contemplated by the telephone company;
2. Whether the number of trucks proposed to be stored by the Telephone Company would create a traffic problem on Roseburg Avenue;
3. What lawful use could be made of the property;
4. Whether it would have to cease operations in 10 years.

REPORT ON EXAMINATION FOR BUILDING INSPECTOR--REQUIREMENTS OF PLUMBING CODE

The City Manager reported that a conference had been held with representatives of the Plumbing contractors and labor groups, which had raised the question of the conflict between the Personnel class specifications for the position of Building Inspector and the requirements of the Municipal Code, as it pertained to the adoption of the Uniform Plumbing Code. These groups agreed that if it was satisfactory to the Council, that no effort would be made to resolve this conflict until the new Plumbing Code, which is now available, was adopted by the city.

The Personnel Department will proceed with the examination as previously proposed, he stated, and prior to making an appointment a conference will be held with these groups regarding the qualifications of the successful candidates, even though the city reserves the right to make the appointment. The Council concurred in this procedure.

REPORT ON PROPOSAL TO OFFER ADMINISTRATIVE ASSISTANCE TO CITIES IN DISASTER AREA

The City Manager reported that the problems of the govern-

mental agencies and cities in the disaster area were discussed at the recent meeting of the City Manager's branch of the League of California Cities, Central Valley Division. The group had gone on record to offer its assistance to these cities, if asked by the League. He reported that the League had already been asked to send administrative assistance. It was agreed by the Council that administrative aid to these cities be approved in principle, providing a call was received from the League of California Cities.

REPORT ON USE OF CITY OWNED CARS

The City Manager filed a written report on "Use of City-owned Automobiles". He reported that further work was being done on the matter and suggested that if the Council members had any ideas or questions on the subject, that they submit them to him.

REPORT ON LIONS' CLUB MARCH OF DIMES PUBLICITY PROGRAM

The City Manager reported that the Modesto Lions' Club had filed an application to conduct a publicity stunt on the city streets Saturday, January 21, between the hours of 9:00 A.M. to 5:00 P.M., to collect funds for the March of Dimes. The Council indicated its approval.

REQUEST FOR TRANSFER OF \$700 FROM GENERAL RESERVE TO GARBAGE DISPOSAL

Upon the recommendation of the City Manager, Councilman Merrill introduced

RESOLUTION NO. 56-32

seconded by Councilman Arata, approving appropriation transfer of \$700 from the General Reserve to Sewage Disposal for maintenance of the disposal area to provide road surfacing materials and one new gate on the levee damaged by flooding to enable access to the area at the treatment plant, which resolution was regularly adopted by the following vote:

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

PRELIMINARY HEARING ON PUBLIC WORKS DEPARTMENT-ENGINEERING-AIRPORT AND ADMINISTRATION

Director of Public Works Ray filed a report on the Public Works Department, Engineering, Airport and Administration. He briefly outlined the activities of these departments. Final consideration will be given to the report at the next meeting so that any questions can be raised by the Council members.

CLEAR ATTENDANCE AT THE CITY MANAGER'S SPRING CONFERENCE IN ANAHEIM

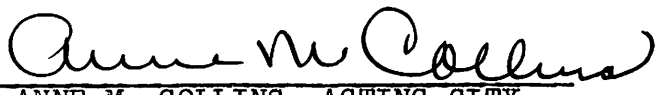
The City Manager asked permission for both the Assistant City Manager and himself to attend the annual spring conference of the City Manager's section of the League of California Cities which is being held in Anaheim, February 29, March 1 and 2.

Councilman Merrill opposed the proposal that both be absent from the city at the same time and recommended that either one or the other be authorized to attend. Councilman Arata objected to both being absent from the city at the same time. Mayor Pro Tempore Adams moved, seconded by Councilman Robinson, that both the City Manager and Assistant City Manager be authorized to attend the conference. Before

the vote was taken, Councilman Anderson moved that the motion be amended that the City Manager be authorized to attend but the Assistant City Manager should remain in the city. This amendment was seconded by Councilman Merrill. The roll call on the amendment resulted in a tie vote. Mayor Pro Tempore Adams withdrew his motion and Councilman Robinson his second. Councilman Merrill moved, seconded by Councilman Hammond, that either the City Manager or the Assistant City Manager be authorized to attend. It was unanimously carried.

ADJOURNMENT

Councilman Arata moved, seconded by Councilman Anderson, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:40 P.M.

ATTEST: 
ANNE M. COLLINS, ACTING CITY
CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor 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. Arthur Brohm, pastor of the Grace Lutheran Church, gave the invocation.

APPROVAL OF MINUTES OF COUNCIL MEETINGS

Council members having received copies of the minutes of the Council meetings of December 21 and 28, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM CITY OF CERES

A letter received from the City of Ceres expressing appreciation for the recent survey of its community center performed by Chief Building Inspector Hermida of the City of Modesto was read.

REQUEST OF JUNIOR CHAMBER OF COMMERCE FOR PERMISSION TO USE PARKING SPACES ON I STREET AT TWELFTH STREET DURING DRIVE FOR FUNDS FOR MARCH OF DIMES

A letter was filed by the Modesto Junior Chamber of Commerce requesting permission to use the bus loading zone at 12th and I Streets, when not occupied by the bus, plus two parking spaces on I Street adjacent to the bus loading zone to provide curb side service during its March of Dimes-7 Up Sale to be held on Saturday, February 4, 1956.

Councilman Arata introduced

RESOLUTION NO. 56-34

seconded by Councilman Robinson, granting permission to the Modesto Junior Chamber of Commerce to use the bus loading zone and two adjacent parking spaces as requested under the same condition as was previously approved under Resolution No. 54-386, adopted December 22, 1954, which resolution was regularly adopted by the following vote:

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

Noes: None Absent: Anderson

REQUEST OF CALIFORNIA NATIONAL GUARD TO USE ENSLEN PARK FOR OPEN HOUSE CELEBRATION ON FEBRUARY 22

A letter received from the California National Guard requesting permission to use Enslen Park for its open house celebration, which is nation wide, to be held on February 22, was read.

Major George W. Gardner, who was present, stated that it was planned to use the baseball field at this park for a helicopter to land and take off. He stated that the Guard had to know in advance, as soon

as possible, whether this park would be available so that a request could be filed for the services of the helicopter. To a suggestion from the Council that the Del Webb Field parking area be used since it would be closer to the Armory, Major Gardner stated that Enslin Park would be more centrally located. Mayor Marks pointed out the difficulties and traffic problem involved in landing a helicopter in the residential area which also was located close to a M.I.D. sub station. He pointed out that permission could be granted for the use of the Ball Park at this time but it would be necessary to hold over the request for a week so that the City Attorney could make an investigation on the use of Enslin Park.

(Councilman Anderson arrived at 7:40 P.M.)

Councilman Arata moved that the Council indicate approval for the use of Enslin Park if the City Attorney's investigations were satisfactory. He later withdrew this motion after further discussion.

Councilman Hammond moved, seconded by Councilman Arata, and it was unanimously carried, that permission to use Del Webb Field parking area be granted to the California National Guard on February 22, at this time so that the Guard could place its order for the helicopter, with the understanding that if it does not meet with its approval that it can bring back another request to the Council at a later date for the use of Enslin Park, subject to the approval of the City Attorney.

LETTERS REGARDING VISIT OF GENERAL ROMULO

A letter from Lions International Club expressing appreciation for the Council's courteous and warm reception extended to General Carlos Romulo on his recent visit to this city, was read.

A letter was read from Fred C. Beyer, County Superintendent of Schools, expressing appreciation to Mayor Marks for his work on the committee in observance of United Nations Week which brought General Romulo to Modesto.

ACCEPT BIDS FOR AUTOMOTIVE EQUIPMENT

A tabulation of the bids received for automotive equipment which had been opened on January 23, 1956, in the office of the City Clerk, was distributed for Council consideration.

Director of Finance Lawrence recommended that items 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15A, 16, 17A, 18A, 19 and 20, submitted by Griswold and Wight; item 8 submitted by Helm Chevrolet Company be accepted. He pointed out that only one bid had been submitted for item 1 and that this bid did not meet the specifications.

Mr. Charles Moody, representative of the Helm Chevrolet Company, stated that the specifications on the trucks had been written for all steel beds. He contended that this prevented most of the automobile companies from bidding since most of the pick up models and trucks were equipped with wooden floors in the beds. He outlined the reason why this type of body was superior to the all steel beds. Bill Rifenburg, City Shop foreman, reported that the trucks were used to haul sand, gravel, or dirt, that a metal bed was easier to maintain. He pointed out that it had been the city's experience during the past years that the life of a wooden floor was approximately 3 years and that they would have to be replaced with metal. Most of the city trucks are garaged in the open he stated and the dew and sun tended to warp the wood. This was one of the prime reasons metal beds were requested by the Service Department, he stated.

Mr. Moody pointed out that in view of this information, that his company could install metal floors over the wood, for a less price than the bid submitted by Griswold and Wight.

Mayor Marks pointed out that this would violate the scanty of the bid procedure and would not be permissable.

Councilman Hammond recommended that the city have the frames of the dump trucks reinforced.

Councilman Arata introduced

RESOLUTION NO. 56-35

seconded by Councilman Robinson, accepting the bid of Griswold and Wight on items 2 through 7; item 9 through 12, 13 and 14; item 15A, 16, 17A and 18A, 19 and 20 of the call for bids for automotive equipment, as recommended by the Director of Finance, as the lowest responsible bid, which resolution was regularly adopted by the following vote:

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

Councilman Robinson introduced

RESOLUTION NO. 56-36

seconded by Councilman Anderson, accepting the bid of Helm Chevrolet Company on item 8 for a Chevrolet V-8 Sedan, as the lowest responsible bid, as recommended by the Director of Finance, which resolution was regularly adopted by the following vote:

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

Councilman Adams introduced

RESOLUTION NO. 56-37

seconded by Councilman Robinson, rejecting the bid received from R. B. MacBride for item 1 of the proposal for automotive equipment for a 1956 4 door sedan, as it does not comply with the specifications and authorizing the City Manager to negotiate for the purchase of a car which does meet the specifications, which resolution was regularly adopted by the following vote:

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

HEARING ON IMPROVEMENT DISTRICT NO. 3 (ASSESSMENT ROLL)

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for hearing protests against the assessment and/or against the work done under Resolution of Intention No. 247 (Improvement District No. 3).

The City Clerk filed an affidavit that the "Notice of filing of assessment and time of hearing thereon" had been published as required by law and that the following written protests, which were read, had been filed:

Mrs. Robert Durkam, 612 Catalina Way
Stanley Sahl, 1502 Albany Avenue
Dr. H. R. Gant, Orangeburg Avenue
Levoy Wright and Dalton P. Ellis
Charles Torok, Jr. and Willis G. Neville

Mayor Marks asked if there were any oral objections or any other statements to be made by any person with relation to the assessment. Oral protests were filed by the following property owners:

Leon Sullivan, 1530 Albany
James J. Ashton, 1538 Albany
Antonio Tosto, 1534 Albany

Mr. Sullivan, speaking on behalf of all three protestants, stated that the assessment on these properties were excessive as compared to his neighbors who had had the work done (sewer laterals) under private contract.

Mayor Marks asked Director of Public Works Ray to give some background information on the improvement district for the benefit of the audience. Mr. Ray stated that there were approximately 677 parcels of property in the district but only 92 of these involved sewer laterals since most of this work had been done under private contract or cash fees paid to the city. The entire district was involved in the street lighting material which would be installed by the city after the assessment hearing.

He stated that the protest filed by Mrs. Robert Durkam related to the installation of lights and did not relate to this hearing.

The protest filed by Mr. Stanley Sahl related to the restoration of the alleys in the district by the contractor, which has been cleared to the satisfaction of Mr. Sahl.

The protest filed by Levoy Wright and Dalton P. Ellis did not relate to this hearing, he stated, as it referred to the work being done. The hearing on this phase of the district has been held previously.

Mr. Torok and Mrs. Neville protested that the original estimate was materially lower than the final assessment and that they had not received notices of the first hearing on the district due to the fact they had acquired the property after the hearing.

Mr. Ray explained that the city sent notices to the property owner as of record at the time of the hearing. He stated that the difference in the original and final assessment was due to three factors: 1) the engineer's estimate was 17% lower than the bid, 2) that at the time of the hearing on the work to be done, the Council had deleted an area from the district which increased the costs for sewer laterals to each property owner left in the district, and 3) that due to an error in the engineer's office, an area had been tentatively included in the district for sewer laterals, for purposes of calculating the estimated cost, which already had laterals and would not receive any benefit, therefore the area was deleted in calculating the spreading of the assessments. The result was that the assessments are almost 28% higher than the original estimates.

The City Attorney outlined the procedures for improvement districts and pointed out that the additional costs involved were due to overhead, engineering costs, bond counsel fees, etc.

Mr. Dalton Ellis protested to the installation of street lights

in the College Village Subdivision since his agreement on this subdivision of January 14, 1953, provided that it would not be necessary to install lights.

The City Attorney pointed out that the assessment was against the property owner and not the subdivider and that the subdivision agreement would have no bearing on the assessment.

The City Manager reported that the City was also involved since city parks were located in the district.

Mayor Marks declared the hearing closed.

Councilman Hammond introduced

RESOLUTION NO. 868-S.P.

seconded by Councilman Merrill, overruling and denying all protests against the assessment and/or against the work done under Resolution of Intention No. 247, which resolution was regularly adopted by the following vote:

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

Councilman Anderson introduced

RESOLUTION NO. 869-S.P.

seconded by Councilman Arata, ratifying and confirming the assessment and diagram and warrant attached thereto, the proceedings leading up to the same and all acts and determinations of all officers of the City of Modesto, and ordering the City Clerk to deliver said warrant assessment and diagram to W. M. Lyles Company, the contractor forthwith upon the payment by him of the incidental expenses due thereon, which resolution was regularly adopted by the following vote:

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

FURTHER CONSIDERATION OF CHARGES MADE AGAINST EMPLOYEES OF PLANNING DEPARTMENT BY PAUL SMITH RELATING TO USE OF PROPERTY ON ROSEBURG AVENUE

The City Manager reported that the Council had asked that 1) a copy of the agreement between the City and Valley Builders and May Warehouse Co. providing for the elimination of the industrial use of the present building within a period of 10 years in exchange for rezoning the area on Roseburg Avenue at Virginia Avenue as C-1, be sent to Mr. Paul Smith; and 2) a report be prepared by the Planning Director on a number of questions which it wished cleared. The photostatic copy of the executed agreement had been mailed to Mr. Smith on January 20, and a report prepared by the department is hereby filed, he stated.

In the interest of clearing out the problems raised by the Council, the City Manager reported, Mr. Davies, local manager of the Telephone Company, had been contacted and asked to make arrangements for Mr. Grant Simpson, company representative from Sacramento, to be present at this meeting. Mr. Davies, Mr. Smith and Mr. Simpson met this afternoon informally with the administrative officials to clear out as many of the questions as possible. Several questions were raised and charges made which should be cleared: 1) Did statements made by Mr. Cook regarding the May Warehouse Company buildings, influence the

telephone company's decision not to use this building; 2) Did Mr. Smeath and Mr. Cook act improperly in providing the information they had; and 3) The statement that Mr. Smeath was purported to have made "We want to get rid of these buildings one way or other", should be cleared.

Councilman Hammond stated that Mr. Smith had "rightly brought his protest, to the Council, of whether in the handling of the rental of his property some of the members of the city staff had made improper comments as to desirability of the property for rental". He commended Mr. Smith for bringing his problem to the Council's attention. By doing so, he pointed out, the Council is in a position to act on a policy basis. "There should be no criticism of Mr. Smith."

The City Manager read the report prepared by the Planning Department at this time, a copy of which is on file with the records of this meeting.

Mayor Marks asked Mr. Smith if he agreed with the statements which Mr. Smeath submitted to the Council.

Mr. Smith: "No comment at this time."

Mayor Marks asked him if there were any statements which he took exception to and he replied "no".

The City Manager stated that in the afternoon meeting, the three questions were raised as stated above and also the question of "what kind of information should be provided from the city office". At this meeting, he stated, the question was raised with Mr. Simpson whether Mr. Cook had made any statements in a derogatory sense about these buildings which involved his decision in the matter.

At this time, Mr. Hammond stated that if the building did not conform to the code requirements it would be in order for him to say that, but he should not make a statement that the building was not any good.

Mayor Marks stated that these things were very important for the protection of the property owner and the grace and dignity of the city that it was necessary that "we have the answer to this". "Did Mr. Cook say, at any time, anything that was basically derogatory about the property of Mr. Smith?"

Mr. Simpson: "No, he did not."

Councilman Anderson asked, "What was the conversation in regard to the building?"

Mr. Simpson: "The conversation was not so much in regard to the building, it was in regard to the property and use it was zoned for." He stated that it was part of his job to determine whether the company could use a piece of property, whether the zoning was compatible and that was the reason he went to the Planning Office to find out the zoning and to determine if the company could use the warehouse property. The company does that before it conducts any negotiations with the property owners.

Councilman Anderson asked if he was informed that the use was incompatible.

Mr. Simpson stated, "No". "I was informed that the use was compatible at the present time, but would not be a permanent situation. In a period of 10 years, from 1955, it was to revert in 1965 to a use that was not compatible. That was the reason-----".

Councilman Robinson asked Mr. Simpson if that had been the fact that determined the decision that the company did not want to enter a lease---the fact that a longer term than 10 years was needed.

Mr. Simpson stated that the company looked further than a 10 year lease.

Councilman Hammond stated that the fact should be considered whether these opinions expressed only were based on the interpretation of the zoning and not personal opinions. "We should be very careful. A simple answer when a person is asking for zoning information whether a property is zoned for such a use. If they advise that as the property stands now it is suitable and in 10 years would not be suitable, they were in order to do so." If that was all, he stated.

Mr. Simpson stated that was the gist of the conversation.

When asked by Mayor Marks, Mr. Smith stated that he had "nothing to say".

Councilman Anderson recommended that the information given by the staff not be of a negative attitude if it can be helped and that a taxpayer should be given the benefit of the doubt and that the staff should stick to the law. The power of positive thinking instead of negative thinking is better, he stated.

Mayor Marks pointed out that "we are all taxpayers and if this administrative staff operates with good faith, common sense and dignity, they will never get into any trouble. He asked Councilman Anderson if he believed that statement, who replied that he did.

The City Manager stated, "we are here to help, we get paid for that, that is our business to help. We answer in our office literally thousands of questions. In each case we try to do the best we can, to answer them right. We try to be helpful, believe me. I think of all the places the citizens come to for answers, the most difficult to answer are in the Planning and Building Office. One of the reasons that it is difficult to answer, is that many times we do not know exactly what the citizen wants to do." He asked if the Council would take a few minutes to discuss some of the many things the administrative staff is constantly faced with. "We are getting deeper and deeper and more complicated in this business of zoning. Our problem is when we can say yes." He stated that he would like to ask that Mr. Smeath bring to the Council's attention a few of the things they are confronted with and which must be cleared. He asked that if it could not be done now, that at some point in the future this be brought up and reviewed so that the staff could get some guidance.

Councilman Hammond pointed out that the interpretation of the zoning ordinance should be based on what was written into the ordinance and not personal opinion.

Councilman Anderson recommended that a person directly involved should be called in on the conversation. "This incident would not have occurred if this had been done," he stated.

Mayor Marks pointed out that this would be heartbreaking concept--no personal opinions in any department. He pointed out that the Council's wishes changed from day to day. He commended the staff of the Planning Department on the wonderful job they were doing, even in public relations, that it was impossible to please all of the people. He pointed out that this department acted as a "buffer state".

(See additional discussion on Page 14).

REQUEST FOR ADMINISTRATIVE ASSISTANCE FOR YUBA CITY FROM LEAGUE

The City Manager reported that a request had been received from the League of California Cities for administrative assistance to be sent to the disaster area, Yuba City. He recommended that the Council consider authorizing the sending of Assistant City Manager, Bill Masonheimer. The request from the League, he stated, was for a period of 2-3 weeks at the city expense, but arrangements could be made to take care of his living expenses while there.

Mayor Marks stated, "The people of this city are proud to help Yuba City."

Councilman Merrill moved, seconded by Councilman Robinson, and it was unanimously carried that Assistant City Manager Masonheimer be loaned to Yuba City, at the City of Modesto's expense, for the time necessary to get the job accomplished.

The City Manager reported if it "runs longer, we will bring in a further report".

CONSIDER PROPOSAL FOR ADDITIONAL HANGAR AT AIRPORT

The City Manager reported that The Grange Company was in need of additional hangar space at the City-County Airport. If the city will agree to make the land available, he stated, the company will build the hangar and pay rental in advance for a period of 12 years which would amortize the cost of the hangar, with the reservation in the agreement that it be given first chance to lease the hangar building at a fee to be approved by both the city and the company after the lease-purchase agreement expired. Councilman Hammond moved, seconded by Councilman Arata, and it was unanimously carried, that the Council indicate its general approval of this arrangement.

HEARING ON REQUEST OF TAXICAB COMPANIES FOR ADDITIONAL PARKING STANDS

Mayor Marks announced that the hour of 8:15 P.M. had arrived, the time set for the hearing of protests to the application of Red Top Taxi for one additional parking stand, and Smitty's Taxi for two additional parking stands.

The City Clerk reported that no written protests had been filed.

The City Manager read the report dated January 9, 1956, prepared by the Traffic Engineer's office, recommending that there should not be any additional cab stands issued at this point.

A general discussion was held on the possibility of redistribution of parking stands since the Acme Cab Company had 3 stands and only 2 cabs and Smitty's Taxi had seven cabs and only one stand. Mr. Secreto contended that he would need the third stand in a few days since he had placed an order for a new cab and that he had paid a license fee to the city for the stand for many years. Councilman Hammond moved that Sam Secreto be compelled to release the parking stand on J Street at 10th Street and that it be assigned to Smitty's Taxi.

Mr. Secreto considered this unfair since Mrs. Lane had applied for the stand previously. Mr. Hammond pointed out that this was only a temporary arrangement until a further investigation on the use of the stands by the companies was submitted by the Traffic Engineer. Councilman Merrill seconded the motion and instructed the City Attorney to prepare the necessary documents. This motion was later withdrawn before a vote was called.

Mrs. Lane also protested to the granting of the additional parking stand on 10th and J. C. Smitty's Taxi since she had applied for this location and Mr. Lawrence had applied for entirely different spaces. She stated that her other two cabs were located at this intersection and she was away from all the other cabs.

Councilman Robinson suggested that the reassignment of the parking stands throughout the city was a serious matter and that further study and consideration should be made.

Mr. Secreto offered to let Smitty's Taxi use the space at 10th and J Street on a temporary basis for a period of 2-3 weeks until his new car arrived and a further report was submitted to the Council on the reassignment of the stands. Councilman Merrill moved, seconded by Councilman Hammond, that the reassignment of the taxicab stands be set as a special order of business at 4:15 P.M. February 15, which motion was unanimously carried.

FINAL ADOPTION OF ORDINANCE NO. 66-C S. AMEND CODE RELATING TO ZONING (CHADWICK PROPERTY)

Ordinance No. 66-C S. entitled: "AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON." Having been heretofore introduced and ordered printed and published at the regular meeting of January 11, 1956, Councilman Adams moved, seconded by Councilman Robinson, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

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

REPORT BY CITY ATTORNEY ON OPERATION OF GROUND LUMBER COMPANY AT 1625 McHENRY AVENUE

The City Attorney reported that he had reviewed the evidence presented to him by the Planning Department and George Ground in connection with the application for a business license to conduct a building materials business at 1625 McHenry Avenue.

He stated that it was his conclusion that the conduct of a building materials business including storage of lumber, at this location is lawful as the continuation of a non-conforming use previously established for the property which does not appear to have been discontinued as that term has been interpreted by the Courts in situations of this kind.

It is in order for the Finance Department to issue a business license permit to the company. However, he stated, the applicant should be aware that the conduct of the business remains non-conforming and the limitations with respect to the operation of non-conforming uses as contained in the Municipal Code are applicable.

The City Attorney reported that he had personally visited the property.

Dr. R. S. Shearn filed a petition signed by 36 property owners and taxpayers opposing the operation of the lumber yard operation at this location, listing five reasons for their opposition. Councilman Robinson moved, seconded by Councilman Anderson and it was unanimously carried, that the petition be referred to the Planning Commission.

Mr. Ground assured the Council and the protestants that the property would be developed and the business conducted in a manner compatible to the surrounding area.

AUTHORIZE RELEASE OF PERFORMANCE BOND - LA VILLA SERENA

The Director of Public Works filed a report that all the provisions of the Agreement between the City and Conow Builders Inc., for the development of La Villa Serena Subdivision, had been performed by the subdivider, and the release of the \$56,000 performance bond was recommended.

Councilman Anderson introduced

RESOLUTION NO. 56-38

seconded by Councilman Robinson, authorizing the release of the performance bond filed by Conow Builders, Inc., to guarantee the development of La Villa Serena Subdivision, which resolution was regularly adopted by the following vote:

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

APPROVE WITHDRAWAL OF ZLAB SUBDIVISION FROM McHENRY-DRY CREEK FIRE PROTECTION DISTRICT

The City Attorney presented for Council consideration, a resolution providing for the withdrawal of the Zlab Subdivision from the McHenry-Dry Creek Fire Protection District.

Councilman Merrill introduced

RESOLUTION NO. 56-39

seconded by Councilman Robinson, approving the withdrawal of the Zlab Subdivision from the McHenry-Dry Creek Fire Protection District, for reason of its annexation to the City of Modesto, which resolution was regularly adopted by the following vote:

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

FURTHER REPORT FROM PLANNING COMMISSION ON ALLEY DEDICATION BY RICHARD LYNG

Resolution No. 276, adopted by the Modesto City Planning Commission recommending to the Council the acceptance of a 30 foot alley dedication between Haney Avenue and Kearney Avenue from Richard Lyng, was read.

Councilman Anderson introduced

RESOLUTION NO. 56-40

seconded by Councilman Robinson, accepting the proposal to dedicate a 30 foot alley between Kearney Avenue and Haney Avenue from Richard Lyng, which resolution was regularly adopted by the following vote:

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

RESOLUTION ESTABLISHING PARKING ZONE IN FRONT OF STATE AND STRAND THEATRES DURING THE TIME THE THEATRES ARE CLOSED

This matter was held over for consideration by the Council at a later date.

APPROVE FORM OF UNDERTAKING WITH COUNTY OF STANISLAUS FOR INSTALLATION OF CITY UTILITIES IN COUNTY ROADS

The Director of Public Works reported that the County had adopted an ordinance which provides that it would be unlawful to make any excavation upon any county highway without obtaining a permit from the Road Commissioner. This ordinance also provides that the application may, in lieu of the deposit required, be accompanied by an undertaking in a form and amount acceptable to the Board of Supervisors. He pointed out that the City intended, from time to time, to make application to the Road Commissioner for permits and that the County had agreed to accept from the City an "undertaking in compliance with Ordinance No. 371 of the County of Stanislaus" properly executed by the City officials, in amount \$500.

He stated that this document had been checked by the City Attorney and that it was agreed by the City and the County that the section relating to fees would be deleted.

Councilman Arata introduced

RESOLUTION NO. 56-41

seconded by Councilman Anderson, approving the form of the Board in the sum of \$500 and authorizing its execution and transmittal to the County Counsel of Stanislaus County, which resolution was regularly adopted by the following vote:

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

REQUEST OF THE STANISLAUS FOOD PRODUCTS COMPANY FOR ADDITIONAL CONCRETE CROSSING OF 12TH STREET

The City Manager reported that the Stanislaus Food Products Company had filed a request for an additional concrete crossing of 12th Street. A report recommending the granting of this request was submitted by the Director of Public Works. The conditions for the granting of the permit were as follows:

1. That the company agree to indemnify and hold the city harmless against any damages to properties and persons resulting from the construction in use.
2. That the permit could be revoked by the Council on 60 days notice.
3. That the 10' strips across 12th Street conform to lines and grades and cross sections of this street.

Councilman Anderson introduced

RESOLUTION NO. 56-42

seconded by Councilman Hammond, granting permit to the Stanislaus Food Products Company for a 10 foot concrete crossing of 12th Street on the conditions outlined by the Director of Public Works in addition to

crossings approved previously by Resolution No. 55-210, adopted by the Council on May 11, 1955, which resolution was regularly adopted by the following vote:

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

RESOLUTION RECOMMENDING SUPPORT OF THE CONGRESSIONAL AMENDMENT TO PERMIT COMMERCIAL BANK PARTICIPATION IN REVENUE BOND FINANCING

Reports on the proposed amending of the 1933 Banking Act having been sent out to the Council for their information and study, Councilman Arata introduced

RESOLUTION NO. 56-43

seconded by Councilman Robinson, approving the proposed amendment to Section 5136 of the revised statutes of the United States to permit the banks to underwrite revenue types of governmental securities conservative standards already prescribed by the supervisory authorities for bank investment in such bonds, which resolution was regularly adopted by the following vote:

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

The City Clerk was directed to forward copies of this resolution to Senator William F. Knowland, Senator Thomas H. Kuchel and Representative Leroy Johnson.

AMEND RESOLUTION NO. 54-62 ACCEPTING DEED FROM HARRY MAX FOSTER, ET AL

Upon the recommendation of the City Attorney, Councilman Merrill introduced

RESOLUTION NO. 56-33

seconded by Councilman Arata, amending Resolution No. 54-62, entitled "A RESOLUTION ACCEPTING DEED FROM HARRY MAX FOSTER, ET AL, FOR ALLEYS AND WIDENING OF JUDITH LANE", adopted on February 24, 1954, to provide that the City of Modesto accept for public use all of the property described in said deed, including that portion dedicated for the extension of Timothy Avenue, which resolution was regularly adopted by the following vote:

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

APPROVAL OF FINAL MAP AND AGREEMENT ON GREGORY GARDENS

The City Attorney reported that the necessary bond had been filed by Lance E. Ellis and Carol L. Ellis on the Gregory Gardens Subdivision. He reported that the bond had not been signed by the principals and recommended that the approval of the final map and agreement of this subdivision be contingent on the signing of the bond by the principals

Councilman Robinson introduced

RESOLUTION NO. 56-44

seconded by Councilman Arata, approving the final map of the Gregory
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Gardens Subdivision and authorizing the execution of an agreement with the Subdivider as required by Section 4-4.604 (c) of the Modesto Municipal Code, upon the condition the bond will be signed by the principals, which resolution was regularly adopted by the following vote:

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

ACCEPT GRANT DEED FROM FRANCIS W. ANDREWS, ET UX, FOR ALLEY IN IMPROVEMENT DISTRICT NO. 5

The City Attorney presented for Council consideration a Grant Deed from Francis W. Andrews and Ann L. Andrews on property to be used for alley purposes in Improvement District No. 5.

Councilman Anderson introduced

RESOLUTION NO. 56-45

seconded by Councilman Arata, accepting the grant deed and authorizing its recordation with the Stanislaus County Recorder, which resolution was regularly adopted by the following vote:

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

CONSIDER APPROVAL OF FINAL MAP AND AGREEMENT ON BEL AIR ADDITION

This matter was held over, due to the fact the necessary bond had not been filed by the Subdivider.

MATTER FOR THE CONSIDERATION OF THE COUNCIL AND GOOD OF THE COMMUNITY

Mayor Marks asked if there were any matters to be brought up for the consideration of the Council and good of the community.

Jim Danna, representing the California Young Farmers, asked that special parking provisions be granted the delegates to a convention of this organization, which is to be held in the City on February 2, 3, and 4, 1956.

After a general discussion of the matter, the request was denied and Mr. Danna was asked to contact the City Manager to obtain maps showing the various locations of the city's parking lots. It was brought to Mr. Danna's attention that the meeting place of the organization was located near the city's free parking lot.

FINAL HEARING ON PUBLIC WORKS DEPARTMENT (AIRPORT-ENGINEERING-ADMINISTRATION)

Mayor Marks asked if there were any questions to be raised by the Council members on the final report of the Public Works Department, airport, engineering and administration. Mr. Ray asked if the format of the report was in order so that he could be guided in his other reports on this department. The Council indicated its approval of the form. No questions were raised by the Council members on the report.

DISCUSSION OF DEPARTMENTAL REPORTS

Councilman Anderson recommended, to which the other members of the Council concurred, that only one hearing be held on the depart-

mental reports. The written report be filed, copies distributed to the members at the preliminary hearing. During the week the members study the report and if there are any questions which cannot be cleared with the department head, they can be discussed at the final hearing.

FURTHER DISCUSSION ON CHARGES MADE AGAINST CITY EMPLOYEE

Director of Public Works Ray pointed out that sometime ago the Council had approved a policy that whenever any citizen brought charges against any city employee that he would not only have an opportunity to defend himself against any accusation but that it would be demanded by the Council that he would. Some accusations were made last week. In a court of law a person has the right to be heard. A charge was made-- what is the status of the interested person in this case? Is the employee involved going to have an opportunity to speak? He pointed out that these charges made were in the records of the previous Council meeting and he asked if the employee would have a chance to clear himself.

Mayor Marks recommended that the whole discussion at the previous meeting be stricken from the records, that the statements made were founded on hearsay without any basis.

Councilman Hammond stated that the employees and Planning Department had been cleared by the statements previously made by Mr. Simpson. He contended that Mr. Smith had acted in good faith and should not be criticized. He stated every citizen has a right to come before the Council with a complaint; that it was better to bring such matters to the Council for clearing instead of "muttering around the street."

Councilman Robinson pointed to the excellent personnel record of Mr. Cook on the Forward Modesto Committee; that he was leaving the employ of the city to go to a larger and better job as Planning Director of Santa Cruz and he should not have to leave with a cloud against his record. If it is necessary to take any official action, he stated, it should be done.

Mayor Marks questioned the right of citizens to file charges against anyone on hearsay evidence.

Councilman Hammond stated that Mr. Smith thought he had facts and acted on that premise in all sincerity.

Councilman Anderson considered that it was better for the citizens to bring their problems before the Council so that they could be cleared.

Councilman Robinson pointed out that the Council had listened to Mr. Smith and Mr. Simpson and that charges had been raised against Bob Cook; that there were formal charges in the records against Mr. Cook; that findings had been made and that a motion clearing Mr. Cook should be read into the records. He moved, seconded by Mayor Marks, and it was unanimously carried, that the charges levied against Mr. Smeath, Mr. Cook and the Planning Department were found upon due investigation to be untrue.

Mr. Cook stated that during the course of the week many people had heard of the charges against him and that he had hoped the charge would be refuted.

The City Manager thanked Mr. Cook for his work on the Forward Modesto Committee and stated that he had done a fine job in the Planning Department and wished him success in his new undertaking.

PRELIMINARY HEARING ON RECREATION DIVISION AND MADDUX YOUTH CENTER

Director of Parks and Recreation Lowrey filed a written report on the Recreation Division and Maddux Youth Center and distributed copies to the members for their study through the week so that they could raise any unanswered questions at the final hearing scheduled for next week's meeting.

REPORT ON MEETING OF BOARD OF DIRECTORS-LEAGUE OF CALIFORNIA CITIES

The City Manager gave a brief report on the meeting of the Board of Directors of the League of California Cities which he had recently attended. He stated that copies of the agenda would be distributed to the Council members.

FURTHER DISCUSSION ON CITY MANAGER MEETING IN ANAHEIM

The City Manager stated that he wished to point out that if the Council would approve the attendance of both the Assistant City Manager and he to attend the City Manager's section of the League of California Cities conference being held in Anaheim March 1 and 2, that they would only be absent two days instead of three, as was originally reported. The Council members indicated that this would not change their decision to permit only one representative to attend the conference. Councilman Hammond moved, seconded by Councilman Robinson, and it was unanimously carried, that the Council consider its policy with respect to the attendance of officials and employees to conventions and conferences.


DISCUSSION ON USE OF RECORDING MACHINE FOR COUNCIL MEETINGS

The City Manager was asked to investigate the cost of purchasing a recording machine for the recording of the Council meetings and report to the Council.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Adams, and it was unanimously carried that the meeting now in session adjourn. The meeting was adjourned at 11:40 P.M.

ATTEST:



 REX E. GAILFUS, CITY CLERK

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

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

Rev. Ray Riley, pastor of the Baptist Temple, gave the invocation.

APPROVAL OF MINUTES OF COUNCIL MEETING

Council members having received a copy of the minutes of the Council meeting of January 4, 1956, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM CHARLES RIISE RE: CONDITION OF STREETS

A letter received from Charles W. Riise, 808 Carmel Drive, relating to the poor condition of the streets in his neighborhood, was read.

Director of Public Works Ray pointed out that this was the area where the city had taken two post card polls on the paving of the streets which had resulted in a negative vote both times. The Council, he stated, also went on record last August that the city would agree to participate 20% in the cost if the property owners would initiate a petition for this work on a smaller area.

City Attorney Grimes pointed out that Mr. Riise was one of the original petitioners for the paving of streets in this area but had been unable to secure the support of a sufficient number of the other property owners.

City Manager Miller stated that the report to be submitted by the Department of Public Works at this meeting related to the problem of streets. He suggested that a copy of the report be sent to Mr. Riise and that he would be glad to discuss the matter directly with him and that he might like to attend the next Council meeting at which time questions relating to the report would be discussed. The Council concurred in this recommendation.

Mayor Marks pointed out that the majority of the people do not realize or they are unwilling to assume the exact status of street improvement. They consider that it is the duty of the city to furnish paved streets.

Councilman Merrill stated that due to the recent rains the streets throughout the city were in poor condition and that it would take years to catch up with all the work. Each individual request cannot be taken care of as they are filed. Until the city has funds to do this repairing all the necessary work cannot be done.

Mayor Marks stated that there must be something wrong with the method the Council is using to educate the public on the street

paving program. He stated that the Council had been talking about the program for 2-3 years and suggested that it might adopt the program used in Sunnyvale, dividing the city into 5 or 6 improvement districts. "The city cannot give anybody anything," he stated, "without taking it away first by additional taxes or bonded indebtedness." He pointed out that the residents in the older part of the city had paid 100% for their storm drains and paving and that this point would have to be explained to the property owners in the newer areas.

Councilman Arata pointed out that one of the Council's problems in regard to this program was that most of the people believe, when they see the city oiling or reoiling a street, that it is being paved. They complain when the street breaks down, that the work is not being done properly. It is hard to make them believe that we are only oiling a street. He pointed out that the 20% participation offered to the areas, where storm drain facilities were available, would equal the cost to the city over a period of 10 years for the oiling of the street. The rest of the property owners in the city paid 100% for their street paving, he stated.

The Council considered that some educational program should be undertaken to educate the people on the difference between oiling and paving a street. One method suggested was posting a sign when a street is being oiled to the effect that the street was only being oiled and not paved.

LETTER FROM DR. H. R. GANT RE: IMPROVEMENT DISTRICT NO. 3

A letter from Dr. H. R. Gant relative to the improvements in Improvement District No. 3 was read. Councilman Merrill moved, seconded by Councilman Adams, and it was unanimously carried, that the Mayor be authorized to answer the letter and the City Attorney assist him in preparing the letter.

CLAIM FILED BY LOEB'S FOR PERSONAL PROPERTY TAX CREDIT ON MILL LICENSE

A letter received from Loeb's Department Store was read, asking that credit of \$643.79 be allowed for the personal property taxes paid by the store for year 1954-55 and which through error was not presented to the Finance Office during the period for filing this information.

Councilman Merrill moved, seconded by Councilman Arata, and it was unanimously carried, that the claim be denied and a letter be written explaining the reason the claim could not be granted.

LETTER FROM NATIONAL COMMITTEE ON URBAN TRANSPORTATION

A letter received from the National Committee on Urban Transportation was read, recommending that the City of Modesto should not file an application for consideration as a pilot city, since it would have little to gain at the present time as most of the studies had been completed. The letter was ordered filed.

RECEIPT OF "NOTICE OF INTENT TO CIRCULATE PETITION FOR THE RECALL OF MODESTO CITY MAYOR HARRY MARKS"

The City Clerk reported that Frank Andrews had filed an affidavit of publication from the Modesto Bee Newspaper of the publication of the following Notice on January 30, 1956, "Notice of Intention to circulate a Recall petition for the recall of Modesto City Mayor Harry Marks: his stand on Civic Center location; failure to protect the people living on the west side, and the business district of Modesto, and his standing behind the present City Manager and City Attorney; unworkable, untried, expensive theoretical plans to manage a city the

size of Modesto." He also filed a copy of a letter and registered receipt signed by the Mayor acknowledging receipt of a letter confirming the publication of the notice, the City Clerk reported.

The City Attorney reported on the legal requirements relative to the notice and stated that no action was required at this time.

LETTERS ACKNOWLEDGING RECEIPT OF COPIES OF RESOLUTION NO. 56-14 RELATING TO THE CONSTRUCTION OF ADDITIONAL RECLAMATION, FLOOD CONTROL AND PUBLIC POWER PROJECTS ON THE RIVERS OF THE STATE OF CALIFORNIA

Letters received from Congressman Leroy Johnson, Senator W. F. Knowland, Assemblyman Ralph M. Brown and Governor Knight acknowledging receipt of copies of Resolution No. 56-14 adopted by the Council relating to the construction of additional reclamation, flood control and public power projects on the rivers of the State, were ordered filed.

HEARINGS ON PROPOSALS FOR CHANGE IN ZONE CLASSIFICATION RESET

The City Attorney stated that due to the fact that the notice relating to the public hearings on proposals for changes in zone classifications had not been published in the City's official newspaper 10 days prior to this date, it would be necessary to reset the hearings by adopting a resolution setting a new date and republish the notice. He pointed out that this was one of the problems the city was faced with when the official newspaper of the city was a weekly instead of daily newspaper.

Councilman Hammond moved, seconded by Councilman Arata, and it was unanimously carried, that the regular Council meeting scheduled for February 22, Washington's Birthday, not be held and that a special meeting be called on February 23, at 7:30 P.M.

Councilman Merrill introduced

RESOLUTION NO. 56-46

seconded by Councilman Arata, setting the date of February 23, 1956, in the Council Chamber, 14th and I Streets, as the time and place to hold a public hearing on the following petitions for changes in zone classifications:

Lot 11 - portion lot 10 Block 98 (Newman & Baker)	7:40 P.M.
Lots 1 through 16, Block 80, Lots 1 through 9, Block 79 (H. E. Zimmerman)	7:45 P.M.
Portion of Block 201 - Jefferson & Ruberto Streets	7:50 P.M.
Buffer strip - 9th Street and the alley between 11th and 12th Streets and F and G Streets	7:55 P.M.

which resolution was regularly adopted by the following vote:

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

ADOPTION OF ORDINANCE NO. 67-C.S. AMENDING THE MODESTO MUNICIPAL CODE RELATING TO FEES AT THE MODESTO CITY-COUNTY AIRPORT

Ordinance No. 67-C.S. entitled: "AN ORDINANCE AMENDING SECTIONS 7-3.402 AND 7-3.404 OF ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO FEES AT THE MODESTO CITY-COUNTY AIRPORT", having been printed and published as required by the Charter of the City of Modesto and coming on for final consideration at this time, Councilman Adams moved its final adoption, which motion being

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duly seconded by Councilman Merrill, was upon roll call carried and the ordinance finally adopted by the following vote:

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

ADOPTION OF ORDINANCE NO. 68-C.S. AMENDING TRAFFIC ORDINANCE NO. 345-N.S. RELATING TO DECREASE OF STATE LAW MAXIMUM SPEED

Ordinance No. 68-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. 50-C.S.", having been printed and published as required by the Charter of the City of Modesto and coming on for final consideration at this time, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Hammond, was upon roll call carried and the ordinance finally adopted by the following vote:

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

HOLD OVER APPROVAL OF FINAL MAP AND AGREEMENT ON BEL AIR ADDITION

The City Attorney reported that the necessary bond guaranteeing the development of the improvement in the Bel Air Addition had not been filed by the subdivider, Elliot Navon and that it would be necessary to hold over the matter of approving the final map and agreement.

APPROVE LEASE AGREEMENT WITH THE GRANGE COMPANY FOR AIRPORT HANGAR

Provisions of a proposed lease between the city and The Grange Company relating to the construction of a hangar at the Modesto City-County Airport were outlined by the City Attorney. Councilman Merrill moved the introduction and passage to print of

ORDINANCE NO. 69-C.S.

entitled, "AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO THE GRANGE COMPANY AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH", which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

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

CONSIDER AGREEMENT WITH M.I.D. FOR DISCHARGE OF STORM WATER

The City Manager reported that copies of a proposed agreement between the City and the Modesto Irrigation District relating to the disposal by the city of storm waters into Lateral No. 4 had just been received from the District, and copies of the agreement were distributed to the Council members.

Councilman Adams, member of the Council Committee, stated that the committee members had had no chance as yet to study the agreement. He asked that the committee be permitted to review the proposed agreement and make its report to the Council before any official action was taken. The Council concurred in this recommendation and it was agreed that it be placed on the agenda for the next Council meeting.

DISCUSSION ON COURSES IN CITY AND REGIONAL PLANNING TO BE GIVEN AT THE MODESTO JUNIOR COLLEGE

The City Manager reminded the Council members that two courses in city and regional planning would be held at the Junior College: 1) a technical course which started January 31, and 2) a course in City and Regional Planning to be given under the sponsorship of the University of California Extension Division this spring for Planning Commissioners, public officials and citizens. He reported that twelve city employees were taking the technical course now underway.

He stated that he would like to consider with the Council at a future date the question of how far the city should go in helping pay the cost of training city employees. He reminded the Council that it had formerly approved the payment of the \$9.00 fee for any member of the Planning Commission, member of the Board of Zoning Adjustment or city employee who wished to attend the planning course. He urged the members of the Council also to attend the course if possible.

DISCUSS OPTION FROM B. M. BUTTS ON PROPERTY TO BE USED IN WIDENING OF MILLER AVENUE

The City Manager reported that the city's right of way agent, John Knorr, had secured a 20 day option from B. M. Butts for the sale of his property located at 120 Rowland for \$11,200 to be used in the widening of Miller Avenue. Maps of the property were studied by the members, the amount of the property needed for the widening of the street, and the future plans for the development of the street as a major city street, were discussed.

Councilman Hammond thought the price offered would be too expensive for the purchase of a right of way and might establish a precedent for future purchases.

The City Manager pointed out that there would be some recovery by the city on the portion of the property not needed for the street.

Mr. Ray pointed out that the widening of this street was one of the questions to be solved in the plans for the sewer lines in the LaLoma area since there would be a savings in installation cost if the line could be planned for this side of Miller Avenue but unless the right of way was cleared it would be necessary to change the plans. He pointed out that Miller Avenue was heavily travelled, that no street work had been done because it would be torn up when the sewer line was installed.

Mayor Marks pointed out that it was the recommendation of the Planning Department, Public Works Department and the City Manager that this property be purchased for the widening of the street.

The City Manager stated that funds for this purchase could be transferred from the airport fund. It was agreed that the matter be held over until the members had an opportunity to inspect the property.

ESTABLISH TWO HOUR PARKING LIMIT ON EAST SIDE OF 13TH STREET BETWEEN L AND M STREETS

Traffic Engineer Carmody reported that since the installation of parking meters on both sides of 13th Street between K and L Streets, parkers were now parking for long periods on 13th between L and M Streets. Residents and property owners on the east side of

this block, he reported, have petitioned for the establishment of limited parking to discourage this. He reported on his studies of this area both before and after the installation of parking meters. He displayed a graph report on a number of cities throughout the United States, 17 of which were California cities, indicating the number of parking meters per police officer and the time limited areas, as compared to number of enforcement officers, which indicated that Modesto was high in both parking meter zones and limited parking zones per enforcement officer. He reported that more and more cities are using parking meters as enforcement agencies. He recommended the establishment of two hour limited parking on the east side of 13th between L and M Streets.

Councilman Hammond introduced

RESOLUTION NO. 56-47

seconded by Councilman Merrill, establishing a two hour parking zone on the east side of 13th Street, between L and M Streets, which resolution was regularly adopted by the following vote:

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

Noes: None Absent: Anderson, Robinson

CONSIDER PROPOSAL FOR MAP SERVICE BY PLANNING DEPARTMENT

The City Manager reported that the city had set up a procedure under which the Planning Department keeps up to date maps used by various departments. This service, he stated, could be made available to firms or citizens who wish to have it for a fee of \$10 per year. It was generally agreed by the Council that this service should be made available to the public as outlined by the City Manager and the City Attorney was directed to bring the necessary documents for Council consideration.

CONSIDER ADJUSTMENT TO GARBAGE COMPANIES FOR EXTRA COST INVOLVED IN HAULING GARBAGE TO COUNTY DISPOSAL AREA

The City Manager stated because of the floods, the operators who picked up the garbage in the city had been required to haul to the distant Greer Disposal Area, and this meant additional costs to the companies. It was agreed by the Council that the Council Committee should review the matter and bring back a report.

FINAL REPORT ON RECREATION DIVISION OF THE PARKS AND RECREATION DEPARTMENT

Director of Parks and Recreation Lowrey spoke briefly on his written report on the Recreation Division of the Parks and Recreation Department, which he had submitted at the last Council meeting. He stated that the sum of \$2.17 per capita, based on a population of 30,523, which the City of Modesto will expend during the 1955-56 fiscal year on recreation also included funds contributed by the schools and county.

Maps were presented to illustrate the residential distribution of participants in the summer park program at two parks, Graceada and Westside, as indicated by a study conducted by the Recreation Division last summer. He stated that the survey covered five days; that 50-60 persons per day were interviewed. They were asked their age, how they arrived at the park, and whether their parents brought them.

The majority using Graceada Park resided in the city, but this was not true of the Westside Park. 92 of the participants in

this park resided within the city and 86 outside. Most of the people surveyed came each day, he stated. The same thing is true of the Maddux Youth Center. This points out the fact, he stated, that the expenditure on recreation is actually for a population of approximately 65,000 rather than 30,523.

The City Manager stated that the recreation program was geared to the whole community and that this was the reason the county and schools participated in the cost of the program. He reported that the system for distributing funds for recreation programs, presently being used by the county, is being studied. With this new system the city should be able to anticipate the amount of funds it will receive from year to year.

Authorization to hire part time draftsman

Mr. Lowrey reported that he had been unsuccessful in recruiting a part time draftsman during the summer months last year, although funds were included in the budget, because he had started too late in his recruitment program. He stated that he was now starting to make inquiries at the University of California and since it would be necessary to include an additional amount for this purpose in next year's budget, he asked Council approval. He pointed out he had been unable to complete many of his plans, especially sprinkling systems for various parks.

Councilman Merrill moved, seconded by Councilman Adams and it was unanimously carried that Mr. Lowrey be authorized to proceed on this basis.

Committee reactivated for baseball program

Upon the recommendation of the City Manager, Councilman Arata moved, seconded by Councilman Hammond, and it was unanimously carried, that the committee appointed April 30, 1955, by Mayor Marks to submit the request to the County for cooperative funds for recreation program, composed of Councilmen Merrill, Chairman, Hammond and Robinson, be reactivated to work with the administrative staff on the baseball program in the recreation department.

Discuss future program for nine hole golf course

Councilman Arata stated that one of the main reasons for the establishment of the 18 hole golf course was that the present nine-hole golf course could be used for a recreation area.

Mayor Marks pointed out that the Council had indicated that the nine hole golf course would be remodeled into a regional park and recreation area.

The Director of Parks and Recreation stated that when the new course is in operation, the nine hole park is to be remodeled into a regional park for the entire city but there will still be need for small parks in the west side area.

Dr. James Corson, Superintendent of Schools and Dr. H. Cornacchia, Director of Health, Physical Education and Recreation of the Modesto City Schools were present to answer any questions of the Council relating to the participation of the schools in the recreation program. Dr. Corson stated that the school facilities would be made available for the program within the limits of reasonable school use. New schools, he stated, are being designed so that the lavatory facilities are available without going through the entire school plant.

Mr. Lowrey stated that some consideration should be given to

providing a Saturday program as well as after school program during the school months.

Dr. Corson stated that by February 20, when the bids for the buildings at Downey High School are opened, the schools will know whether there will be funds remaining which will be available for a swimming pool at Downey High School.

Mayor Marks asked Dr. Corson to express the Council's appreciation to the School Board for its fine cooperation.

Summer Camp Program

Mr. Lowrey reported that the participation of the general public in the summer camp program last summer was disappointing but he attributed the lack of interest partly to the fact that there had not been enough advance publicity on the program. Mr. Twining, operator of the camp, Mr. Lowrey stated, has asked that the city consider sponsoring the program again for this summer season.

Tennis Program

Councilman Merrill recommended that the Recreation Department investigate the possibility of extending the tennis program for an additional period after the schools start in the fall.

Little League Baseball Team

Mr. Lowrey pointed out that only a limited number could participate in the Little League teams. He suggested that consideration be given to forming a "Pony League" which could be composed of those boys who could not participate in the Little League.

Councilman Hammond pointed out that the various churches and service clubs in the community had a responsibility to participate in this program for their own young people; that it should not be the responsibility of the city entirely.

Mr. Lowrey stated that many of the service groups were hard pressed to provide even a piece of equipment for one of the parks. To promote and finance a recreation program would be beyond the ability of many of these organizations.

Councilman Hammond stated that the city should not be in the position of having to be all things to all people at all times; that the families should have some responsibility as well as other organizations in the city.

Bret Hart Recreation Program

The City Manager stated that the county had been asked to handle the recreation program in the Bret Hart school area.

CONSIDER REQUEST OF SECOND BAPTIST CHURCH FOR SEWER SERVICE

Director of Public Works Ray reported that the Second Baptist Church had applied for city water and sewer service for its new building under construction on the east side of California Avenue, adjacent to the county property formerly used as a housing project, which is outside the city limits. Certain difficulties have been cleared in the area, he stated, so that sewer service could be granted, subject to the approval of the Council. The Church has agreed to annexation as soon as possible but at the present it is not contiguous. He pointed out that the annexation of this property could be considered

at any time that the annexation of the county property was proposed. Councilman Adams moved, seconded by Councilman Arata, and it was unanimously carried that the administrative staff be authorized to proceed on the basis outlined by the Director of Public Works to furnish sewer service to the church property.

CONSIDER APPROPRIATION TRANSFER FROM GENERAL RESERVE FOR THREE ADDITIONAL TRANSMITTER RECEIVERS

The City Manager reported that funds for the replacement of the radio equipment for the new police cars had been budgeted but funds were not budgeted to replace the two units presently used in the Public Works Department, but purchased for the Police Department. He asked if the Council also wished to consider at the same time the possibility of installing a unit in the new car being purchased for the use of the City Manager. He stated that the recent flood pointed out the need for additional city cars equipped with radio equipment. One half of the cost, \$200, would be requested of the Federal Government, as this could be classified as civil disaster equipment.

The possibility of using telephone service equipment in the car was discussed, but not approved since it would be limited in its use.

The City Manager reported that it would be possible to secure these units on the basis of the bid submitted by the Motorola Company to the county at reduced cost if the order was placed immediately.

Councilman Adams introduced

RESOLUTION NO. 56-48

seconded by Councilman Hammond, approving the appropriation transfer of \$1200 from the General Reserve to the Public Works Department, for three mobile transmitter-receiver sets to be installed in the cars assigned to the Electrical and Water Division and the City Manager, which resolution was regularly adopted by the following vote:

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

PUBLIC WORKS DEPARTMENTAL REPORT FILED (INSPECTION, ELECTRICAL AND STREETS DIVISION)

Director of Public Works Ray filed copies of the Public Works Departmental report on Inspection, Electrical and Street Division with each Council member for study and final consideration at the next Council meeting.

REPORT ON ATTENDANCE BY CITY OFFICIALS AT CONFERENCES AND MEETINGS FILED BY THE CITY MANAGER

As requested by the Council, the City Manager filed a report on "Attendance by City Officials at Conferences and Meetings".

He stated that providing money has been budgeted, it had been the general policy for the employees to attend various state conferences of interest, but if there were any questions about any conference, that it was cleared through the Council. He stated that there was a conference scheduled in Long Beach February 5-10, which Don Baker, Greenskeeper, had planned to attend.

He stated that if there were no objections from the Council that "we will proceed on the basis we have regularly followed".

The Council concurred that the usual procedure be followed relating to attendance at conferences and meetings by city officials and employees.

He reported that administrative officials and employees were constantly being asked to participate in many things but that this participation was being kept down to a reasonable minimum. He reported that Traffic Engineer Carmody had been asked to participate in a workshop conference on February 10, conducted by the United States Chamber of Commerce, in San Jose. His report was to be "Making better use of Today's Streets".

REPORT ON PROPOSAL FOR AIRPORT FINANCING

The City Manager reported that as a member of the League's Advisory Committee on Airports, he had attended a one day conference in Berkeley recently, which also had been attended by Supervisor Robert Adams. He stated that he had made a suggestion at this meeting, which had met with considerable interest, that a tax be placed on all aviation fuel with all the proceeds allocated for airport purposes. The major portion of the funds derived from this source of revenue could be allocated to local agencies on an equitable basis; a portion could be retained by the state to provide certain facilities that cannot be reasonably provided locally, such as emergency landing strips, including possibly strips adjacent to highways; and aid might be given to certain types of private airports which perform a specific public service. Since this meeting, he reported, Councilman Arata, Supervisor Adams, Airport Manager Sham and he had conferred with Senator Stephen P. Teale, Chairman of the Senate Interim Committee on Aviation and Senator Teale had asked that they appear before the meeting of this Senate Committee in Los Angeles, Friday, February 3, 1956, to present this recommendation. The City Manager stated that he had made it clear that this was his personal recommendation and he had not made it as a representative of the League or of the City of Modesto.

REQUEST FOR WAIVER OF ROYALTIES ON AERIAL PHOTOGRAPHS TO BE PURCHASED BY STATE DIVISION OF HIGHWAYS

The City Manager reported that the Division of Highways, District X had requested that the city and county waive the royalty fees for use of the negatives of the Modesto area for the State study of traffic in the Modesto Area. Councilman Merrill moved, seconded by Councilman Adams, and it was unanimously carried, that this request be approved in principle and the staff make the necessary arrangements.

ADJOURNMENT

Councilman Hammond moved, seconded by Councilman Arata, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 6:45 P.M.

ATTEST:


 REX E. GAILFUS, CITY CLERK

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

Absent: Arata

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

Rev. Charles Spencer, pastor of the College Avenue Congregational Church, gave the invocation.

LETTER FROM CITY OF TURLOCK EXPRESSING APPRECIATION TO CITY OF MODESTO FOR ASSISTANCE GIVEN DURING THE RECENT FIRE IN TURLOCK

A letter to Mayor Marks from Mayor Christoffersen, of the City of Turlock, expressing appreciation for the assistance given by the Fire Department of the City of Modesto during the recent fire in Turlock, was read. The City Clerk was directed to send a copy of the letter to the Fire Department for posting on the bulletin board. Fire Chief Wemyss circulated pictures of the fire taken by the Modesto Bee.

REPORT FILED BY COMMITTEE FROM EL VISTA SCHOOL P.T.A. AND DADS CLUB

A brochure entitled "Committee Report Survey of Recreation", relating the LaLoma-Yosemite area, was filed by representatives from the Parent Teachers Association. Mrs. Harvey Grote, spokesman for the group, stated that the application was signed by 375 members of the Association and the Dad's Club, asking Council consideration for the study, acquisition and development of a suitable park site to serve the residents of this area. She thanked Director of Parks and Recreation Lowrey for his assistance in preparing the brochure and asked that this area be considered when new park sites were considered in the next budget.

LETTER FROM MODESTO CITY SCHOOLS RE: USE OF PORTION OF JUNIOR COLLEGE SOFTBALL FIELD

A letter from James H. Corson, Superintendent of the Modesto City Schools, suggesting that the city and schools review the present arrangements for the use of the field area at the Modesto Junior College, for softball purposes prior to any commitment for 1956, and giving notice of possible cancellation of contract, was read by the City Manager.

GRANT PERMIT TO SCIOTS TO USE DEL WEBB FIELD FOR DONKEY SOFTBALL GAME

A request was filed by the Sciots to use the Del Webb Field to hold a Donkey Softball Game, May 12, 1956. A letter from the Modesto Reds Baseball Club approving the use of the field under certain conditions was filed also. Councilman Robinson introduced

RESOLUTION NO. 56-49

seconded by Councilman Anderson, granting permit to the Sciots to use Del Webb Field for the purpose of holding a Donkey Softball Game, May 12, 1956, upon the conditions set forth by the Modesto Reds Baseball Club in its letter of February 8, 1956, on file in the office of the

City Clerk, which resolution was regularly adopted by the following vote:

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

FURTHER DISCUSSION ON CLAIM OF JULES LOEB FOR PERSONAL PROPERTY TAX
CREDIT ON MILL LICENSE

Jules Loeb appeared before the Council protesting the code provision (Sec. 6-1.201 (b)) providing that in order to obtain credit for personal property taxes paid as credit against the mill license fee, the person licensed shall present receipted tax bill to the Director of Finance within 30 days of the payment of same. He stated that he considered the Council had acted in good faith last week when it denied his claim of \$643.79, but the law should be changed to allow a person at least one year to file his report on taxes paid. If it can be done, he stated, the amendment should be retroactive for the year 1954-55.

The City Manager stated he would be glad to make an analysis of the desirability of "easing" the provision.

After a general Council discussion, Councilman Robinson moved, seconded by Councilman Adams, and it was unanimously carried, that the City Manager make a study of the advisability of extending the period for filing reports with the Finance Department on personal property tax and to determine if 30 days is sufficient or some better way could be worked out.

MAYOR MARKS WELCOMES STUDENTS FROM THE MODESTO HIGH SCHOOL

Mayor Marks extended a welcome to members of "Government in Action" class from the Modesto High School and to their instructor, John Whitaker, who were visiting the Council meeting.

HOLD OVER APPROVAL OF FINAL MAP AND AGREEMENT ON BEL AIR ADDITION

City Attorney Grimes reported that the subdivider of the Bel Air Addition had not filed the necessary bond on the Bel Air Addition and that the consideration of the approval of the final map and agreement would have to be held over.

NOTICE OF REQUEST TO PLANNING COMMISSION THAT PETITION FOR VACATION OF
PORTION OF ALMA AVENUE BE TABLED

City Manager Miller reported that the Planning Commission had received a notice from Attorneys Mellis and Stockton asking that the petition filed on behalf of the Mensinger family requesting vacation of a portion of Alma Avenue be tabled and no further consideration be given to the matter at this time.

CONSIDERATION OF POSSIBLE REARRANGEMENT OF 19th, H, LALOMA AND BURNEY
STREETS INTERSECTION

The City Manager reported that the administrative staff had considered a number of alternatives for the rearrangement of the intersection of 19th and H Streets. One of the suggestions, he stated, is that a direct connection be made from LaLoma and James Street via Ross Street into G Street. If this plan was adopted, many of the traffic problems in the general area of H, Downey, Scenic and LaLoma would be relieved, he stated. These could be tied in with a one way street pattern, if desired. It would be necessary to acquire certain rights of way if this plan was adopted. Ted Seybold, owner of a lot

located on the southeast corner of LaLoma and James Streets has agreed to withhold his plans for the construction of a house on this property until the Council has had an opportunity to review the proposal.

Traffic Engineer Carmody presented maps showing suggested alternatives for alleviating the traffic problems at the 19th and H Street intersection.

The City Manager pointed out that the plans for rerouting of LaLoma, the actual proposed improvement, could not be accomplished at once. The matter before the Council for its decision at this time is whether or not it would be desirable to acquire the Seybold property rather than to permit it to be built upon. Director of Planning Smeath read a resolution adopted by the Planning Commission recommending to the Council that the property be purchased for use in the street development program for the city.

City Attorney Grimes pointed out that the Council would not be a position to take action at this time if such action were to be predicated on the closing of a street since that action would require a public hearing.

The City Manager pointed out that this was not being proposed at this time--only the acquisition of the Seybold property.

Mr. Carmody pointed out that if the plan was adopted for LaLoma at a later date, it would be necessary to close the street to prevent a five leg intersection.

The Council agreed that the action taken at this meeting was not based on the assumption that LaLoma Street would be closed. The only decision being made was to indicate the Council's willingness to negotiate with the owner of the property on James and LaLoma so that he would not construct a house on the property.

Mr. Smeath pointed out that at the time the Commission adopted its resolution, it did not have any basis for judgment as to the value of the property and that the only consideration was that the property should be purchased while it was vacant.

Councilman Hammond moved, seconded by Council Robinson, and it was unanimously carried that the City Manager proceed with negotiations for the property with the property owner, and that a further report on the cost be submitted at the next Council meeting.

DISCUSSION ON PURCHASE OF PROPERTY IN THE CIVIC CENTER AREA

The City Manager reported that Charles Stanwood was planning to construct a commercial building on property located on Scenic Drive at Melrose Avenue in the Civic Center. This was brought to the attention of the Planning Commission and the Commission has adopted a resolution recommending to the Council that the property be purchased while it is vacant. Mr. Stanwood, the City Manager stated, has agreed to delay his construction until the Council can consider the matter.

The Director of Planning pointed out that this property was located in a commercial zone. The question which was raised by the Commission, he stated, was a general one--if the Council had funds available and finds it desirable to purchase the property it should be done before it is improved.

Mayor Marks pointed out that if this policy was followed, available funds could be expended on vacant property with the result that it could not be integrated for city hall purposes.

The City Manager stated that there had been previous discussion and it was suggested that priority be given to the purchase of vacant land, but no policy had been established.

The City Attorney reminded the Council that it had the power to zone the property for civic center purposes only.

Mr. Smeath pointed out that there were only 2 or 3 large sized vacant parcels and approximately 12 small vacant lots, in the area. The question involved, he stated, is whether the property owners should be permitted to construct new buildings on these properties and thus make the acquisition more expensive.

Mayor Marks pointed out that the Council-Planning Commission committees, the Citizens' Committee and the Council had unanimously agreed, after studying a number of other areas, that this area would be ideal for a civic center. Not everyone in the community is in favor of it, however, he stated. As it is now, he continued, they have had an opportunity to come before all of these groups and voice their protest but that practically no objections to this area had been voiced. Mayor Marks asked the City Attorney if the purchase of a parcel of land in the area would provide the basis for anyone objecting to the area to request a referendum election.

The City Attorney stated that in order to purchase property the City Charter provided that the Council adopt an ordinance and if any person wished to referendum the ordinance, he could do so by complying with the law on that subject. If he secured the required number of signatures on a referendum petition, the Council would be required to call an election.

Councilman Anderson stated that the joint committees were only considering the City Hall at the present time and that he could see no reason why Mr. Stanwood should not be permitted to proceed with his plans for the development of his property; that the city possibly would not need his property for 15-20 years; and that in the meantime, the City would be receiving taxes on the developed property. He pointed out that it was not necessary to tie up this land since it was always possible for the city to acquire it when and if it was needed.

Councilman Hammond pointed out that at the time the civic center was discussed, it was brought out that it would not be necessary to disturb the fringe commercial area at this time because of its location and high cost.

The City Manager stated that the city did not have a firm policy on land acquisition at the present time and that any action taken now should not be construed as a precedent which could not be changed at any future time in the public interest as a program was finally approved.

Councilman Merrill objected to the purchase of this property because of its location in the commercial area.

Mayor Marks stated that if the proposal had been for a large parcel of land which would be suitable for a city hall site that undoubtedly the Council would "go along with the proposal".

Mr. Stanwood stated that if the city purchased his property that the owners of the commercial property located east and south of his property would also offer their properties for sale. This would require a considerable amount of money, he stated.

Mr. Smeath stated that one of the questions was that of mak-

ing land available in the center to other governmental agencies on the basis of vacant property prices. He pointed out that the area was not large, only 27 acres. The Planning staff, he stated, feels that the program for the center will move more rapidly than the 20-30 year period discussed, since a number of governmental units will be looking for building locations.

Mayor Marks recommended that the Council consider each offer to sell land in the area as it was presented. Councilman Hammond considered that it would be impossible for the Council to set a policy for acquiring land until the City Hall site was finalized.

Councilman Adams asked what the value of this property, or similar property, would be in approximately 10 years if it was developed.

The City Manager stated that at present it would be in the order of 3-4-5 times more than if the property was left vacant. He stated that the architect had sent the first rough sketch of the city hall and asked that the Council members call and check them over. He stated that a site would be selected within a few months.

Councilman Anderson moved, seconded by Councilman Hammond and it was unanimously carried that the Council do not consider purchasing the Stanwood property at this time.

Mayor Marks recommended that the Council adopt a policy that it will consider each piece of property as it comes up on its own merits until it has a definite plan for the acquisition of property in the civic center.

Councilman Robinson recommended that the Council be advised of the appraised value of any property that is being considered.

Councilman Anderson moved, seconded by Councilman Adams, and it was unanimously carried, that the Council adopt a policy that until the land acquisition policy for the Civic Center is established by the Council that it consider each individual parcel of property offered for sale on its own merits and that it be advised of the appraised value of the property at the time it is being considered.

The City Attorney pointed out to Mr. Stanwood that the decision made by the Council tonight on his property would not prohibit the Council, under its right of eminent domain, to acquire his property at any time it was needed for public purposes.

FURTHER CONSIDERATION OF OFFER OF B. M. AND FRANCES BUTTS TO SELL PROPERTY ON MILLER AVENUE FOR STREET PURPOSES

The City Manager reviewed the background information on the proposed acquisition of the B. M. Butts property on Miller Avenue which had been held over for Council consideration until the members had made an inspection of the property. He outlined the alternatives which were open to the Council on the matter and pointed out that it was the recommendation of the administrative staff that the property be purchased for the following reasons:

- 1- That Miller Avenue could be developed as a 60 foot major city street after the Butts and the Spearing property were acquired;
- 2- That since the major trunk sewer line and laterals for this area would be placed in this street that it would be necessary to resurface the street and state gas tax funds could not be used for this purpose unless it was 60 feet wide;

- 3- That a portion of the Spearing property could also be used for the widening of Covena Avenue at a later date.

Councilman Hammond recommended that the entire transaction be considered as a package deal instead of approving one purchase at a time.

The City Manager pointed out that the Butts option was for a period of 20 days and the city so far had been unsuccessful in arriving at an agreement with Mr. Spearing. He also reminded the Council that there would be some recovery from the Butts property since it would not all be needed for right of way for Miller Avenue.

City Appraiser Knorr reported that he had appraised the entire Spearing property at \$9,000 and that portion needed for widening Miller and Covena Avenues, as \$2600. He pointed out that it would be best for the city if only the necessary rights of way were purchased from Mr. Spearing instead of his entire property.

Councilman Merrill moved, seconded by Councilman Anderson, and it was unanimously carried, that the City Manager be instructed to proceed with the purchase and to bring back the necessary documents to transfer the required funds from the Capital Improvement Fund-land acquisition at the Airport, for the acquisition of the Butts property at a total cost to the city of \$11,200, plus closing costs.

FURTHER CONSIDERATION OF THE PROGRAM FOR INSTALLATION OF TRAFFIC SIGNALS AND RAILROAD CROSSING GATES

The City Manager summarized the proposed program for traffic signals and railroad gates, as previously discussed by the Council as follows:

Railroad gates to be installed at H and I Streets, at a cost to the city of \$8,500;

Traffic signals to be installed at 19th and H Streets; 14th and J Streets; Tully Road and U.S. 99; Kansas Avenue and U.S. 99; Needham Avenue and U.S. 99; Yosemite Boulevard and LaLoma Avenue; Yosemite Boulevard and South Santa Cruz; and LaLoma Avenue and Santa Ana at a total cost of \$15,250 with the possibility of an increase in the cost of the signals at Yosemite and LaLoma Avenue due to the fact Covena Avenue cannot be closed and the city's cost would be one-half instead of one-third as previously suggested.

The City Manager asked the Council to approve this program and authorize the staff to proceed on this basis. He reported that so far the state is not willing to authorize railroad gates on its Highway crossing at L Street.

Traffic Engineer Carmody reported that the L Street railroad crossing had been inspected by the state and railroad representatives and they had agreed to furnish signal lights in lieu of crossing gates, due to the cost involved and the possibility that gates might interfere with the flow of traffic at this crossing. He stated that the statistics of the traffic at this crossing indicated the need for gates instead of a flashing signal. A brief discussion was held by the Council on the effect the gates would have on the flow of traffic.

Councilman Adams moved, seconded by Councilman Robinson, and it was unanimously carried, that the plan for traffic signals and railroad gates be approved and the staff be authorized to proceed on this basis.

Councilman Robinson introduced

RESOLUTION NO. 56-52

seconded by Councilman Adams authorizing the City Manager to notify the Public Utilities Commission, State Division of Highways, and Southern Pacific Company that the city is willing to expend funds to the extent necessary to protect its citizens and property at the H and I Streets railroad crossings and it is believed that the State should do the same on its crossing at L Street, which resolution was regularly adopted by the following vote:

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

Noes: None Absent: Arata

REPORT ON DISCUSSIONS WITH ELECTRICAL CONTRACTORS RE: ELECTRICAL INSTALLATION

The City Manager reported that meetings had been held with representatives from the local electrical contractors and the San Joaquin Valley Chapter, National Electrical Contractors Association, Inc. regarding the questions raised by the Association relative to the installation by the city of street lighting standards and traffic signals with the city's electrical crew. He reported that it had proved difficult to make a comparison between those installations made by the city and those made by a contractor. He pointed out that the Council had under consideration at the present time the installation of street lights in Improvement District No. 3. The City maintains a regular maintenance electrical crew. In the past, materials for traffic signals, in some instances, had been purchased in quantity at reduced prices and in some cases installed by the electrical crew. However, it is not the intention of the city to go into the business of traffic signal installation. It has been the city's policy also to install street lights in subdivisions after the subdivider had provided funds for the materials. These materials were purchased by the city in quantities also through the bid procedure and installed as and when they were needed in the subdivisions.

The city's policy in Improvement Districts has been for the property owner to provide funds for the street lighting materials. These materials were furnished to the city by the successful contractor on the district and installed by the city after the district has been accepted. He stated that due to the charter limitation of \$1500, it would require that plans and specifications be prepared and bids called for the installation of the lights in Improvement District No. 3.

Mayor Marks advised Mr. Guilford S. Frolich, Secretary-Treasurer of the San Joaquin Valley Chapter of the National Electrical Contractors Association, who was present, that it was the desire of the Council to hold the size of the city government down and to lessen the burden of the tax payers. This Council, he stated, is interested in cutting the budget down. He asked Mr. Frolich "in a business sometimes if you have a crew not crowded in its work, or you have employees hired on a regular monthly basis and there is a small job of installing lights---do you not think it would be good practice to utilize that crew on minor jobs? Would you as a tax payer approve of this?"

Mr. Frolich replied, ordinarily "I would say yes." He contended that the only thing his organization was asking for was a chance to bid on a job. He was not criticizing the city's policies, but was asking that the job be opened up for bidding and public notice be published well in advance so that every contractor in the state would read them and have a chance to submit bids.

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The City Manager pointed out that this practice was carried out by the city in accordance with the charter. He asked the Director of Public Works to outline the various problems involved in calling for bids on street lights in improvement districts.

The City Manager pointed out that the city had the same problems raised in the installation of water pipe. The city has been buying its pipe on a mass basis at a good price. There is the possibility that a certain project might run over \$1500.

Mayor Marks stated that the Council was trying to run this municipality as they would a business, bearing in mind that it is not its function to go out and find things to do. To do as little as a corporate body as possible, he stated, and let private industry take care of as much as possible. He cited, as an example, the garbage service and bus transportation systems which are privately owned.

The City Attorney pointed out that there was no problem since the charter required that the city go to competitive bids for any public works project over \$1500.

Councilman Anderson brought up the question whether the city would be permitted to bid along with the contractors on a project. The City Attorney pointed out that the charter provided that the bids could be rejected and bids could be readvertised, or the city could do the work. He read the section of the charter relating to this matter.

A general discussion was held by the Council members, administrative officials and Mr. Frolich on various subject matters presented in his letter to the City Manager and other city officials, dated February 6, 1956, a copy of which is on file with the records of this meeting. Mr. Frolich pointed out that if bids were called for labor only on installing lights in improvement districts that it would result in an increase of 70%.

Copies of reports made by Fred W. Lawrence, Director of Finance and the Director of Public Works are also on file with the records of this meeting.

APPROVE APPROPRIATION TRANSFER FOR STREET NAME SIGNS

Upon the recommendation of the City Manager, Councilman Anderson introduced

RESOLUTION NO. 56-51

seconded by Councilman Merrill, approving the appropriation transfer of \$900 from the General Reserve Fund to the Street Department of the Public Works for street name signs (new subdivisions developing in 1955-56), which resolution was regularly adopted by the following vote:

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

Noes: None Absent: Arata

APPROVE AGREEMENT WITH MODESTO IRRIGATION DISTRICT FOR DISCHARGE OF STORM WATER INTO LATERAL NO. 4

Councilman Adams reported that the Council Committee appointed to consider arrangements with the Modesto Irrigation District for the discharge of storm water into the Lateral No. 4 had studied the agreement presented by the district and recommended its execution as a temporary means of relieving the drainage system in the Tully Avenue area.

Councilman Merrill introduced

RESOLUTION NO. 56-50

seconded by Councilman Adams, approving the agreement and authorizing its execution by the city's designated officials, which resolution was regularly adopted by the following vote:

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

APPROVE PURCHASE OF PROPERTY IN CIVIC CENTER FROM MOOSE LODGE

Terms of an agreement with the Moose Lodge relating to the purchase of property in the Civic Center by the City of Modesto were summarized by the City Attorney. Mayor Marks moved the introduction and passage to print of

ORDINANCE NO. 70-C.S.

entitled: "AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM MODESTO LODGE NO. 1608, LOYAL ORDER OF MOOSE, INC.", which motion being duly seconded by Councilman Hammond, was upon roll call carried and ordered printed and published by the following vote:

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

Councilman Merrill temporarily left the Council Chamber before the vote was called on the ordinance and returned shortly afterwards.

FINAL REPORT BY PUBLIC WORKS DEPARTMENT ON INSPECTION-ELECTRICAL-STREET DIVISIONS

The City Manager reported that there were locations in the city where there were tree and shrubbery encroachments present, but the Parks Department was doing a good job clearing these at intersections. There are other encroachments, he stated, such as fences, especially in the newly annexed areas. He stated that he wanted the Council to be advised that there was no intensive program at the present time to correct these, although some are being corrected.

Mayor Marks commended the Public Works Department on the good job it was doing.

Councilman Hammond brought up the question of garden refuse service and the lot clearing program and a general discussion was held on the present and past programs. The Director of Public Works was asked to send copies of his survey on the garden refuse program and investigation on the possibility of contracting with private garbage companies for the service to Councilmen Anderson, Robinson and Hammond.

Councilman Anderson commended Charles Viss on his plans for the downtown street lighting improvement district No. 4.

Mr. Ray pointed out that the number of inspections made by the Inspection Department clearly indicated the city was "growing up".

Councilman Hammond referred to the street and alley oiling program and stated that the Council and city should take a more aggressive program to form improvement districts for the paving of streets.

More publicity on the program so that the people will realize they must pay for the permanent paving improvement of their own streets should be undertaken.

Mr. Ray pointed out that before this program was undertaken in most areas, that storm drainage would have to be provided. He stated that since the sewer and airport programs were near completion that the engineering personnel could work on the storm drainage program.

The City Manager stated that the most important matter before the Council and city is streets and drainage. The present streets are pitiful, he stated, and expensive to maintain. The city has more complaints on streets than any other single matter. The reason more attention has not been given to streets is that other matters, such as the sewer disposal problem, have had to be cleared first, he stated. Now, since these matters are near completion, more time can be given to a drainage and street paving program. He stated that a program for paving of one block, on Helen Avenue, was under consideration. When this is done, the people will see such a difference, he stated, they will want more of them.

DISCUSSION ON PAVING OF JOHN MUIR PARK AREA

The City Manager reviewed the report from the Director of Public Works on the costs involved for both the city and the property owners for paving streets around the John Muir Park Area, dated November 21, 1955. He stated that it was the staff's recommendation, if the Council would approve, to advise the property owners in this area to obtain their share of the money for paving one block, two blocks, or clear around the park and move right in on the paving of the streets.

Councilman Merrill moved, seconded by Councilman Hammond, and it was unanimously carried, that the staff be authorized to proceed on the basis outlined by the City Manager.

The Director of Public Works reported that the first step in the drainage program would be to bring the previous drainage report on the northern section of the city up to date, and also the McHenry Avenue area. He stated that a report and a proposal on this would be submitted shortly. He pointed out that before any overall study for drainage and street improvement district was undertaken that it would be necessary for the Council to establish a definite program to determine if the people in a certain area were interested, before the city could proceed with the preparation of studies, plans and specifications.

Mayor Marks suggested that when the time came and the city was ready to go on that program, that a large group of interested citizens, similar to the Forward Modesto Committee, be organized and the city could be divided into several areas and a definite program outlined. Once a district is formed and work completed, he pointed out, other areas will be anxious to have their district improved.

Mr. Ray pointed out the fact that the districts must be feasible units according to the topographic conditions.

PRELIMINARY REPORT ON FUNCTIONS OF THE FINANCE DEPARTMENT

Copies of the report "Functions of the Finance Department" were distributed to the Council members for their study and final consideration to be taken up at the next Council meeting.

FINANCIAL REPORT FOR MONTH OF JANUARY FILED

The City Manager filed the financial report of the city for the month of January.

SET DATE AND TIME FOR HEARING ON LIBRARY REPORT

The City Manager reported that Carl Hamilton, Librarian, had requested that the preliminary consideration of the operations of the Library Department be scheduled for the Council meeting of February 15 and final consideration for 8:30 P.M. February 23, so that the Board members could be present to raise and clear questions. It was agreed by the Council that these arrangements would be satisfactory and the Clerk was ordered to so advise the Library Board.

REPORT ON FLOOD DAMAGE

The City Manager reported that investigations indicated that the approximate damage to the Treatment Plant, due to the recent floods, was estimated to be \$7,000. The damage to the streets, he pointed out, could not be estimated. Also minor damages occurred at Legion Park. He estimated the loss to be in the neighborhood of \$500. There is a problem, he stated, which remains to be cleared---clearing the trees from Dry Creek. This is being checked with the county to determine if funds allotted to the county for clearing debris from the rivers and streams could be used on this project.

AUTHORIZE EXTENSION OF PROVISIONAL APPOINTMENT OF ELLIS HOLDEN-BUILDING INSPECTOR

Upon the recommendation of the City Manager, Councilman Robinson moved, seconded by Councilman Anderson, and it was unanimously carried, that the provisional appointment of Ellis Holden as Building Inspector be extended for a period of 60 days from February 7, 1956 to April 7, 1956.

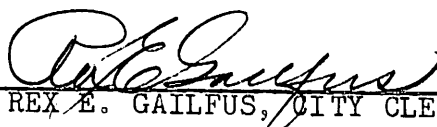
REPORT ON CONDEMNATION SUIT - ARTHUR J. RIEDEL

The City Attorney reported that the decision of the Superior Court on the Arthur J. Riedel condemnation proceedings relating to the damages for acquiring an easement for the construction of the west sanitary trunk sewer line had been handed down. Mr. Riedel, he reported, informally sued for \$4,074. Prior to the proceedings, the city had offered to compromise on the basis of \$750 but he had refused the offer. The court rendered a judgment in the amount of \$753.27. This, he stated, is an illustration that it pays to send the city personnel to conferences. He reminded the Council that they had authorized his attendance to the special conference held in Dallas, Texas, last year on condemnation law and procedure.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Anderson, and it was unanimously carried, that the Council meeting now in session adjourn. The meeting was adjourned at 10:30 P.M.

ATTEST:


 REX E. GAILFUS, CITY CLERK

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

Absent: Councilmen: Arata

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

Rev. Glen Harmon, pastor of the South Modesto Community of the Brethren Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of January 11 and 18, and the same being available for public inspection, and there being no objections, the minutes were approved.

NOTICE OF INTENT TO CIRCULATE RECALL PETITION-COUNCILMAN HAMMOND FILED BY FRANK ANDREWS

Affidavit of publication in the Modesto Bee, February 11, 1956, of Notice of Intent to circulate recall petition for the recall of Councilman Hammond, filed by Frank Andrews in the office of the City Clerk on February 14, was read. A copy of the letter sent to Councilman Hammond by Mr. Andrews notifying him of the action, was also filed.

An affidavit of publication from the Modesto Bee of February 13, of an "Answer to Notice of Recall", which had been published by a number of citizens of the City of Modesto, relating to Mr. Andrew's notice of recall for Mayor Marks, was turned over to the City Clerk for filing.

LETTER FROM JOE MINENI, JR. REQUESTING WATER-SEWER SERVICE ON THE STRANGIO PROPERTY

A letter was read from Joe Mineni, Jr. requesting Council consideration for water and sewer service on the Strangio property, located north of Robertson Road, outside the city limits.

Mr. Mineni, who was present, stated that the area contained 29 acres and would have approximately 116 building lots.

Director of Public Works Ray stated that the city's west main trunk sewer was located on the east of the area but at this particular location was not very deep. It cannot be determined without a topographic survey, whether all of this area can be served by gravity.

City Manager Miller pointed out that granting this service would be in line with the Council's general policy, if it can be served with gravity. He stated that possibly it might not be economically feasible to serve the area with water. Mr. Ray pointed out that the closest city water line was about 1450 feet from the nearest corner of the Strangio property and the surrounding area was presently being served by the Del Este Water Company. He reported that he had been unable to contact the company prior to the meeting to discuss the matter, and that it would be a matter of determining whether the city should run its water line to

the area at the present time, and that it would be necessary to acquire easements to extend the line.

The City Manager recommended approval of an agreement that the city will proceed on the basis that it would serve the area with sewers if it was economically sound and that a further check be made on the furnishing of water service after checking with the Del Este Company.

Mr. Ray pointed out that Mr. Mineni would be required to furnish the city with a topographical detail report before the determination for sewer service could be made. He pointed out that unless the Council authorized the use of city force for this study, it could not be used.

Mr. Mineni objected to having the survey made at his expense, but the City Manager pointed out it was the policy of the city that all such topographical studies be made by the subdivider.

It was agreed by the Council that the administrative staff work further with Mr. Mineni and report back to the Council at a later time.

CONTINUATION OF PUBLIC HEARING ON MATTER OF TAXICAB STANDS

Mayor Marks announced that the hour of 4:15 P.M. had arrived, the time set for the continuation of the public hearing on the requests of Lois Lane, dba Red Top Taxi and Hershel Lawrence, dba Smitty's Taxi, for additional parking stands, which had been held over from the Council meeting of January 25.

As requested by the Council a further report was submitted by Traffic Engineer Carmody on the distribution of parking stands. He pointed out that the number and location of cab stands should be determined on the basis that they are needed to serve a public demand. He pointed out that the Council could consider the following alternatives: 1) take no action; 2) authorize the stands as requested; and 3) seek better distribution of cab stands. He recommended that either no more cab stands be allowed or if the cab companies, asking for additional curb spaces, are to be given the spaces, consider redistributing stands on the basis of cabs operated. He reported that at the present time this would amount to approximately two cab spaces per three cabs. On this ratio, he stated, it would be equitable to give Smitty two more spaces as requested, but to give Red Top no more spaces, and to reduce spaces for Yellow Cab to two.

A general Council discussion was held on the question of establishing a policy on the redistribution of the cab stands. Councilman Hammond pointed out that the recommendation of two spaces for three cabs recommended by the Traffic Engineer was reasonable based on the occupancy percentage and moved, seconded by Councilman Merrill, that the Council establish this ratio as a policy and remove from the Yellow Cab Company one parking space and approve the application of Smitty's Taxi for two stands and deny the request of Red Top Taxi for one additional stand. Before the vote was called on this motion, additional discussion was held on establishment of a Council policy on the distribution of the stands. Councilman Robinson considered that additional study should be undertaken. Councilman Merrill considered the matter, which had been under discussion for years, should be brought to a head and a policy established. He indicated approval of the percentage of 3 cabs to two stands recommended by the Traffic Engineer.

The City Attorney pointed out that it was not possible to move by a motion to do the things Councilman Hammond wanted to do. Whereupon, Councilman Hammond moved, seconded by Councilman Merrill that the Council establish a policy of providing two spaces for three cabs. It was agreed by the Council, before the vote was taken, that the question of

the policy could be raised at any time in the future when and if it was considered that this is not the feasible solution. The vote was called and the motion unanimously adopted.

Councilman Robinson moved, seconded by Councilman Anderson, and it was unanimously carried, that the necessary documents be prepared by the City Attorney to cancel the stand now occupied by Yellow Cab Company on the northeast corner of J and 10th Street and to assign this stand to Smitty's Taxi, as well as an additional stand to be located on the southeast corner of 10th and I Streets adjoining the Anglo Bank Building.

Councilman Merrill moved, seconded by Councilman Hammond, and it was unanimously carried, that the request filed by Lois Lane, dba Red Top Taxi for an additional parking stand be denied in view of the policy established by the Council.

LETTER FROM CITIZEN'S COMMITTEE ON OFF STREET PARKING

A letter received from the Citizen's Committee on Off-Street Parking, William E. Bacon, Chairman, was read. The letter stated that the Committee had reached the conclusion that it would not be feasible and probably not possible to form an assessment district of any kind to provide off-street parking for the following reasons:

- 1- The 28% increase in taxes brought about by the Order of the State Board of Equalization.
- 2- The apathy, or direct opposition of property owners within the proposed district rent to private operators, or who have ready access to city operated off-street lots.
- 3- What certain property owners feel is the added burden of paying the street lighting assessments.

Mr. Bacon stated in his letter that the Committee stands ready to work with the Council, or any new committee appointed by the Council to try and arrive at some new course of action to immediately obtain additional off-street parking in the downtown area.

Councilman Hammond stated that this group of people represented by this committee was one group of property owners; that the Council appreciated receiving the letter from the group, which represented a substantial group, but would like to hear from any other property owners. These property owners, he stated, represented by this letter are not a majority by any sense of the word. He pointed out that the previous action of the Council was that "all interested citizens were requested to take the initiative in setting up an improvement district". Any others who are interested, he stated, now is the time for them to come forward. The Council committee has been working with this group but there must be others who are interested. The Council needs to know the extent and location of interest so that possible consideration could be given to any offers or suggestions. He stated that he did not know how much publicity the Council should give on this to make sure all the property owners have an opportunity to work on this program.

Mayor Marks asked Councilman Hammond if it was the idea of the committee that the program remain in abeyance.

Councilman Hammond recommended that^a further check be made to make sure all the property owners have a chance.

City Manager Miller recommended that the property owners be invited to present any plans they might have.

A discussion was held on the possibility of notifying the property owners in the downtown district by either a postcard or letter since many of the properties were leased by retail operators.

The City Attorney asked if the Council had considered the possibility of asking for citizens' advice by the formation of a Council authorized community-wide committee represented by various segments of the community, such as labor, major service clubs, etc., to look into and study this problem of parking, recommending some course of action to the Council. There could be a Council representative on it like the previous committee, he stated. He stated that he had been contacted by some people who would like to work on a program of an overall committee representing not only the Chamber of Commerce but merchants, property owners, and citizens at large. Each segment of the community could get in and work on this problem, he stated.

Councilman Hammond reported that in reviewing the minutes of the Council on the action taken last June, it was given to the property owners to come up with a program. They were to take the initiative. They were to have one year in which to function. Whether the Council should take the initiative on this, is problematic. According to our minutes of our meetings, he stated, the Council set up a committee to assist any property owner groups.

Councilman Adams agreed with Councilman Hammond's thought that any program offered by the property owners should be thoroughly considered and checked out, then after this was done, the Council may want to start on some other method and might want the citizen's or Council committee.

Councilman Hammond recommended that the Council first thoroughly explore the improvement district idea before it considered any other form of committee or citizen group. This could come later on, he stated.

Councilman Anderson stated that everyone is interested in parking, however, it is up to the property owners to supply the parking, to take the initiative. They are the ones, he stated, interested primarily in parking.

Mayor Marks stated that the Council decided it would give this committee an opportunity to work out and to assist them to come up with an assessment program. They were to supply the leadership, he stated. He asked Councilman Hammond "you decline to accept this letter as a winding up basis".

Councilman Hammond pointed out that this committee represented one group and that there might be other groups.

The City Manager reminded the Council that the idea of a citizen committee had been recommended earlier by Councilman Robinson. He recommended that an invitation be issued through the press to any other group, any other area, to come forward and present their ideas. The Council is offering to work with them as it has worked with this other group. If this is not forthcoming, then the Council is going to have to consider other alternatives.

Councilman Hammond stated then the Council will open up other avenues of thinking to the parking problem. He pointed out that only one group had worked on the improvement district program. This group is now satisfied that they do not want to continue. If there are other groups they should come up with a program.

Mayor Marks pointed out that the Council is now wide open for public leadership in the affected area to come up with a sound business like basis.

Councilman Adams pointed out that one problem was as to how they should be informed---through the press or otherwise.

Councilman Hammond stated that he had talked to some of the property owners and they had advised that it was difficult to put the improvement district program across.

City Attorney Grimes asked if the invitation, to the property owner groups, as recommended by Councilman Hammond, was to be held open until June 22 when the parking requirements would automatically go into effect, or whether there would be some limitation of time.

Mayor Marks recommended that a dead line of 30 days be set for any group to come before the Council with a plan.

Councilman Hammond recommended that the time limit be set so that the groups cannot say that they did not have an opportunity to present their plan.

After a further discussion on the question of whether the property owners were to be notified by letter, notice or postcard, it was agreed that the only notification would be by the press.

Mayor Marks pointed out that the city needed additional parking and that after the 30 days period had expired, the Council could use whatever means it felt was the right way to do it.

Councilman Hammond moved, seconded by Councilman Merrill, that the opportunity be extended to any interested parties in the city to come forward with a program and suggestion within a period of 30 days. The motion was unanimously carried.

Mayor Marks stated that it should be made clear in case the Council committee has no one to work with at the end of the 30 day period that the committee's assignment was then carried out.

LETTER FROM MODESTO SAFETY COUNCIL RE: ONE WAY STREETS

A letter from the Modesto Safety Council was read, advising that it "wished to go on record for being in favor of the proposed plan of one-way streets, as set up by the Traffic Engineer and they would cooperate in every way possible."

Councilman Anderson pointed out that the program for one-way streets would come up with the presentation of some more definite commitment on the civic center site. The City Manager stated that although the one-way street program was tied in with the civic center, they are separate.

LETTER FROM DR. H. R. GANT RE: IMPROVEMENT DISTRICTS

A letter received from Dr. H. R. Gant regarding improvement districts was read and ordered filed.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR HANGAR AT MODESTO CITY-COUNTY AIRPORT

Director of Public Works Ray gave a brief report on the proposed plans for financing a new hangar at the Modesto City-County Airport which is to be leased to the Nakagawa Farms and Phillips Aero Agricultural Service and presented the specifications for Council consideration.

Councilman Adams introduced

RESOLUTION NO. 56-53

seconded by Councilman Robinson, approving the specifications for the hangar and authorizing the call for bids to be filed in the office of the City Clerk on or before Monday, March 5, 1956, at 2:00 P.M., which resolution was regularly adopted by the following vote:

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

ACCEPT BID OF FARISH-HERZOG FOR AUTOMOBILE FOR CITY MANAGER

Tabulation of the informal bids received for the purchase of an automobile, which had been opened on February 10, 1956, at 2:00 P.M. were considered by the Council. The City Manager recommended that the bid of \$2,250.32 submitted by Farish-Herzog on a 1956 Pontiac 860 model be accepted, as it was the lowest responsible bid submitted. Councilman Merrill introduced

RESOLUTION NO. 56-54

seconded by Councilman Anderson, accepting the bid submitted by Farish-Herzog as recommended by the City Manager, as the lowest responsible bid, and authorizing purchase of the automobile, which resolution was regularly adopted by the following vote:

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

ADOPTION OF ORDINANCE NO. 69-C.S. APPROVE LEASE OF AIRPORT PROPERTY TO THE GRANGE COMPANY

Ordinance No. 69-C.S. entitled: "AN ORDINANCE LEASING CERTAIN OWNED AIRPORT PROPERTY TO THE GRANGE COMPANY AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH", having been heretofore introduced and ordered printed and published at the regular meeting of February 1, 1956, Councilman Anderson moved, seconded by Councilman Adams, that the ordinance be finally adopted, which motion was upon roll call carried by the following vote:

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

HOLD OVER CONSIDERATION OF APPROVAL OF FINAL MAP AND AGREEMENT ON BEL AIR ADDITION

The City Attorney reported that the consideration of approval of final map and agreement on the Bel Air Addition would have to be held over due to the fact the required bond had not been filed by the subdivider.

REPORT ON APPROVAL BY THE PUBLIC UTILITIES COMMISSION FOR CROSSING OF THE TIDEWATER SOUTHERN RAILROAD TRACKS AT BOWEN AVENUE

The City Manager reported receipt of notice of approval by the Public Utilities Commission of the city's application No. 75-26.6 to construct Bowen Avenue across the tracks of the Tidewater Southern Railway Company.

APPROVE APPROPRIATION TRANSFER OF FUND FOR PURCHASE OF BUTTS PROPERTY

As approved by the Council at its meeting of February 1, 1956, the City Manager presented for Council approval a resolution approving appropriation transfer of funds for the purchase of the Butts property to be used in the project of widening Miller Avenue.

Councilman Adams introduced

RESOLUTION NO. 56-55

seconded by Councilman Robinson, approving the appropriation transfer of \$11,500 from the Capital Improvement Program--Airport Improvements to Capital Improvement Program, land acquisition--Streets to provide funds for the purchase of the Butts property on Miller Avenue, which resolution was regularly adopted by the following vote:

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

CONSIDERATION OF ABANDONMENT OF C STREET BETWEEN 11th AND 12th STREETS

Consideration of the abandonment of C Street, between 11th and 12th Streets, was held over.

SET DATE FOR PUBLIC HEARING ON APPLICATIONS FOR UNCLASSIFIED USE PERMITS

Resolution No. 277 adopted by the Modesto City Planning Commission on February 7, recommending to the Council the granting of an unclassified use permit to Robert K. Ford and Son, agents for F. P. Foster, to locate a machine shop and ornamental iron works at 225 Grand Street, was read.

Resolution No. 278, adopted by the Modesto City Planning Commission on February 7, recommending to the Council the granting of an unclassified use permit to Robert O. Graser, agent for the First Hebrew Congregation of Modesto for the location of a church, Sunday School, and recreation hall on Sherwood Avenue between Granger Avenue and M.I.D. Lateral No. 3 was read.

Councilman Merrill introduced

RESOLUTION NO. 56-56

seconded by Councilman Anderson, setting the date of March 7, at 4:30 P.M. in the Council Chamber as the time and place for the public hearing on the Robert K. Ford permit and 4:35 P.M. for the Robert O. Graser permit, which resolution was regularly adopted by the following vote:

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

ACCEPT GRANT DEED FROM RICHARD LYNQ (FOR ALLEY PURPOSES)

The City Attorney presented for Council consideration, a grant deed from Richard Lyng, et al, covering property to be used for alley purposes. Councilman Anderson introduced

RESOLUTION NO. 56-57

seconded by Councilman Merrill, accepting the grant deed from Richard Lyng, et al, and authorizing its recordation with the Recorder of

2-15-56 Page 7

Stanislaus County, which resolution was regularly adopted by the following vote:

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

ORDINANCE RELATING TO THE PROHIBITING OF MAKING FALSE REPORTS TO THE POLICE DEPARTMENT

Police Chief Neel stated that there was a need for an ordinance which would prohibit the making of a false report to the Police Department. He listed examples constantly confronting the department which were not covered by a city ordinance or the state penal code, which caused considerable unnecessary work and could conceivably cause many other serious repercussions. He pointed out that Stanislaus County already had an ordinance covering this situation. The City Attorney presented for Council consideration an ordinance prepared along the lines recommended by the Police Chief. Councilman Merrill moved the introduction and passage to print of

ORDINANCE NO. 71-C.S.

entitled: "AN ORDINANCE ADDING SECTION 4-2.31 TO CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO THE PROHIBITION OF MAKING FALSE REPORTS TO THE POLICE DEPARTMENT OF THE CITY", which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

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

APPROVE PAYMENT TO THE MODESTO BAND OF \$600

Upon the recommendation of the City Manager, Councilman Robinson introduced

RESOLUTION NO. 56-58

seconded by Councilman Adams, approving the payment of claim of the Modesto Band for \$600.00 balance due for summer concerts for 1955, which resolution was regularly adopted by the following vote:

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

LETTER FROM CALIFORNIA NATIONAL GUARD RE: OPEN HOUSE ON FEBRUARY 22, 1956, AT MODESTO ARMORY

A letter received from Major George W. Gardner of the California National Guard was read. He requested permission to advertise with signs and public address system mounted on a military vehicle on February 18, 20, and 21 during the hours of 9:00 A.M. to 5:00 P.M. and to conduct a motorized parade on Feb. 22 of approximately 15 military vehicles from 1:00 P.M. to 2:00 P.M., advertising the nation-wide recruiting program ordered by the National Guard Bureau of Washington, D. C. to increase the strength of the National Guard throughout the United States.

Councilman Anderson moved, seconded by Councilman Hammond, and it was unanimously carried, that a permit be granted to the Guard to use a loud speaker in the city's commercial area on the dates and time mentioned in Major Gardner's letter of 2-15-56, in accordance with

2-15-56 Page 8

the provision of Section 4-2.20 of the Modesto Municipal Code, the parade route to be approved by the Police Department.

LETTER FROM FRANK ANDREWS RE: 'FREE RADIO TIME

A letter received from Frank Andrews regarding free time on the radio was read. Mayor Marks pointed out that this was not a matter for Council consideration but should be directed to the radio stations instead.

FINAL REPORT ON FINANCE DEPARTMENT

Consideration was given at this time to the final report of the Finance Department on its operation.

Mayor Marks asked the City Attorney to make an investigation as to whether there is any prohibited interests involved on the part of the independent auditor, Chester D. Nattinger, hired by the City of Modesto and who is also hired by the Mayor to audit the accounts of seven of the eight corporations in which he holds an interest. Due to the ruling of the Attorney General, he stated, this matter should be cleared for the records.

Councilman Robinson moved, seconded by Councilman Anderson, that the City Attorney be authorized to make an investigation to determine whether there is any prohibited interests involved on the part of the independent auditor, Chester D. Nattinger, hired by the City of Modesto and who is also hired by the Mayor to audit the accounts of corporations in which he holds an interest, and report back to the Council of his findings, which was unanimously carried.

Director of Finance Lawrence issued an invitation to the Council members to visit the Finance Office to observe the new system being used for the city's payroll.

Councilman Hammond asked Mr. Lawrence if the bi-monthly system of billing for water had lessened the delinquency factor. Mr. Lawrence reported that since statements had been sent out on both flat rate and meter water bills and the penalty provision deleted from the ordinance, the delinquency was very low. He reported that there was a delinquency on sewer service charges of 90 accounts now since bills were being sent out for sewer service charges 90 days after laterals installed whether premises are connected to sewers or not. Many of these properties are being served by Del Este Water but getting sewer service from the city. It is impossible to discontinue service, as in the case where water and sewer are both furnished by the city.

The City Manager stated that this was a matter for the Council Sewer Committee to consider at a meeting which would be called soon.

Mayor Marks commended Mr. Lawrence on his outstanding report on the operations of the Finance Department.

The City Manager asked the Council members if the reports being submitted by the various departments were supplying the desired information. The Council agreed that the reports were satisfactory.

PRELIMINARY REPORT ON LIBRARY AND FIRE DEPARTMENT DISTRIBUTED TO COUNCIL MEMBERS

Copies of the reports for the Library and Fire Department were distributed to the Council members for their consideration. Final consideration of the reports were scheduled for the special meeting to be held on Thursday, February 23.

ADJOURNMENT

Councilman Adams moved, seconded by Councilman Merrill, and it was unanimously carried, that the meeting now in session adjourn. The meeting was adjourned at 5:42 P.M.

ATTEST: 
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in special session this date at 7:30 P.M., as provided by Section 2-1.02 of the Modesto Municipal Code, in the Council 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.

A few moments of silent prayer were observed.

Mayor Marks introduced City Manager Walter Hahn, Jr. and Police Chief Charles Simpson of the City of Monterey, guests of the Council.

APPROVAL OF MINUTES

Mayor Marks requested that the spelling of the word "sanctity" be corrected in the official copy of the minutes of the Council meeting of January 25, page 3, paragraph 2.

Council members having received copies of the minutes of the Council meetings of January 25, February 1 and 8, 1956, and the same being available for public inspection and there being no other objections, than the one noted above, the minutes were approved.

RECESS SPECIAL COUNCIL MEETING

At 7:40 P.M., Mayor Marks declared the special Council meeting recessed until after the conclusion of the adjourned regular meeting of February 22.

Mayor Marks declared the Special meeting of February 23 reopened at 7:45 P.M.

LETTER FROM FRANK PARADIS RE: WATER BILL PAYMENT

A letter received from Frank Paradis protesting the procedure used by the city in collecting its water bills, was read.

Director of Finance Lawrence, at the request of Mayor Marks, explained the present procedure for collecting delinquent water bills, which provided that two notices, in addition to the regular statement, be sent to the user before the water was turned off for non-payment.

The Council was in general agreement that no change be made in the present procedure.

MOTION

Mayor Marks was authorized to answer Mr. Paradis' letter explaining the procedure for payment of water bills.

Moved by Councilman Arata Seconded by Councilman Anderson
Unanimously Carried

LETTER FROM MODESTO CITY BOARD OF ZONING ADJUSTMENT

A letter was read from the Modesto City Board of Zoning Adjustment asking that the Council initiate necessary proceedings to provide for five, rather than three members on the Board. The Board considered that the increased membership would give a broader analysis of the matters before the Board.

The letter was referred to the Planning Commission and Planning Department Staff for investigation and recommendation, and appropriate action.

Moved by Councilman Adams
Seconded by Councilman Hammond
Unanimously carried

PUBLIC HEARING ON CHANGES IN ZONE CLASSIFICATIONS

Mayor Marks announced that the hour of 7:50 P.M. had arrived, the time set for hearing protests against the proposed change in zone classification as follows:

"Portion of Lot 1, Block 340, as described in official notice from Two Family Residential (R-2) zone to Neighborhood Commercial (C-1) zone (Heckendorf property)"

The City Clerk reported that the notice of the proposed change had been published in the official newspaper of the City, The Modesto Journal, as required by Section 10-2.2206 of the Modesto Municipal Code, and that no written protests had been received.

Mayor Marks asked if there were any oral objections or any other statements to be made by any person with relation to the proposed zone classification change. No oral protests were filed.

Mayor Marks declared the hearing closed.

Mayor Marks announced that the hour of 7:55 P.M. had arrived, the time set for hearing protests against the following proposed change in zone classification:

"The property bounded by Ninth Street and the alley between 11th and 12th Streets and between F and G Streets from General Commercial (C-2) zone to Commercial Industrial (C-M) zone (Buffer strip)"

The City Clerk reported that the notice of the proposed change had been published in the official newspaper of the city, the Modesto Journal, as required by Section 10-3.2206 of the Modesto Municipal Code, and that no written protests had been received.

Mayor Marks asked if there were any oral objections or any other statements to be made by any person with relation to the proposed zone classification change. No oral protests were filed.

Mayor Marks declared the hearing closed.

Mayor Marks announced that the time had arrived which had been set for the public hearing of protests against the proposed following proposed change in zone classification:

"Lot 11 and the Southerly one-half of lot 10 in Block 98, from General Commercial (C-2) Zone to Commercial Industrial (C-M) zone (Baker-Newman)"

The City Clerk reported that the notice of the proposed change had been published in the official newspaper of the city, The Modesto Journal, as required by Section 10-3.2206 of the Modesto Municipal Code, and that no written protests had been received.

Mayor Marks asked if there were any oral objections or any other statements to be made by any person with relation to the proposed zone classification change. No oral protests were filed.

Mayor Marks declared the hearing closed.

Planning Director Smeath presented maps showing the proposed changes for the Council's information and outlined the reasons for the changes. Resolutions adopted by the Planning Commission approving the proposed changes and recommending that the Council amend the zoning ordinance were reviewed.

Mayor Marks announced that the time had arrived which had been set for the public hearing of protests against the proposed change in zone classification as follows:

"Lots 1 to 16, inc., Block 80, and lots 1 to 9, Block 79, inc., from General Commercial (C-2) zone to Commercial Industrial (C-M) zone (Henry Zimmerman)"

The City Clerk reported that the notice of the proposed change had been published in the official newspaper of the city, The Modesto Journal, as required by Section 10-3.2206 of the Modesto Municipal Code, and that no written protests had been received.

Mayor Marks asked if there were any oral objections or any other statements to be made by any person with relation to the proposed zone classification change.

Director of Planning Smeath reported that since the public hearing before the Planning Commission on this proposed change, a new request had been filed by Mr. H. E. Zimmerman, owner of lots 3-9, inc., Block 79, that the property be rezoned as M-1, light industrial instead of C-M, Commercial Industrial.

Mr. Zimmerman, who was present, stated that there was some misunderstanding on the type of zoning requested for this property. He stated that the Southern California Freight Lines wished to purchase six lots (8 through 13) in Block 79, to establish a truck terminal which would hire 20 employees. Lots 10, 11, 12, 13 are already zoned M-1 and in order to build the terminal it is necessary for lots 8 and 9 to be zoned accordingly. He stated that he would like to see all the property in Block 79 classed as M-1 zone.

Mr. Smeath stated that the original request for change in zone classification was for either M-1 or C-M. The Commission felt it best to change the zone to C-M. The Commission evidently did not understand all the uses proposed for the area, he stated, and he suggested that if the Council desired, the matter be referred back to the Commission for consideration as to the desirability of placing part or all of this area in the M-1 Zone.

Mr. Zimmerman pointed out that the neighboring business operations, Empire Traction Company, were similar to the proposed truck terminal operations.

The City Attorney outlined the alternatives open to the Council, as set forth in the Municipal Code.

Mr. Zimmerman stated that the Trucking Company was anxious to start construction as soon as possible, that the money was in escrow at present, pending the rezoning of lots 8 and 9.

The City Attorney advised that there was no way the Council could act, under the Code provisions, other than carry out the recommendations of the Commission, or refer the matter back to the Commission for a further report.

Mr. Ed Heyman, representing the trucking company, stated that the company proposed to use the property as soon as the building could

be constructed and would employ 20 employees. The entire 150 foot frontage would be needed to permit the parking of its equipment and keep it off the street.

A general discussion was held on which method would be the fastest to clear the zoning on the two lots since the Council members were in general agreement that lots 8 and 9 in Block 79 should be zoned M-1 to conform with the adjoining property on the south.

Mr. Heyman stated that the delay of two weeks would not upset the company's plans for construction.

The City Manager asked if the Council was proposing a zoning which had not been proposed publicly, and for which there was no application. He questioned whether the interested property owners should be advised first.

Mr. Smeath stated that it happened in this case that the legal requirements were clearly met as the application was originally for either M-1 or C-M zoning and the public hearing held by the Commission was on this basis and it was advertised in this manner.

The City Attorney quoted Section 10-2.2114 of the Municipal Code which provided, "If the decision is contrary to the recommendation of the Planning Commission, the Council shall request a further report of the Planning Commission before it makes its decision final." He stated that the matter could be referred to the Commission with a recommendation that its recommendation be modified with particular reference to lots 8 and 9 of Block 79.

MOTION

The matter of rezoning of lots 1 to 9, inc., of Block 79, and lots 1 to 16, inc., of Block 80, is referred back to the Planning Commission for a further report in line with the request of Henry Zimmerman for the rezoning of lots 8 and 9 in Block 79 as M-1 instead of C-M, as recommended by the Commission.

Motion by Councilman Merrill

Second by Councilman Hammond

Unanimously carried.

Councilman Anderson moved the introduction and passage to print of

ORDINANCE NO. 73-C.S.

entitled: "AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THERE ON", which motion being duly seconded by Councilman Merrill, was upon roll call carried and ordered printed and published by the following vote:

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

Noes: None Absent: None

Councilman Arata moved the introduction and passage to print of

ORDINANCE NO. 74-C.S.

entitled: "AN ORDINANCE AMENDING SECTION MAP 33 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON", which motion being duly seconded by Councilman Merrill, was upon roll call carried and ordered printed and published by the following vote:

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

Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 70-C.S. PURCHASE OF MOOSE LODGE PROPERTY LOCATED IN THE CIVIC CENTER AREA

Ordinance No. 70-C.S. entitled: "AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM LODGE NO. 1608 LOYAL ORDER OF MOOSE, INC.", having been printed and published as required by the Charter and coming on for final consideration, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance adopted by the following vote:

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

Noes: None Absent: None

APPROVE AGREEMENT WITH STATE OF CALIFORNIA FOR EXPENDITURE OF FUNDS ALLOCATED UNDER SECTION 2107.5 OF THE STREETS AND HIGHWAYS CODE

Memorandum of agreement for expenditure of engineering allocation of city streets in the City of Modesto, received from the State of California, Division of Highways, was presented for Council approval by the City Manager.

RESOLUTION NO. 56-59

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 Councilman Robinson

Seconded by Councilman Anderson

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

Noes: None Absent: None

REPORT ON REQUEST OF JOE MINENI, JR. FOR SEWER AND WATER SERVICE TO THE STRANGIO PROPERTY

As requested by the Council, a report was filed by the Director of Public Works on what would be involved if sewer and water service was granted to Joe Mineni, Jr. for the Strangio property, located outside the city limits. A copy of this report, dated February 21, is on file with the records of this meeting.

The City Manager recommended that the city agree to provide sewer service to the property, or that portion of it which can be economically served, on the basis of properties outside the city limits which provides for a monthly service charge of \$3.00 for residential properties; that in view of the cost of providing water service to this area, and other commitments for installations of water lines in various portions of the city, the city should not consider at this time, provision of water service to this area. He also recommended that the agreement for annexation be on the basis of sewer service at rates charged to outside users.

The Director of Public Works stated that if investigations reveal that all of the land cannot be served by gravity, it might be desirable to consider a temporary pumping set up until the balance of that general area was incorporated in the system.

MOTION

The City should not serve the Strangio property with water, but should provide sewer service to all or any portion of it that can be served economically at outside rates on the condition that the usual agreement relating to annexation be executed by Mr. Mineni and the City.

Moved by Councilman Merrill

Seconded by Councilman Adams

Unanimously carried

FINAL REPORT ON OPERATION OF THE MCHENRY PUBLIC LIBRARY

Mayor Marks asked if there were any questions the Council members wished to raise on the report submitted by Librarian Carl Hamilton on the operations of the McHenry Public Library. No questions were asked by the members.

Councilman Hammond commended Mr. Hamilton on his fine presentation of the operation of the department.

Mr. Hamilton stated, as directed by the Council, he had checked with the Library Board of Trustees, regarding the appropriation in the budget for the purchase of equipment to be rented out to display motion pictures, which could not be purchased without Council action. It was the feeling of the Board, he stated, that this piece of equipment is necessary to interpret material of a certain kind and that it would be appropriate for the library to furnish that equipment. The Board has again asked that favorable consideration to the purchase of the projector be given by the Council.

Mayor Marks reviewed the discussion by the Council on the proposed purchase of the projector, that the city should not be in the business of lending out equipment; that the services given by the city should not be extended to renting or furnishing of equipment; and that experience has shown that proper care would not be given to a complicated machine, such as a projector, by the general public who would be renting and/or using the equipment.

Mr. Hamilton introduced the members of the Board of Library Trustees who were present, Mrs. Rebecca Heckendorf and Mrs. Mary Johnson.

Mrs. Johnson stated that she had checked with a local merchant who rents projectors who had indicated that the renting of projectors by the library to show films would not in any way be in competition with his operation.

Councilman Hammond stated that it had been the general decision of the Council, when the proposed purchase had been discussed previously, that this service was "something the people should be able to provide for themselves. If this was granted it would lead to other things. It was the feeling of the Council that the film should be furnished but the people should furnish the other equipment."

Mr. Hamilton stated that it had been his understanding that the Council had a definite feeling about the situation and had asked him to take it up with the Board and report back to the Council. The Board,

he stated, feels that the purchase would be appropriate. He reported that another loan item for consideration at a later date would be the furnishing of ceiling books and projectors to bed ridden persons.

Mrs. Heckendorf considered that the Library should constantly keep abreast of the new types of service and techniques to be offered to the public for the dissemination of knowledge. This policy, she stated, of providing our citizens with the new techniques is one that the Library Board is very happy to approve.

Mr. Hamilton outlined the uses which was made of the presently owned projector by the Library staff and city officials, only.

Mayor Marks stated that he owned a projector which was not presently being used in his home and that he would be glad to donate it to the Library as a gift.

Councilman Hammond pointed out that it would require some skill to operate a projector and the next step would be for the city to furnish an operator with the projector. He pointed out that the maintenance and damage factor would be a matter of some consideration also. "At what point does the city stop providing the service and the people start to do for themselves. How much can the city afford to provide the citizens. A line has to be drawn somewhere."

Mr. Hamilton spoke briefly on the successful experience of the City of Richmond which had been loaning three projectors for a period of six years.

Councilman Hammond stated that he was opposed to the Library loaning out the equipment to the citizens at large. Councilman Arata asked that the members vote on the matter, but before a vote was called, City Attorney Grimes pointed out that the Council was transcending its authority in this connection. He pointed out that the Board was the only body, board or commission, in the city which had administrative powers which were defined in the charter. He read the section at this time (Section 1110) defining the powers of the Board of Library Trustees. Mayor Marks pointed out that the only control the Council had over the board was to deny funds for the purchase of equipment that would be used for purposes the Council would not approve.

Mr. Hamilton stated that the Board feels strongly that it should loan out only equipment that was of an interpretative nature, necessary to get over the idea.

The City Manager stated that it is a pleasure to work with the Library Board and with Mr. Hamilton. Mayor Marks concurred with this statement on behalf of the Council.

Mr. Hamilton displayed a graph of the personnel in the department.

ADOPTION OF ORDINANCE AUTHORIZING PURCHASE OF BUTTS PROPERTY ON MILLER AVENUE

The City Attorney presented for Council consideration, an ordinance approving agreement and authorizing purchase of the Butts property on Miller Avenue to be used in the widening of the street. He stated that due to the fact Mr. Butts had a 20 day option for the purchase of another house that this would be the basis for the Council to consider the adoption of an emergency ordinance and that he had prepared it with this provision. Councilman Adams moved the adoption and passage to print of emergency

ORDINANCE NO. 72-C.S.

entitled: "AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM BURCHELL M. BUTTS AND FRANCES A. BUTTS" which motion being duly seconded by Councilman Anderson, was upon roll call carried and the ordinance ordered published and printed by the following vote:

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

Noes: None Absent: None

FURTHER REPORT ON NEGOTIATIONS FOR PURCHASE OF SPEARING PROPERTY ON
MILLER AVENUE

The City Manager reported that up to the present time, the city staff had been unable to arrive at a satisfactory price for the purchase of the necessary right of way on Miller Avenue from Chester Spearing. It is necessary to clear this matter at once, he stated, so that the Public Works Department can complete its plans for the location of the trunk sewer and laterals in Improvement District No. 5. It would be most logical to run the trunk sewer on the south side of the street but it could be placed on the north side at an extra cost of \$250 for one additional manhole. He asked the Council to consider authorizing the filing of a condemnation suit and take possession of the necessary right of way so that the plans could be completed without further delay.

Mr. Spearing, who was present, stated that the appraisal made by John Knorr, City Appraiser, was on the basis of residential zoning. Since the surrounding properties are zoned commercial, the appraisal should be based on this type of zoning. He stated that his offer to the city was \$3500 for the right of way and \$10,200 for the entire property. He pointed out that it would be necessary to move his garage and fence, and construct a new driveway. His remaining lot would be undersized which would prevent him from making certain types of improvements and construction.

The City Manager stated that the appraised value of the right of way was \$2,600 and \$9,000 for the entire property. However, in the interest of clearing the matter, he suggested that an offer of \$3,000 for the right of way on Miller Avenue and 10 feet on Covena Avenue be made to Mr. Spearing since there would be a savings of \$250 for the extra manhole if the sewer line was constructed on the north side of the street.

A general discussion was held on the history of the zoning of the property.

The City Attorney pointed out that the Council should be aware that there would be additional costs involved if the city proceeded with condemnation proceedings.

Mayor Marks pointed out that the city had a large land acquisition program to consider in the future and that it would be necessary to establish a policy. He pointed out the difficulties involved if the Council did not abide by the appraised value of land.

John Knorr, who was present, stated that the appraised value of property was an estimate of value and not an exact figure. In this instance, he stated, the sum of \$2,600 for the right of way was a figure to negotiate around. The final figure should be within the range of this sum, however. If the city tries to purchase property on the basis of appraised value, plus the cost of fighting it in court, there will be

many other negotiations where the property owner will increase his offer materially. The city will have no stopping point.

MOTION

The staff was authorized to proceed on the basis that the city would acquire the right of way prior to the construction of the sewer line, so that the Public Works Department could proceed with the plans and that during the period until the next Council meeting, further negotiations would be conducted with Mr. Spearing and if the negotiations were unsuccessful, the condemnation proceedings be then considered.

Moved by Councilman Merrill
Seconded by Councilman Adams

The motion was withdrawn later, when the Director of Public Works raised the question of the finality of this procedure.

MOTION

The City Attorney was authorized to prepare the necessary documents to proceed with condemnation proceedings to acquire the 30 foot right of way.

Moved by Councilman Hammond
Seconded by Councilman Adams
Unanimously carried

It was generally agreed that the Public Works Department be authorized to formalize its plans to construct the sewer line on the south side of Miller Avenue.

Councilman Robinson pointed out that negotiations with Mr. Spearing could still continue during the two weeks period until the next Council meeting on March 7.

APPROVE FINAL MAP AND AGREEMENT ON BEL-AIR ADDITION

The City Attorney presented for Council approval an agreement between the city and the Modesto Development Association relating to the development of Bel-Air Subdivision #1. He reported that in lieu of the usual surety bond from the subdivider, that Mr. Elliott Navon had filed a performance bond, furnished by a corporate surety company, from Standard Materials, Inc. guaranteeing complete and full performance of the provisions of the improvement agreement to the extent of \$74,310.36. As soon as the final map of the subdivision is approved by the Council, Standard Materials Inc. will proceed to do all the work, he stated.

RESOLUTION NO. 56-60

A RESOLUTION APPROVING THE FINAL MAP OF THE BEL-AIR
SUBDIVISION #1 OF THE CITY OF MODESTO

Introduced by Councilman Anderson
Seconded by Councilman Robinson

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

Noes: None Absent: None

CLEAR MATTER OF BOWEN AVENUE CROSSING OF TIDEWATER RAILROAD

The City Manager estimated the cost to complete the Bowen Avenue crossing as \$1,200. This work can be done with the city forces and the only amount necessary to appropriate would be approximately \$900, for materials. He urged that prompt consideration be given to the project for the benefit of school children going to the new school at this point. He suggested that the necessary funds be transferred from the Special Fund set up for city's share of paving projects to Capital Outlay-Street improvement.

MOTION

It was authorized that \$900 of the funds allocated for street paving - Capital Improvement, be used for the Bowen Avenue crossing of Tidewater Railroad.

Moved by Councilman Robinson
Seconded by Councilman Merrill
Unanimously carried

RESOLUTION CANCELLING CAB STAND AT 10TH AND J STREETS ASSIGNED TO YELLOW CAB COMPANY (NORTHEAST CORNER)

As requested by the Council, the City Attorney presented a resolution, for consideration, cancelling the taxi parking stand on the northeast corner of 10th and J Streets, assigned to the Yellow Cab Company.

Sam Secreto, operator of the Yellow Cab Company, protested to the cancelling of the stand which had been assigned to him for many years.

The City Manager pointed out that this action was in line with the policy established by the Council at a recent meeting of allotting not more than two stands for each three taxis.

RESOLUTION NO. 56-61

A RESOLUTION RESCINDING RESOLUTION NO. 54-214 OF THE CITY OF MODESTO

Introduced by Councilman Anderson
Seconded by Councilman Merrill

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

Nones: None Absent: None

RESOLUTION AUTHORIZING CAB STAND ON 10TH AND I STREETS AND 10TH AND J STREETS FOR SMITTY'S CAB COMPANY

As directed by the Council, the City Attorney presented for Council consideration a resolution assigning two parking stands to Hershel I. Lawrence, dba Smitty's Taxi.

RESOLUTION NO. 56-62

A RESOLUTION ESTABLISHING TAXICAB STANDS ON THE NORTH SIDE OF J STREET BETWEEN TENTH AND ELEVENTH STREET AND ON THE EAST SIDE OF TENTH STREET BETWEEN H AND I STREET IN THE CITY OF MODESTO

Introduced by Councilman Adams
Seconded by Councilman Merrill

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

Traffic Engineer Carmody pointed out it would be possible for Mr. Secreto to park his third taxi on the street providing the flag was placed in position signifying that he was not soliciting business and he deposited the required fee in the parking meter and did not exceed the time limit or he could make arrangements to park one cab on an off-street facility, such as filling stations, etc.

MAYOR MARKS ASKS FOR MATTERS FOR CONSIDERATION OF THE COUNCIL AND GOOD OF THE COMMUNITY

Mayor Marks asked the audience if there were any matters for consideration of the Council and good of the community.

Mr. Pete Ruffino asked how soon the LaLoma Area could expect sewer service.

Director of Public Works Ray outlined the problems involved in improvement districts. He pointed out that this was the largest improvement district so far undertaken by the city and involved about 1100 properties. All the rights of way have been cleared except one block, he reported, and the plans and specifications are near completion. He estimated that it would be approximately 2-3 months before the actual work started and the construction would be completed in approximately 6 months. He pointed out that even if the sewers near Mr. Ruffino's property were completed first, that it would be necessary, under the improvement district proceedings, for the entire project to be completed and accepted by the city before any portion could be used, unless the contractor was willing to waive his claim and permit the use of the sewer.

Mr. Ruffino asked how soon he could expect a traffic signal on Santa Cruz. He was informed of the city's plans for the installation of traffic signals which was recently approved by the Council but which was subject to approval by the state.

REPORT ON CONSTRUCTION OF MOTEL ON McHENRY AVENUE BY COVELL & LONG

The City Manager reported that the hotel and restaurant to be built by Mrs. Grace Covell and Hoover Long on McHenry Avenue between Helen and Hintz Avenue would be partially in the city and partially in the county. He pointed out that certain complications were involved in the construction of the building as far as building permit fees, etc. The building is being constructed according to city standards, since it will be annexed to the city in due course of time.

REPORT ON CLOSING OF C STREET BETWEEN TWELFTH AND ELEVENTH STREET

The City Manager reported that as far as utilities were concerned, that the city had cleared the closing of C Street between 11th and 12th Streets. He asked that the staff be authorized to proceed with action on the closing of that portion of C Street.

MOTION

The staff was authorized to prepare the necessary documents for Council consideration to close C Street between 11th and 12th Streets.

Moved by Councilman Robinson
 Seconded by Councilman Arata
 Unanimously carried

DISCUSS POSSIBILITY OF HOLDING PUBLIC MEETING ON IMPROVEMENT DISTRICT NO. 5 SEWER LATERALS AND STREET LIGHTS IN LALOMA DISTRICT

Mayor Marks suggested that the staff make arrangements to call a public meeting to explain to the property owners in Improvement District No. 5 the procedure and time they will be able to have sewer service and lights.

Director of Public Works Ray pointed out that by the time the property owners could be notified and a meeting called, the necessary documents would be ready for Council consideration which would set the improvement district proceedings in action. These proceedings provide that a public hearing be held on the work to be performed and these matters can be explained at that time. He again pointed out that this would be the largest improvement district undertaken by the city.

ESTABLISH TWO HOUR PARKING LIMIT ON SOUTH SIDE OF E STREET BETWEEN ALLEY, BETWEEN NINTH AND TENTH STREETS, AND TENTH STREET

Upon the recommendation of the City Manager, the following resolution was introduced:

RESOLUTION NO. 56-63

A RESOLUTION ESTABLISHING A TWO HOUR PARKING ZONE ON THE SOUTH SIDE OF E STREET FROM THE ALLEY BETWEEN NINTH AND TENTH STREETS TO TENTH STREET

Introduced by Councilman Adams
Seconded by Councilman Robinson

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

Noes: None Absent: None

APPROVE TEMPORARY TRANSFER FROM GENERAL FUND TO SERVICE DIVISION WORKING CAPITAL FUND

Upon the recommendation of the City Manager, the following resolution was introduced:

RESOLUTION NO. 56-64

A RESOLUTION APPROVING A TEMPORARY TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE SERVICE DIVISION WORKING CAPITAL FUND

Introduced by Councilman Robinson
Seconded by Councilman Hammond

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

Noes: None Absent: None

RESOLUTION AUTHORIZING ESTABLISHMENT OF PETTY CASH ACCOUNT

Upon the recommendation of the City Manager, the following resolution was introduced:

RESOLUTION NO. 56-65

A RESOLUTION ESTABLISHING A PETTY CASH ACCOUNT IN THE PARKING FUND AND AUTHORIZING THE TRANSFER OF \$60.00 TO SAID ACCOUNT FROM THE PARKING RESERVE

Introduced by Councilman Anderson
 Seconded by Councilman Robinson

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

Noes: None Absent: None

REPORT ON TRANSFER OF ITEM ON PROJECT APPLICATION FOR CIVIL DEFENSE
 EQUIPMENT FROM CITY TO COUNTY

The City Manager reported that the city's application was approved by the Federal Civil Defense Administration for the purchase of a radio base station transmitter-receiver by the City of Modesto on the Northern California point to point Law Enforcement net work.

Police Chief Neel reported that this transmitter-receiver would be primarily used for civil defense-disaster operations. Under this agreement the F.C.D.A. would furnish 50% of the cost of the equipment and the city would provide the balance of the funds. Since the application has been approved, he stated, the Stanislaus County Sheriff's office has suggested that this equipment could be better utilized through the sheriff's office on a county-wide basis in as much as the sheriff's office is in direct radio communication with other police departments in the county which is not the case with the Modesto Police Department. It is possible for the eligibility of F.C.D.A. funds to be transferred from the city to the county for the purchase of this equipment and it is my recommendation that this be done. This radio system has nothing to do with the city's regular day to day radio communication in the Police Department. A further report will be submitted, he stated.

FINAL REPORT ON OPERATION OF THE FIRE DEPARTMENT

Final consideration was given to the operations of the Fire Department. Councilman Hammond asked about the arrangements which the city had with other cities for the use of the City of Modesto fire equipment.

The City Manager explained the agreement which the city had entered into to render mutual aid in cases of emergency, which is a state-wide arrangement.

Fire Chief Wemyss pointed out that during the last two fires, San Joaquin Bakery and Asher Shoe Store, assistance had been offered from many surrounding cities and departments. He pointed out that while Modesto did have more equipment than some other cities, that it could call in a lot more equipment than it would ever send out. He pointed out that in the last 20 years that there were only 2 or 3 occasions where the city had dispatched any equipment outside the city. The city does not send equipment just outside the city limits on any fire. Under the mutual aid agreement, the request must come from a fire chief of any department, in case of emergency no citizen can call the city equipment outside.

PRELIMINARY REPORT FILED BY PUBLIC WORKS DEPARTMENT-SERVICE AND WATER

Director of Public Works Ray filed copies of a report relating to the Water Department with the Council members, which was to be given final consideration at the Council meeting of March 7, 1956.

CONSIDER SUGGESTION FOR USE OF DEPARTMENTAL REPORTS AS ANNUAL REPORT

The City Manager suggested that after the reports being submitted by the various departments in the city were completed, additional copies be made of each report and one departmental report be sent to

one group of citizens and another report be sent to a different group in lieu of an annual report. After a brief discussion it was considered by the Council that the usual type of annual report be sent out to the citizens.

CONTRIBUTIONS BY ELKS LODGE FOR JUNIOR BASEBALL CLINIC

Director of Parks and Recreation Lowrey reported that the Modesto Elks Lodge B.P.O.E. #1282 had contributed \$150 for the purpose of financing a Junior Basketball Clinic for boys in the 5th, 6th, 7th and 8th grades.

MOTION

Mayor Marks was authorized to write a letter of appreciation to Al Harter, newly elected President of the Elks Lodge.

Moved by Councilman Adams
Seconded by Councilman Anderson
Unanimously carried


REPORT ON MEETING IN SACRAMENTO

The City Manager reported that a meeting of the California Society of Certified Public Accountants would be held in Sacramento on February 24 to discuss inter-county equalization, to which the Council was invited.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Robinson, and it was unanimously carried, that the special Council meeting now in session adjourn. The meeting was adjourned at 10:45 P.M.

ATTEST:


REX E. GAILFUS, CITY CLERK

Council Meeting
February 22, 1956

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

The City Clerk called the roll and in the absence of all members of the Council, he declared the meeting adjourned to 7:40 P.M., February 23, 1956, under the authority contained in Section 2-1.07 of the Municipal Code.

ATTEST:


REX E. GAILFUS, CITY CLERK

2-22-56 Page 1

The Council of the City of Modesto met in adjourned regular session this date at 7:40 P.M. as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Marks

Absent: None

Mayor Marks declared the adjourned regular meeting recessed at 7:45 P.M.

Mayor Marks reopened the recessed adjourned regular meeting at 10:46 P.M.

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY IN MATTERS RELATING TO ASSISTANCE ON FLOOD DAMAGE

The City Manager reported that the City of Modesto would probably be eligible for some federal fund to assist in paying for the flood damage at the sewer treatment plant, repairs to levees and removal of debris from Dry Creek.

Assistant City Manager Masonheimer explained the procedure for filing applications for funds. He pointed out that if the City of Modesto did not have any applications on file, that it could not receive any funds for emergency work. He stated that the application must be signed by a person authorized as an official of the city. A resolution prepared by the City Attorney, authorizing the execution and submission of applications by the City Manager on behalf of the city, was presented for Council consideration.

RESOLUTION NO. 56-66

A RESOLUTION AUTHORIZING THE EXECUTION AND SUBMISSION OF APPLICATIONS FOR DISASTER RELIEF FUNDS UNDER PUBLIC LAW NO. 875 BY THE CITY MANAGER ON BEHALF OF THE CITY OF MODESTO

Introduced by Councilman Anderson

Seconded by Councilman Arata

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

Noes: None Absent: None


LETTER FROM CITY OF YUBA CITY

A letter received from the City of Yuba City expressing appreciation to the City Council and City Manager Miller for assistance given by Assistant City Manager Bill Masonheimer, was read and ordered filed.

ADJOURNMENT

Councilman Arata moved, seconded by Councilman Merrill, and it was unanimously carried, that the adjourned regular Council meeting now in session adjourn. The meeting was adjourned at 11:00 P.M.

ATTEST:


REX E. GAILFUS, CITY CLERK
Adjourned - 2-23-56 Page 1

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. Nicholas Gosselink, pastor of the Paradise Community Reformed Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of February 15, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER OF APPRECIATION FROM CITY OF YUBA CITY

A letter received from Mayor Glenn A. Gauche' of the City of Yuba City, together with a copy of a resolution adopted by the Council, was read, expressing its appreciation for assistance given by the City of Modesto in its recent disaster in sending Bill Masonheimer, Assistant City Manager of the City of Modesto to assist in flood damage problems.

GRANT PERMIT TO MODESTO JUNIOR CHAMBER OF COMMERCE TO USE MODESTO CITY PARKING LOT ON FIFTEENTH STREET, BETWEEN H AND I STREETS

A letter from the Modesto Junior Chamber of Commerce was read, requesting permission to use the City Parking lot on 15th Street, between H and I Streets, on April 28, 1956, for Modesto's First Annual Road-E-O, designed to encourage safe driving for teenagers and to stimulate community interest in high school driver education. City Manager Miller stated that Traffic Engineer Carmody had checked with the Chamber and recommended granting the request. The Traffic Engineer reported that only a portion of the lot would be needed and parking would still be available on that portion of the lot located at 15th and I Streets.

RESOLUTION NO. 56-67

A RESOLUTION GRANTING PERMIT TO THE MODESTO JUNIOR CHAMBER OF COMMERCE TO USE THE FIFTEENTH STREET PARKING LOT FOR AN ANNUAL "ROAD-E-O" SAFE DRIVING PROJECT

Introduced by Councilman Adams
Seconded by Councilman Arata

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

Noes: None Absent: Anderson and Robinson

LETTER FROM FRANCIS E. THOMAS AND J. V. PORTER ASKING FOR AN APPEAL ON ACTION OF THE PLANNING COMMISSION IN DENYING REQUEST FOR REZONING OF PORTION OF BLOCK 6133

A letter was read which had been received from Francis E. Thomas and J. V. Porter appealing the decision of the Modesto City Planning Com-

mission for the rezoning of a portion of Block 6133 from One-Family Residential (R-1) to Two-Family Residential (R-2).

RESOLUTION NO. 56-68

A RESOLUTION SETTING DATE OF MARCH 21, 1956, 4:30 P.M. FOR PUBLIC HEARING ON APPEAL OF FRANCIS E. THOMAS AND J. V. PORTER FROM ACTION OF THE MODESTO CITY PLANNING COMMISSION IN DENYING ZONE RECLASSIFICATION

Introduced by Councilman Adams
Seconded by Councilman Hammond

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

Councilman Adams asked that the Council members be furnished with data and map relating to this matter prior to the hearing.

LETTER FROM FRANK ANDREWS

A letter from Frank Andrews asking for "reasonable use of old time bell ringer in order to get facts on recall to the people of Modesto, also sound wagon on streets and use of park for meetings and movies", was read.

Mayor Marks asked that he be granted permission to do whatever was legally permissible.

The City Attorney pointed out that 1) Sound Truck: Ordinance No. 19-C.S. permitted the use of the city streets for the purpose requested subject to certain regulations, but it would be necessary for Mr. Andrews to inform the Council of the days and times he wanted to use the sound truck; 2) Bell Ringer: This is not prohibited by ordinance but it would be dependent upon the volume of the bell, whether it was a public annoyance; 3) Use of city park: There is no ordinance regulating that and Mr. Andrews should request reservation through the Parks & Recreation Department.

MOTION

That the request of Mr. Andrews be denied for the good of the community and everyone interested.

Motion by Councilman Merrill
This motion was not seconded.

The City Manager suggested that Mr. Andrews be notified by letter by the City Clerk that he should set the time he wishes to use a sound truck on the public streets in the business area so that the Council could issue a permit for a specific time. He pointed out that the other requests could be handled administratively in accordance with the ordinance regulations.

MOTION

That the City Clerk be instructed to write a letter to Mr. Andrews setting forth the facts on these matters.

Motion by Councilman Adams
Seconded by Councilman Arata
Unanimously carried.

RESOLUTION FROM EXCHANGE CLUB RECOMMENDING THE ESTABLISHMENT OF FOUR YEAR COLLEGE IN THE MODESTO AREA

A copy of a resolution adopted by the Exchange Club of Modesto recommending the establishment of a four year college in the Modesto area was read.

The City Manager recommended that the Council adopt a resolution supporting this proposal and authorizing the staff to do what it could to assist.

Councilman Merrill recommended that the Council be given more time to consider the matter before a resolution was adopted.

MOTION

That the City Attorney be instructed to prepare a resolution for Council consideration at which time it can be discussed further and that it be placed on the agenda for the next Council meeting.

Motion by Councilman Hammond
Seconded by Councilman Merrill
Unanimously carried

LETTER FROM EXECUTIVE OFFICE OF THE PRESIDENT

A letter received from the Executive Office of the President of the United States acknowledging receipt of the city's resolution relating to flood control was read and ordered filed.

COMMUNICATION FROM DIVISION OF HIGHWAYS WITH REFERENCE TO FREEWAY AGREEMENT (PORTION SOUTHERLY OF TUOLUMNE RIVER AND NORTHERLY OF CITY LIMITS)

The City Manager presented a letter received from J. G. Meyer, District Engineer of the State Department of Public Works, Division of Highways, relating to the proposed freeway on U. S. 99 Highway.

Mr. Meyer stated that the freeway agreements covering the portion between south of Hatch Road and Shoemake Avenue had been submitted to the city and the county. As the agreement between south of Hatch Road and the south bank of Tuolumne River appeared to be satisfactory, he suggested that the city advise the county that this portion of the freeway was satisfactory to the city, since only a small portion of this freeway, in the vicinity of Crows Landing Road, is within the corporate limits of Modesto.

He stated that the freeway agreement covering the portion of the freeway north of the westerly city limits and between Franklin Street and Shoemake Avenue had been revised in line with recommendations made by the city and county. He stated that it would expedite the work of the Division if the city would advise the County Board of Supervisors that these two parts of the freeway, outside the corporate limits of Modesto are satisfactory to the city. He stated that if the county portions of the freeway agreement were signed, it would enable the state to proceed with acquisitions of the right of way on these portions while the part in the city is held in abeyance pending completion of the studies relative to the railroad crossing situation.

The City Manager stated that this action could be considered with the county, if the council approved, before any final action was taken. He pointed out that there could be two separate agreements, one relating to the southern portion and one to the northern portion without covering the center section within the city limits, which would be held in abey-

ance until the state studies on grade separations could be completed. He pointed out that the delay in approving the agreements was causing concern to the property owners on the southern portion.

He read a report, dated February 28, 1956, from the City Traffic Engineer, County Planner and City Planning Director, a copy of which is on file with the records of these minutes, relating to the Traffic Survey by the State Division of Highways. This report indicated that the State Division of Highways was preparing to make an internal traffic survey of the area of Stanislaus County which is included in Modesto City, Ceres, and the unincorporated areas extending from Standiford Road on the north to Service Road on the south and from Dakota Avenue on the west to Claus Road on the east. The survey will cover the months of July, August, September and October, 1956.

The City Manager reported that the cost of survey would be approximately \$55,000, to be assumed entirely by the state.

Councilman Hammond recommended that the city work with the county and proceed with the agreements in order not to hold up the state's engineering studies on these areas.

Mayor Marks asked the audience if any property owners in the northern and southern portion of the freeway area wished to make any statements.

Ralph Sanders, owner of property in the southern section, within the city limits, stated that he was interested in the finalizing of the freeway agreement on this portion of the highway so that he would know where the freeway would be located and whether his business would be disturbed or he would be permitted to continue his operations.

MOTION

That the administrative staff be instructed to work with the county and bring back a report to the Council for final action.

Moved by Councilman Hammond
Seconded by Councilman Adams
Unanimously carried

(Councilman Anderson arrived at the meeting at 4:30 P.M.)

HEARING ON UNCLASSIFIED USE PERMITS--MACHINE SHOP ON GRAND STREET

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for hearing protests against the application for unclassified use permit filed by Robert K. Ford and Son, agents for F.P. Foster, to locate a machine shop and ornamental iron works at 225 Grand Street, portion of lots 5, 6, 7, 8, in Block 216.

The City Clerk reported that the notice of the public hearing on the application had been mailed on February 20, 1956, to property owners within 300 feet of this proposed change, and that no written protests had been received.

Mayor Marks asked if there were any oral objections or any other statements to be made by any person with relation to the application.

Mr. and Mrs. William Smidl, owners of residential property at 227 Grand Street, adjoining the proposed machine shop, filed oral objections on the basis; 1) that the size of the proposed shop would not permit any off street parking and their property would be blocked by customers

parking in the alley and in front of their house; 2) and the noise created by the shop would be a source of annoyance to their tenant who had threatened to move if the shop was established at this location.

Resolution No. 277 adopted by the Planning Commission approving the application on the condition; 1) that there be no outside storage on the premises; and 2) that the business be carried on in conformity with the conditions of the letter submitted by Mr. Foster to the Commission, dated February 1, 1956, was read.

Planning Director Smeath presented a zoning map for the Council's inspection and pointed out that the property involved was in the M-1 zone, light industrial, where there were also some older residences. He reminded the Council that the machine shop classification had purposely been omitted from the zoning ordinance and became an unclassified use, until it is properly classified. He stated that it was considered by the Commission that this area will eventually, and properly should, become industrial and that the denying of this application would not be the proper trend of land use for the area. He reported on the plans for the construction of the building, which would permit off street parking of two cars between the proposed building and an existing 2 family house which the applicant intended to temporarily leave. The denying of this application on a parking provision was not considered by the Commission, he stated, because the parking provisions are not effective at present.

City Attorney Grimes pointed out that the Council legally could impose reasonable parking requirements as a condition of granting the permit even though the parking provisions of the zoning ordinance will not be effective until June 22.

A general discussion was held by the Council members, Mr. Robert Ford and Mr. Foster on the parking situation. Mr. Ford outlined the plans for the building and the type of operations to be conducted.

Mayor Marks asked Mr. Foster, since the most important objection was on parking, how soon he planned to remove the two rental unit on the back of the lot.

Mr. Foster reported on his difficulties in finding a location to operate his business in the city limits. He stated that he did not intend to operate a big shop and would conduct it entirely within the building itself. He pointed out that his type of business would not generate any more parking than a use which would be permitted under the zoning ordinance, such as a laundry, etc. He stated he did not see where there should be any conditions for the removal of the building.

(Councilman Robinson arrived at 5:00 P.M.)

The City Manager suggested that any set back provisions of this property be cleared with the staff.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 56-69

A RESOLUTION GRANTING APPLICATION OF F. P. FOSTER FOR UNCLASSIFIED USE PERMIT TO OPERATE A MACHINE SHOP AT 225 GRAND STREET SUBJECT TO CONDITIONS OUTLINED BY THE PLANNING COMMISSION.

Introduced by Councilman Hammond

Seconded by Councilman Merrill

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

Noes: None Absent: None

Mayor Marks pointed out to Mr. and Mrs. Smidl and others that the Council went along with the Commission's recommendation on the unclassified use permit and that any set back lines, which have nothing to do with the action of the Council, will be cleared by the administrative staff.

HEARING ON UNCLASSIFIED USE PERMIT - FIRST HEBREW CONGREGATION OF MODESTO BUILDINGS ON SHERWOOD AVENUE BETWEEN GRANGER AVENUE AND M.I.D. LATERAL NO. 3

Mayor Marks announced that the hour of 4:35 P.M. had arrived, the time set for hearing protests against the application for an unclassified use permit filed by Robert O. Graser, agent for the Hebrew Congregation to locate a church building, Sunday school and recreation hall on a portion of Lot 7 of the Fresno Tract located on Sherwood Avenue between Granger Avenue and M.I.D. Lateral No. 3.

The City Clerk reported that the notice of the public hearing on the application had been mailed on February 20, 1956, to property owners within 300 feet of the location, and that no written protests had been received.

Resolution No. 278 adopted by the Planning Commission recommending to the City Council the granting of an unclassified use permit, subject to certain conditions, was read.

Mayor Marks asked if there were any oral objections or any other statements to be made by any person with relation to the application.

E. W. Duckart opposed the granting of permit for the following reasons, 1) that the property was purchased without approval of the Planning Commission on the building of church facilities at this location; 2) that if permit was granted there would be three churches within a two block area, and 3) Sherwood is a minor undeveloped, dead-end street, and would create a traffic problem due to the traffic generated by the present Lady of Fatima Church and the future traffic which will be generated by the development of the Lundquist subdivision. He also pointed out that the future plans for the development of the facilities of the Catholic Church would also increase the traffic situation.

The conclusions set forth in a report to Planning Director from Traffic Engineer Carmody, dated February 7, 1956, on the subject "Sherwood Avenue-Proposed Hebrew Church", were considered.

Mr. Smeath pointed out that the Commission had added the condition that the plans for the Hebrew Church facilities be approved by the commission prior to construction, so that whatever limitations were felt essential could be placed upon the property. He pointed out that the membership of the church, according to the records, had not increased materially over a long period of time. The difference in the traffic congestion, due to the construction of these facilities, would be insignificant, was the concensus of opinion of the Commission, he stated.

Mr. Elliott Navon spoke on behalf of the Hebrew Church. The present membership of the church, which is 60 families, will not increase materially over a long period of years; that the church building would not be built for a period of approximately 5 years; the first building to be built would be for a Sunday School room for 50-60 children and off-street parking facilities will be provided. The entire property had to be purchased, he stated, and the real estate operator had advised them it would be approved for church facilities. He reported on the proposed future plans for the development of streets in the area and a bridge across the canal. He stated that the Catholic Church would be welcome to use the extra off-street parking spaces which were not needed

by the Hebrew Church.

Councilman Anderson objected to the fact that the members of the Hebrew Church had taken the word of a real estate operator without knowing what the Council would do. He considered that this forced the Council into a decision.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 56-70

A RESOLUTION GRANTING UNCLASSIFIED USE PERMIT FOR ERECTION OF HEBREW CONGREGATION FACILITIES ON SHERWOOD AVENUE BETWEEN GRANGER AVENUE AND M.I.D. LATERAL #3

Introduced by Councilman Merrill
Seconded by Councilman Robinson

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

LETTER FROM MODESTO POWER BOAT CLUB RE: ANNUAL BOAT SHOW AND DEMONSTRATION

A letter received from Modesto Power Boat Club, Inc. was read. The Club reported its 5th Annual Boat Show would be held at the McHenry Village, April 13, 14 and 15. The U. S. Coast Guard wished to give an Air-Sea Rescue demonstration from a parking area with a HO4S Sikorsky Helicopter on Saturday, April 14, between 3-4 P.M.

The City Manager stated that the staff could clear the arrangements. He pointed out that there was presently no legislation prohibiting or regulating helicopters in the city and suggested that this be considered at a later time.

LETTER FROM STANISLAUS COUNTY SOCIETY FOR CRIPPLED CHILDREN AND ADULTS, INC.

A letter from the Stanislaus County Society for Crippled Children and Adults, Inc. asking permission to hold a "Lily Parade" on Saturday, March 24th, and a street concession on March 31, was read.

The City Clerk reported on the method used by the organization in collecting funds on the public streets. He stated that the location requested for the installation of the concession was 10th and J Streets. The City Manager pointed out that the request for the parade could be handled administratively.

MOTION

That a permit be granted to the organization as requested on the condition that the city be held harmless from any liability.

Motion by Councilman Merrill
Seconded by Councilman Arata
Unanimously carried

ACCEPT BID OF JAMES C. SORENSEN ON MODESTO CITY-COUNTY AIRPORT

Bids received on the construction of a steel hangar at the Modesto City-County Airport, which had been opened in the office of the City Clerk at 2:00 P.M., March 5, 1956, were considered by the Council.

The Director of Public Works recommended that the bid submitted by James C. Sorensen of \$17,903.50, which incorporated plans of the Butler Manufacturing Co. building, be accepted, since it meets the specifications in all respects and the other bids do not. He reported that either type building would provide an adequate structure for the intended purpose. However, he stated, if the Butler type building was not accepted, he recommended that the city readvertise for bids on this project. He stated that this recommendation was made since other companies who have plans for buildings similar in appearance did not bid on this project due to the specifications and it would be unfair to these potential bidders if an offer not meeting the specifications was accepted at this time.

A general discussion was held on the specifications and whether bids should be rejected and a new call be made with a change in the specifications which would permit bids on other types besides the Butler Manufacturing Company.

Mr. Ray pointed out that basically both types of buildings are structurally sound with no apparent advantage in design but differences were primarily in architectural appearance.

The City Manager pointed out that one factor worthy of some consideration as to utility of the building was the ridge sheet.

Harry Sham, Airport Manager, stated that the type of door construction in the Butler building was better since they would roll on the floor instead of being supported from above as under the San Jose Steel plans. He stated that this feature alone would warrant the additional increased monthly rental charged the lessees, since the rental would be based on the cost of the hangar.

Councilman Anderson questioned the use of one company's specification as a basis for city specifications since it was difficult for another company to match them.

Councilman Robinson recommended that the city readvertise with different specifications.

Edward A. Tomlinson, who had submitted a bid of \$16,940 on a building manufactured by the San Jose Steel Co., stated that his bid was based on the most economical building that would meet the specifications. If the city wanted to put up a Butler building, he would have submitted alternate bids as Mr. Sorensen had done. He pointed out that specifications did not call for the submission of alternate bids.

Mr. Ray pointed out that Mr. Tomlinson's bid did not meet the specifications. He stated that the specifications did not call for the submission of alternate bids but Mr. Sorensen had asked him if he could submit alternate bids and he had granted him permission and would assume the responsibility for this.

RESOLUTION NO. 56-71

A RESOLUTION ACCEPTING THE BID OF JAMES C. SORENSEN OF \$17,903.50 FOR THE CONSTRUCTION OF A HANGAR AT THE MODESTO CITY-COUNTY AIRPORT

Introduced by Councilman Arata
Seconded by Councilman Merrill

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

AUTHORIZE CALL FOR BIDS APPROVE SPECIFICATIONS ON INSTALLATION OF STREET LIGHTS IN IMPROVEMENT DISTRICT NO. 3

Specifications for the construction of street lighting system, in the Fremont, Granger and College Village areas (Improvement District No. 3) were presented for Council consideration.

RESOLUTION NO. 56-72

A RESOLUTION APPROVING THE SPECIFICATIONS FOR THE CONSTRUCTION OF STREET LIGHTING SYSTEM - FREMONT, GRANGER AND COLLEGE VILLAGE AREAS AND AUTHORIZING THE CALL FOR BIDS TO BE FILED IN THE OFFICE OF THE CITY CLERK ON OR BEFORE MONDAY, MARCH 26, 1956, AT 2:00 O'CLOCK P.M.

Introduced by Councilman Adams
Seconded by Councilman Arata

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

Noes: None Absent: None

Mayor Marks declared a five minute recess at 6:15 P.M.

Mayor Marks reconvened the Council meeting at 6:20 P.M.

ADOPTION OF ORDINANCE NO. 71-C.S. FALSE REPORT TO POLICE DEPARTMENT

Ordinance No. 71-C.S. entitled: "AN ORDINANCE ADDING SECTION 4-2.31 TO CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO THE PROHIBITION OF MAKING FALSE REPORTS TO THE POLICE DEPARTMENT OF THE CITY", having been heretofore introduced and ordered printed and published at the regular meeting of February 15, 1956, Councilman Robinson moved, seconded by Councilman Hammond, which motion was upon roll call carried by the following vote:

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

Noes: None Absent: None

INTRODUCTION OF ORDINANCE AMENDING SECTION MAP 33 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING PROPERTY (ZIMMERMAN)

Mayor Marks declared the hearing reopened on the application of Henry Zimmerman to reclassify all of lots 1 through 16 in Block 80 and lots 1 through 9, Block 79, of the City of Modesto, and asked if there were any more oral protests or comments for the consideration of the Council.

Resolution No. 283, adopted by the Planning Commission on February 28, 1956, after the matter was referred back to the Commission by the Council, for further consideration, was read, recommending to the Council the reclassification of lots 1 through 9 in Block 79, from General Commercial Zone (C-2) to Light Industrial Zone (M-1).

There were no further comments and Mayor Marks declared the hearing closed.

Councilman Merrill moved the introduction and passage to print of
ORDINANCE NO. 75-C.S.

entitled: "AN ORDINANCE AMENDING SECTION MAP 33 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON", which

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motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

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

Noes: None Absent: None

LETTER FROM STANISLAUS IMPLEMENT AND HARDWARE CO. RE: ESTABLISHMENT OF DIAGONAL PARKING ON SOUTH SIDE OF F STREET BETWEEN 10th AND 11TH STREET

A letter was filed by the Stanislaus Implement and Hardware Company requesting Council consideration for the establishment of diagonal parking on the south side of F Street between 10th and 11th Streets because parallel parking interferes with the company's heavy auto trade. The letter pointed out that the company had widened F Street adjoining its property seven feet in anticipation that when the traffic became congested parallel parking could be eliminated.

The Traffic Engineer pointed out that this location was not a case where there had been diagonal parking removed and parallel parking established and that parallel parking had never been formally legalized.

The Council requested the Traffic Engineer to report on the matter at the next Council meeting.

INTRODUCTION OF ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE: POLICE RESERVE

The City Manager stated that in the city's records the legal status of the Police Reserve was not clear. City Attorney Grimes presented for Council consideration an ordinance which would officially create the Modesto Police Reserve and establish its powers and duties.

ORDINANCE NO. 76-C.S.

AN ORDINANCE ADDING CHAPTER 7 ENTITLED, "POLICE RESERVE" TO TITLE III OF THE MODESTO MUNICIPAL CODE.

Councilman Merrill moved its introduction and passage to print
Seconded by Councilman Arata

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

Noes: None Absent: None

CONSIDER ABANDONMENT OF C STREET BETWEEN ELEVENTH AND TWELFTH STREETS

Resolution No. 282, adopted by the Modesto City Planning Commission on February 21, 1956, recommending to the City Council the abandonment of C Street between 11th and 12th Streets, was read. It was agreed by the Council that Wednesday, March 21 at 4:45 P.M. in the Council Chamber be set as the time and place for the public hearing on the matter.

RESOLUTION NO. 870-S.P.
RESOLUTION OF INTENTION NO. 251

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF C STREET BETWEEN ELEVENTH AND TWELFTH STREETS IN THE CITY OF MODESTO.

Introduced by Councilman Arata
Seconded by Councilman Merrill

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

Noes: None Absent: None

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AUTHORIZE PURCHASE OF SPEARING PROPERTY ON MILLER AVENUE

The City Attorney presented for Council consideration an agreement, executed by Chester Spearing, providing for the purchase of a portion of his property for the sum of \$3,200, plus costs, by the City of Modesto to be used for the widening of Miller and Covena Avenues, together with an ordinance authorizing the purchase of the real property.

The City Manager pointed out that this agreement permitted Mr. Spearing to retain ownership of the garage located on the premises and provided that it should be removed within 30 days after close of escrow.

ORDINANCE NO. 77-C.S.

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM CHESTER C. SPEARING AND HELEN L. SPEARING

Councilman Anderson moved the introduction and passage to print
Seconded by Councilman Hammond

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

Noes: None Absent: None

REPORT BY CITY ATTORNEY ON FILING OF LAW SUIT FOR HOLIDAY PAY

The City Attorney's memorandum to the Council, dated March 5, 1956,--subject: "Claims for Holiday Pay" was briefly discussed. He reported that since the first lawsuit to collect holiday pay was filed on behalf of the executrix of former Police Officer Edgar Howard Maybee by the law firm of Cardozo, Trimbur and Nickerson on February 27, to collect the sum of \$2,984, he had checked into the field of attorneys experienced in matter of this kind, as authorized by Resolution No. 55-458. He recommended the appointment of Robert T. Anderson to assist in defending all legal actions which might be instituted against the city or any of its officers to collect holiday pay. He reviewed the provisions of an agreement between the city and Mr. Anderson which he had prepared for Council consideration.

RESOLUTION NO. 56-73

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ATTORNEY ROBERT T. ANDERSON RELATING TO CLAIMS FOR HOLIDAY PAY.

Introduced by Councilman Arata
Seconded by Councilman Hammond

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

Noes: None Absent: None

RESOLUTION EXTENDING CONTRACT WITH STATE DEPARTMENT OF PUBLIC HEALTH FOR FUNDS FOR POLIOMYELITIS

A letter was read from the State Department of Public Health notifying the city that federal legislation had been extended authorizing the continuance of the local Poliomyelitis Vaccine Program from February 15, 1956, through June 30, 1957. An amendment approving this extension was enclosed for city's approval and execution.

RESOLUTION NO. 56-74

A RESOLUTION APPROVING AMENDMENT TO THE AGREEMENT BETWEEN

THE CITY OF MODESTO, A MUNICIPAL CORPORATION, AND THE STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC HEALTH, FOR THE ADMINISTRATION OF A LOCAL POLIOMYELITIS VACCINE PROGRAM IN THE CITY OF MODESTO.

Introduced by Councilman Robinson
Seconded by Councilman Hammond

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

Noes: None Absent: None

DISCUSSION ON TRAFFIC SIGNALS AND ONE-WAY STREETS

The City Manager reported that plans for the traffic signal at 19th and H Streets were near completion and that bids could be called for soon. He asked the Council to make a decision, before the bids were called for, whether it wished to consider one-way streets in the vicinity of the City Hall since the cost of the traffic signals could be reduced approximately \$400 if the installation was made on a one-way street basis.

Councilman Robinson pointed out that until the city hall site was selected, it would be difficult to know the desirable street pattern in this vicinity.

Mayor Marks asked if the city was in a position to know or could get all these facts together on one-way streets.

Councilman Hammond suggested that the plans and specifications be prepared on both basis--one-way streets and two-way streets.

The Planning Director reported that alternate sites for the city hall would be available to the Council by next week and the committee's recommendation could be turned over to the Traffic Engineer for study for integration of a one-way street program.

A general discussion was held on whether the studies of the Traffic Engineer should be on one-way streets throughout the entire city or only those relating to the city hall area.

The City Manager read a letter received from the Modesto Retail Merchants, protesting the establishment of one-way traffic flow throughout the downtown business district and requesting an opportunity to study and investigate all possible factors before Council action was taken.

The City Attorney pointed out that although the decision on one-way streets was to be made by the Council, it would be well to have a public hearing and invite the general public to express its opinions. Other cities have followed this procedure, he stated, and discussions continued over a period of months before the decision was made.

It was generally agreed by the Council that the Traffic Engineer be instructed to make a study, after the Council-Planning Commission Civic Center Committee had made its recommendation, during the next week, on a site for the City Hall, on a program of one-way streets.

MOTION

That the call for bids for the traffic signals on 19th and H Streets be delayed until the Traffic Engineer could complete his study on one-way streets and submission of report to the Council.

Moved by Councilman Robinson
 Seconded by Councilman Anderson
 Unanimously carried

REPORT ON CAVIL DRAIN BY COUNCIL COMMITTEE

Councilman Adams, chairman of the Council Committee to confer with the Modesto Irrigation District Board on the Cavil Drain, submitted a written report, a copy of which is on file with the records of this meeting.

He briefly reviewed the report and pointed out that the time element was pressing and recommended that a prompt decision be made. It was agreed by the Council members that the report would be studied and further discussion be held at the next Council meeting.

MOTION

That Mayor Marks be authorized to issue an invitation to the members of the M.I.D. Board to be present at the Council meeting of March 14, to discuss the Cavil drain and that the matter be set as a special order of business at 8:00 P.M.

Moved by Councilman Merrill
 Seconded by Councilman Robinson
 Unanimously carried

The City Manager suggested, and the Council concurred, that the interested subdividers be also invited to the meeting.

AUTHORIZE ADDITIONAL BUS STOPS ON SEVENTH STREET AT H STREET

A staff report recommending approval of the request of Willis Kleinenbroich of the Modesto Motor Bus Service for two additional bus stops, one on the Northeast corner of 7th and H Streets, and the other on the Southwest corner of 7th and H Streets, a copy of which is on file with the records of this meeting, was considered by the Council.

RESOLUTION NO. 56-75

A RESOLUTION DESIGNATING BUS LOADING ZONES ON THE NORTHEAST CORNER AND THE SOUTHWEST CORNER OF SEVENTH AND H STREETS IN THE CITY OF MODESTO

Introduced by Councilman Hammond
 Seconded by Councilman Robinson

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

AUTHORIZE INSTALLATION OF "YIELD RIGHT OF WAY" SIGNS ON ENSLEN AT GRISWOLD AVENUE

A staff report recommending the installation of two Yield Right of Way Signs on Enslen at Griswold Avenue was considered by the Council, a copy of which is on file with the records of this meeting.

RESOLUTION NO. 56-76

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON ENSLEN AVENUE AT ITS INTERSECTION WITH GRISWOLD AVENUE IN THE CITY OF MODESTO.

Introduced by Councilman Robinson

Seconded by Councilman Arata

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

Noes: None

Absent: None

REPORT ON APPLICATION TO C.A.A. FOR ADDITIONAL LAND ACQUISITION

The Director of Public Works reported that project application for additional federal funds for the purchase of the Maggi property and a strip of land adjoining the airport, which had been previously approved by the Council, had been completed for submission to the C.A.A. after authorization by the city and county. He recommended that the Council consider transferring the funds from the two previous projects, for land acquisition and airport improvement, to one fund to be known as the Airport Development Fund. This had also been requested by the C.A.A., he reported. This would require the transfer of the funds from the Special Fund for Capital Outlay to the new Airport Development Fund.

RESOLUTION NO. 56-76A

A RESOLUTION TRANSFERRING FUNDS FROM THE SPECIAL FUND FOR CAPITAL OUTLAY TO AIRPORT DEVELOPMENT FUND

Introduced by Councilman Robinson

Seconded by Councilman Arata

This was later withdrawn by Councilman Robinson and Councilman Arata after further discussion.

The City Attorney recommended that the matter be held over for one week until he could make an investigation into the provisions of the Code establishing the Special Fund for Capital Outlay.

ESTABLISH LOADING ZONE AT 922 NINTH STREET

A staff report recommending approval of the request of Lawrence Prato, operator of the Town Apartments and Hotel at 922-24 Ninth Street, for the establishment of a loading zone in front of his hotel was considered by the Council.

RESOLUTION NO. 56-77

A RESOLUTION DESIGNATING A PASSENGER AND FREIGHT LOADING ZONE ALONG THE EAST SIDE OF NINTH STREET BETWEEN F AND G STREETS IN THE CITY OF MODESTO.

Introduced by Councilman Arata

Seconded by Councilman Robinson

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

Noes: None

Absent: None

MAYOR MARKS TO BRIEF LETTERS RECEIVED

Mayor Marks reported that in order to shorten the Council meetings, the City Attorney had approved the procedure of briefing letters received instead of reading them in their entirety. This procedure was approved by the other members.

ACCEPT DEEDS FOR ALLEY PURPOSES IN BLOCK 2020 - IMPROVEMENT DISTRICT #5

The City Attorney presented three grant deeds on property located

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in Block 2020 to be used for alley purposes in Improvement District No. 5.

RESOLUTION NO. 56-78

A RESOLUTION ACCEPTING GRANT DEEDS FROM EARL W. ZIMMER, ALSO KNOWN AS EARLE W. ZIMMER AND FLORENCE J. ZIMMER, HIS WIFE, FRANK V. SEQUEIRA AND CARRIE E. SEQUEIRA, HIS WIFE, AND HAROLD C. HAWLEY AND VELMA B. HAWLEY, HIS WIFE.

Introduced by Councilman Hammond
Seconded by Councilman Robinson

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

Noes: None Absent: None

CONSIDERATION OF ACQUISITION OF PARK IN GARRISON SCHOOL AREA

The City Manager reported that the Council committee on the Teresa Street Park adjoining the Garrison School, had met a number of times with the staff. Consideration was given to three different sites, he reported, and the committee recommends the acquisition of the 6.8 acres belonging to Mr. O. F. Hanson. The appraised value of this property, he stated, is approximately \$2500 per acre, although the owner is asking much more. He recommended that the staff be authorized to acquire the property if necessary by condemnation proceedings.

MOTION

That the City Attorney be instructed to prepare a resolution authorizing the acquisition of the Hanson property by condemnation proceedings and submit it to the Council for consideration.

Moved by Councilman Robinson
Seconded by Councilman Adams
Unanimously carried.

It was pointed out that Mr. Hanson would have the opportunity to further negotiate with the city during the interim period.

APPROPRIATION TRANSFER ON FUNDS FOR AIRPORT IMPROVEMENT PROGRAM

The City Manager recommended the approval of an appropriation transfer of \$8866 from the Capital Improvements Program to Capital Improvements Program - Land Acquisition - Streets \$3500 to be used for the purchase of the Spearing property in the widening of Miller Avenue program and \$5366. for Special Capital Outlay Reserve.

RESOLUTION NO. 56-79

A RESOLUTION APPROVING APPROPRIATION TRANSFER

Introduced by Councilman Robinson
Seconded by Councilman Anderson

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

Noes: None Absent: None

ESTABLISH FREIGHT LOADING ZONE ON TWELFTH STREET BETWEEN C AND D STREETS

A staff report recommending that the request of the Stanislaus Food Products Company for the establishment of a freight loading zone on 12th Street between C and D Streets be approved, was considered by the Council.

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RESOLUTION NO. 56-80

A RESOLUTION DESIGNATING A FREIGHT LOADING ZONE ON TWELFTH STREET BETWEEN C AND D STREETS IN THE CITY OF MODESTO

Introduced by Councilman Robinson
Seconded by Councilman Anderson

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

Noes: None Absent: None

REPORT ON POSSIBLE WELL SITE - DOWNEY HIGH SCHOOL

Director of Public Works reported that the city had proposed the acquisition by purchase or long term lease of the northeast corner to Downey High School property for a well site as being the most ideal location in that vicinity. This was presented to the Board of Education by Dr. James Corson, Superintendent of Schools. The Board has approved the sale of a parcel of property 60' x 50' for a well site to the city for \$750. He recommended that this property be purchased.

MOTION

That the City Attorney be requested to prepare the necessary documents to purchase this property as recommended by the Director of Public Works.

Moved by Councilman Merrill
 Seconded by Councilman Robinson
 Unanimously carried

CONSIDER PROPOSAL FOR AGREEMENT ON SUMMER CAMP

The City Manager reported that Wilbur Twining, operating the Pinecrest Chalet wished to again enter into an agreement with the city to reserve the camp for Modestians during a portion of this summer season. He reported that a number of changes would be made, such as the reservation period would be later and reservations would be granted for a period of less than one week.

MOTION

That the Council enter into an agreement with Wilbur Twining for a summer camp for citizens of the community during the summer season of 1956.

Moved by Councilman Hammond
 Seconded by Councilman Arata
 Unanimously carried

CONSIDERATION OF REQUEST FOR CITY WATER CONNECTION OUTSIDE CITY LIMITS

The Director of Public Works reported that Joe Mineni, owner of a dwelling on Don Street, outside the city limits, adjacent to a city water line, had asked that the city reduce its charge for water connections outside the city. The City Manager stated that the matter would be checked further with Mr. Mineni.

MAYOR MARKS APPOINTS A COMMITTEE

Mayor Marks appointed a committee, composed of Councilmen Arata, Chairman, Hammond, and Merrill to work with the Modesto Reds Baseball Club to clear certain problems.

FINAL REPORT ON OPERATION OF SERVICE AND WATER DIVISIONS OF PUBLIC WORKS DEPARTMENT

Councilman Hammond suggested that due to the late hour that final consideration of the report on the Service and Water Divisions of the Public Works Department be delayed until the next Council meeting.

MOTION

~~That the City Attorney be requested to prepare the necessary documents to purchase this property as recommended by the Director of Public Works.~~

~~Moved by Councilman Merrill~~

~~Seconded by Councilman Robinson Unanimously carried~~

Director of Public Works Ray presented Bill Rifenburg, Service Division Superintendent, Leroy McFarland, Assistant to the Public Works Director and Ed Ames, Chief Pump maintenance man.

PRELIMINARY REPORT ON SEWAGE DISPOSAL AND SEWERS FILED BY DIRECTOR OF PUBLIC WORKS DEPARTMENT

The Director of Public Works filed copies of preliminary report on Sewage Disposal and Sewers with each Council member for study and

final consideration at a later meeting.

REPORT BY CITY ATTORNEY ON CHANGE OF NAME OF THE MODESTO BAND

The City Attorney reported that the name of the Stanislaus County Boys' Band had been officially changed to Modesto Band of Stanislaus County and that payment of the costs of \$500 for the change in name as previously agreed by the Council could be authorized.

RESOLUTION NO. 56-81

A RESOLUTION AUTHORIZING PAYMENT OF \$500 TO THE MODESTO BAND OF STANISLAUS COUNTY FOR EXPENSES INCURRED IN THE CHANGING OF NAME OF BAND

Introduced by Councilman Merrill
Seconded by Councilman Arata

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

Noes: None Absent: None

PROPOSAL FOR CONTEST TO FIND A NAME FOR "ALL AMERICAN YOUTH"

The City Manager suggested a proposal for a contest to find a name for "All American Youth". He read a report on the proposed contest, a copy of which is on file with the records of this meeting. He suggested that the contest be a community-wide, city sponsored, teen-age title contest, open to all young people in junior or high schools.

Mayor Marks stated he would be responsible for the prizes to be offered and that the name be chosen by a board of judges appointed by himself. The City Manager suggested that others would wish to contribute and recommended that the awards be made on the Youth in Government Day to be observed by the City on May 16, 1956.

It was agreed by the Council that the participants should not be limited to Key Club entirely but should be community-wide; that the awards should be made on the Youth in Government Day; that the project be sponsored by the city through the schools; that all mention of any organization be avoided.

MOTION

That the City of Modesto sponsor a contest to find a name for "All-American Youth" and work through the schools and that the award be made on Youth in Government Day.

Moved by Mayor Marks
Seconded by Councilman Merrill

Unanimously carried.

PROGRESS REPORT ON PLANS FOR DENNETT DAM

Director of Public Works Ray reported that preliminary plans for the construction of the Dennett Dam had been completed by County Engineer Deatsch, as per agreement with the County. The plans are being reviewed by state agencies. The Fish and Game Commission has recommended minor changes in the plans. The City has checked the plans. He pointed out that the ideal time for the construction of the dam would be as close to July 1st as possible. He stated that financing has to be arranged.

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REPORT ON STATUS OF CONSIDERATION OF UNIFORM SALES TAX

The report on the status of consideration of uniform sales tax was ordered held over until a future date.

REPORT ON STATE LEGISLATIVE MATTERS(a) Planning Funds

The City Manager reported that the Governor had placed the matter of a State agency to receive federal planning funds and other matters relative to allocation of federal planning funds on the agenda of a special session of the State Legislature. He suggested that the Council adopt a resolution urging the adoption of necessary legislation.

RESOLUTION NO. 56-82

A RESOLUTION STATING THE NEED FOR THE ESTABLISHMENT BY THE CALIFORNIA STATE LEGISLATURE OF A STATE AGENCY QUALIFIED AND AUTHORIZED TO RECEIVE AVAILABLE FEDERAL FUNDS FOR PLANNING

Introduced by Councilman Adams
Seconded by Councilman Hammond

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

Noes: None Absent: None

Airport Financing

The City Manager reported that the matter of airport revenue bonds had also been placed on the special session agenda, and should not be controversial.

PRELIMINARY REPORT ON DISASTER AND CIVIC DEFENSE ACTIVITIES

The City Manager reported that local city and county officials had been working today with Mr. E. C. Setzer, Regional Coordinator of Region 3 of the State Civil Defense, and arrangements would be made to hold a county-wide meeting shortly and asked that the Council members arrange to attend.

REPORT ON CITY MANAGER'S SPRING CONFERENCE

The City Manager reported briefly on the City Manager's Spring Conference which he had attended in Anaheim, February 29 and March 1.

ADJOURNMENT

MOTION

That the Council meeting now in session adjourn.

Moved by Councilman Arata
Seconded by Councilman Anderson

The meeting was adjourned at 8:00 P.M.

ATTEST:


REX E. GAILFUS, CITY CLERK

March 14, 1956

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

APPLICATION OF PACIFIC GREYHOUND TO CHANGE BUS SCHEDULE

A notice of the application filed by the Pacific Greyhound Bus Company with the Public Utilities Commission to change certain bus schedules was considered by the Council.

MOTION

That the notice of the hearing before the Public Utilities Commission be referred to the Traffic Engineer for a report on the effect to Modesto on the proposed change in bus schedules by the Pacific Greyhound.

Moved by Councilman Arata
Seconded by Councilman Hammond
Unanimously carried

LETTER FROM MODESTO RETAIL MERCHANTS RE: INCREASE IN PARKING METER RATE

A letter from the Modesto Retail Merchants protesting to any increase in the parking meter rate fees, was read.

It was agreed by the Council that the letter be filed until the matter was before the Council for consideration and that the organization be advised that before any official action was taken it would be notified.

ADOPTION OF ORDINANCE NO. 73-C.S. AMENDING ZONING ORDINANCE (BUFFER STRIP AND HECKENDORF PROPERTY)

ORDINANCE NO. 73-C.S.,

entitled: "AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON", introduced on February 23, 1956 and having been printed and published as required by the Charter and coming on for final consideration was moved for adoption.

Motion by Councilman Arata
Seconded by Councilman Hammond

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Anderson, Merrill

ADOPTION OF ORDINANCE NO. 74-C.S. AMENDING ZONING ORDINANCE (BAKER-NEWMAN)

ADOPTION OF ORDINANCE NO. 74-C.S.

"AN ORDINANCE AMENDING SECTION MAP 33 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"
 Introduced on February 23, 1956 and having been printed and published as required by the Charter and coming on for final consideration was moved for adoption.

Motion by Councilman Adams

Seconded by Councilman Robinson

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Anderson, Merrill

APPROVE SPECIFICATIONS AND PLANS AND AUTHORIZE CALL FOR BIDS ON STORM RELIEF PUMP STATION AT NINTH AND M.I.D. LATERAL #4

Plans and specifications for the construction of a storm relief pump station at Ninth and M.I.D. Lateral No. 4 were presented by Director of Public Works Ray for Council consideration. He recommended that the date for opening of bids be set for 2 P.M., April 2, 1956, in the office of the City Clerk.

Mr. Ray reported that since it was necessary to construct an extra small structure on the MID right of way for control of the gate, the estimated cost of \$2700 would be increased to the order of \$4,000. He pointed out that the major question at this time was that there were no funds available for this construction at this time.

It was considered by the Council that since this construction related to the over-all drainage problem that funds would be made available from either the Capital Improvement Fund or the General Reserve fund.

Councilman Arata considered that the Council should proceed on this construction although the expenses were higher than estimated since this pumping unit could be used as experiment for other locations in the city.

RESOLUTION NO. 56-85

A RESOLUTION APPROVING THE PLANS AND SPECIFICATION FOR THE CONSTRUCTION OF A STORM RELIEF PUMP STATION AT NINTH AND MID LATERAL #4 AND AUTHORIZE THE CALL FOR BIDS

Introduced by Councilman Arata

Seconded by Councilman Hammond

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

Noes: Councilmen: None

Absent: Councilmen: Anderson, Merrill

REQUEST FOR CURB CUT VARIANCE -- JACK CROUCH, AGENT FOR SOUTHERN CALIFORNIA TRUCKING COMPANY

Jack Crouch, agent for the Southern California Trucking Company, filed a request for a curb cut variance, as provided by Section 7-1.106 of the Modesto Municipal Code. He asked that the company be granted permit for a 150 ft. curb cut for its trucking terminal to be constructed on the west side of 12th St. between D and E Streets.

Mr. Crouch and Mr. Ed Heyman, representative of the trucking company, outlined the plans for the construction and operation of the terminal. Mr. Crouch stated that this size curb cut would permit

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the storage of the trucks off the street.

The Director of Public Works recommended that a maximum curb cut of 128 feet be granted on the condition that 1) the usual curb cut fee for replacement be paid, 2) driveway and sidewalk areas be constructed in accordance with the code and specifications of the Public Works Department; and 3) the three street trees involved be removed at the expense of the property owner.

Traffic Engineer Carmody stated that if he was given further time to study the proposed plans that he might be able to come up with a better solution.

Mr. Heyman agreed that although time was a consideration that one week's delay would not delay the company's plans materially.

Mayor Marks asked that the matter be placed on the agenda for the Council meeting of March 21th.

RESOLUTION ESTABLISHING AIRPORT DEVELOPMENT FUND

As requested by the Council, City Attorney Grimes presented for Council consideration a resolution establishing the Airport Development Fund. He pointed out that because of the existing provisions of the Municipal Code relating to the Special Fund for Capital Outlays contained in Article 1, Chapter 1, of Title VIII and the provision of Section 8-2.129 of the Code relating to Sales and Use Tax, it was not legally possible to establish a separate airport development fund outside of the Special Fund for Capital Outlay. The proposed resolution, he stated, has been drawn to establish a special airport development fund within the special fund for capital outlays, which is permissible.

RESOLUTION NO. 56-84

A RESOLUTION ESTABLISHING THE AIRPORT DEVELOPMENT FUND OF THE CITY OF MODESTO AND AUTHORIZING THE TRANSFER OF FUNDS INTO THE AIRPORT DEVELOPMENT FUND

Introduced by Councilman Arata
Seconded by Councilman Robinson

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Anderson and Merrill

RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$18,000 FROM THE GENERAL RESERVE TO AIRPORT DIVISION FOR CONSTRUCTION OF HANGAR

As directed City Manager Miller presented for Council consideration a resolution providing for the appropriation transfer of \$18,000 from the General Reserve to the Airport Division for airport hangar construction.

RESOLUTION NO. 56-86

A RESOLUTION APPROVING APPROPRIATION TRANSFER

Introduced by Councilman Arata
Seconded by Councilman Hammond

Ayes: Councilmen: Adams, Arata, Hammond, Robinson and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Anderson and Merrill

Councilman Arata recommended that the Council members inspect the improvements at the airport---Nakagawa farm operations and the hangar now under construction by the Grange Company.

Mayor Marks complimented Councilman Arata on his handling of the airport matters.

FURTHER DISCUSSION ON CAVIL DRAIN

Mayor Marks declared that the hour of 8:00 P.M., had arrived, the time set for further discussion of matters relating to the Cavil drain.

A letter received from L. E. Bither, Secretary of the Board of the Modesto Irrigation District, acknowledging receipt of the Council's invitation for the Board to be present at this hearing, was read. Mr. Bither stated that some of the members would be unable to attend due to illness; that the board members were of the opinion that in discussions heretofore had with members of the Council (Council Committee) the Board's position had been made quite clear; that if the Council or members wished to further discuss the matter they could do so at any of the Board's regular meetings which were held each Monday.

The City Clerk stated that no written communications had been received.

Mayor Marks stated that the Council should not accept the premise that the door was closed to any further negotiations since it would be unfair to the people of the city of Modesto who pay a large share of the District's taxes. Also, he stated, the city is the District's best customer.

MOTION

That the City Manager submit a report to the Council on the sum of money paid by the City to the District annually for electricity.

Moved by Councilman Robinson
Seconded by Councilman Arata
Unanimously carried

Councilman Adams, Chairman of the Council Committee recommended that the Council go over the basic features of the Cavil Drain and that the department heads report on the problems involved.

Director of Public Works Ray reported that the District proposed that the drain be treated according to one of the following procedures:

- (a) Placed in a 40' wide strip of land deeded to the MID or as an easement to the MID, separate and distinct from any alley or street, but adjacent to an alley or street. In this case the MID would permit service across the 40' strip to an alley or street from abutting property for access, refuse collection, or other purposes, or
- (b) Placement of a pipe in a public street not less than 80' in total width with a surface not less than 60' between faces of curbs; and with the MID being given a 40' easement in the center of the street, which easement would be prior

to any other easements or dedications made to the city or other agencies or individuals, or

- (c) The placing of the drain in a 20' strip of land in the center of a street with a 60' curb to curb width, which strip of land could be landscaped and maintained by the city, or would remain undeveloped but which strip would be exclusively for the use of the MID Cavit Drain. This would require an 80' right-of-way.

This was proposed by the District for the Nortgate Subdivision Mr. Ray stated. The Planning Director, Traffic Engineer and the Public Works Department have gone over this particular subdivision and have all agreed that there would never be sufficient traffic generated to justify an 80' street. The Subdivider would have to construct 24 feet of unnecessary paving which would have to be maintained by the city. The City would be involved in the maintenance and reconstruction, he stated, and in this particular subdivision where the street would be approximately 3000 feet long there would be an annual expenditure by the city of \$1600 because of the additional width which is not needed. There may be occasions when an 80' street would be needed and in those cases there would be no problem involved, excepting that the District's proposal is that this 40' easement would be a prior right.

The Modesto City staff recommends, he stated, that the drain be treated as follows:

That the Drain be considered as a public utility in the same manner as a gas line, a sewer line, or another water line, and be placed either in a regular city street or in a regular city alley. The city street would be 60' wide, with a width of 40' between curbs if the street were a local or collector street, or would be 80' wide with a distance of 64' between curbs if the street were a major street. In either case there should be no prior easements but MID would have the right to occupy the street and construct, repair and maintain the facilities the same as any other public utility.

Mr. Ray pointed out that it would be necessary for any utility crossing an M.I.D. right of way to obtain a permit from the district before it could be located in the street.

Councilman Adams stated that some question was raised whether the city could accept property where there was a prior right in the street.

Councilman Merrill arrived at 8:05 P.M.

City Manager Miller displayed maps showing the District proposal for handling the Drain and maps showing the City's proposals. He pointed out that the width of the easement is not set forth in the District's easement but stated that "it is to be constructed and maintained so as to do the least possible damage to the lands through which it shall run". The basic problem is that at the time this easement was granted the surrounding area was rural but now since the property is being developed as urban the problems have arisen which must be solved. The District has insisted that they must have a 40' easement to which they have a prior rights for the maintenance of the drainage line which is a 36" line and only buried approximately three feet underground. The district believes that the line should be maintained in such a manner that if it has to be dug up nobody

would be disturbed and traffic could proceed down the street on both sides.

Councilman Adams stated that the District would accept a joint right of way agreement and perhaps something could be worked out on that basis.

Councilman Hammond pointed out that the district's interpretation of the word "joint" would still give the District prior rights.

The City Manager stated that most of the subdividers have agreed to put in a superior type of pipe at an extra cost to them and which would keep the maintenance problem to a minimum. The question to be resolved is---is the city willing to approve a subdivision with extra wide streets which would mean extra expense to the tax payers to maintain.

Mayor Marks pointed out that from the example cited by the Director of Public Works on the extra cost to the city in the Northgate Subdivision, it would mean an expenditure of \$32,000 over a period of 20 years, the normal amortization period.

The City Manager pointed out that somebody would also have to first pay for the land.

Ruth Potter, Associate Planner speaking for Director of Planning Smeath who was absent due to illness, stated that the Planning Staff agreed that if the 40 feet was placed adjacent in an alley, it would present a nuisance due to the growth of weeds, dust and dirt besides being unsightly.

The City Manager pointed out that practically every public street had utilities of various kinds and that there was no problem in maintenance. Some of the City's sewers were 18 feet deep and were located in 60' streets with 40' curb to curb width, or less. He stated that the Council Committee had proposed to the District after consideration of numerous alternative solutions to the problem, the following two compromise procedures:

- (a) Where the Cavill Drain should be located in the rear of residential lots, the placement of the Drain in a 30' MID right-of-way or easement adjacent to a 10' Modesto City Alley with the provision that the MID would grant an easement over the 10' of their right-of-way adjacent to the 10' alley for alley purposes, thus providing an effective 20' alley for the use of the city and other public agencies and abutting property owners, and an exclusive 20' right-of-way for the use of the MID for the Cavil Drain, with the MID also being able to use the 20 feet available for alley purposes. It was felt this would give the MID to all intents and purposes a 40' area for location of the Drain.
- (b) Where the Cavil Drain should be located in a street, the street right-of-way would be not less than 70' wide with a minimum distance of 50 feet between the curbs and with the MID authorized to locate the Cavil Drain as the first public utility facility in the street but without prior easement or other prior rights.

Councilman Adams reported that the District had turned down the Committee's offer to submit the above suggestions for compromise to the City Council, as neither was acceptable to the Board. The Committee felt unable to recommend the District's proposals to the Council because of extra costs and the poor community planning involved.

Councilman Merrill pointed out that while the stand taken by the District might be good sound basis for the District, it was not good for the community at large. The Council Committee has recommended a compromise in the city's stand, he stated and the District should do likewise

The City Manager stated that the subdividers had been most patient in trying to work out a satisfactory solution and had agreed to meet any reasonable requirement.

A general discussion was held on the possibility of settling the "impasse" in court since the city did not have the right to condemn in this case as the MID was a governmental agency of equal dignity.

The City Attorney pointed out that litigation might be instituted to define the area or width of the easement since the deed of conveyance to the District did not describe how wide it was, that the court could be asked to define the limitation of the easement.

Mayor Marks asked for comments from the audience.

John Quaresma, Subdivider, pointed out that if the District did not have the grant deed to that property, any subdivider would have the right to grant an easement and set forth the width. If a subdivider filed his map under the state map act with the easement a certain width, the District, he stated could not do anything about it. Under this act all the subdivider has to do is to grant an easement the District has to accept and maintain its pipe line.

Melvin Ware, Engineer, stated that the District had been asked what it would do if a subdivider would proceed on this basis and the District had stated that it would immediately start condemnation proceedings.

Mayor Marks stated that this might bring the matter to a head.

Councilman Arata pointed out that the District had used this area for a drainage ditch for many years. It would be the same proposition if a street had been used for many years. He thought the city would be wasting its time to try this procedure.

Councilman Adams stated that the alternatives available for the Council to consider were; 1) that the proposals of the MID be accepted; 2) That the Council refuse to approve any additional subdivisions located adjacent to the Cavill Drain; or 3) That other solutions to the problem be considered.

He recommended that as far as sewer service is concerned that for the present, the commitments which the city already has approved in this area be worked out, but the tentative sewer line on the north be restricted to the area south of the Cavill Drain and the city not accept any other subdivisions north of this line. If we pull this line back it then becomes a problem for the subdivider to work out with the District and the city will not be responsible for the streets.

The City Manager pointed out that if this tentative sewer line was pulled south the city would not become involved in the drain; that 20,000 people in this community went into debt \$2,500,000 to serve an area and that area is reaching its limits on the north. He questioned why 35,000 people in the city should be taxed to maintain wide streets in subdivisions when the line could be pulled south and the area stretched out to the east. He questioned why the citizens of the city should be asked to solve a boundary line problem, when there are hundreds of acres of land to the east and west and south that can be served with sewers without any problem.

Mayor Marks pointed out that the city had done away with 3-4,000 septic tanks and that it would be undesirable to see another 3-4000 take their place.

Whether subdivisions would be approved without sewer service was discussed. The people will be the one who are hurt if an area is developed without sewers and also the landowners who own the land along the Cavil Drain might not be able to sell Subdivisions.

The City Manager pointed out that the city had an obligation to provide sewer service where it could economically and feasibly do so but that it did not have an obligation to serve areas posing an impossible problem. He pointed out that the city did not want subdivisions without sewers if it could build extensions to an area in the city and it had a responsibility to do so. He stated he would submit a further report on this matter shortly.

Councilman Adams asked whether, at this point, and in view of the discussion, an official request should be sent to the Board to reconsider its decision.

Mayor Marks suggested that the District be asked to hold a public hearing on the matter, and the farmers in the Cavil Drain area, subdividers, engineers and the Council members could attend. The meeting be held at the Board Chamber on a Monday at the regular meeting of the Board so that everyone interested could be there to present their point of view.

MOTION

That the Council request the MID Board to hold a public hearing, with the community at large invited, to further discuss the Cavil Drain problems.

Moved by Councilman Merrill
 Seconded by Councilman Robinson
 Unanimously carried

Mayor Marks pointed out that if no one was interested enough to show up at the meeting, except the Council, the city could then pull back its northern tentative sewer line and forget about serving the Cavil Drain area with sewers.

Mayor Marks declared the hearing closed.

APPROVE AGREEMENT BETWEEN THE CITY AND WILBUR TWINING FOR OPERATION OF A SUMMER FAMILY CAMP AT PINECREST CHALET

As directed by the Council, the City Attorney presented for Council consideration an agreement between the city and Wilbur Twining for the operation of a family camp at Pinecrest Chalet for the 1955 summer season.

Director of Parks and Recreation Lowrey outlined the basic changes in the agreement---dates for camp July 28, to August 19, change in weekly rates; and arrangements for daily rates for families who desire to use the camp for periods less than a week.

RESOLUTION NO. 56-87

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WILBUR TWINING FOR THE OPERATION OF A SUMMER FAMILY CAMP AT PINECREST CHALET

Introduced by Councilman Robinson

Seconded by Councilman Adams

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

Noes: Councilmen: None

Absent: Councilmen: None

CONSIDER AMENDMENT TO MUNICIPAL CODE RELATING TO PROCEDURE FOR GRANTING CREDIT FOR PERSONAL PROPERTY TAXES ON BUSINESS LICENSE FEES

As directed by the Council, the City Attorney presented for Council consideration a suggested draft of an amendment to Section 6-1.201, subsection (b) of the Municipal Code relating to procedure for granting credit for personal property taxes on business license fees.

He stated that the proposed ordinance had been prepared along the lines discussed by the Council and provided "In order to obtain credit the person licensed shall present the receipted tax bill to the Director of Finance on or before Sept. 30 of the fiscal year in which the personal property taxes became payable. In the event said receipted tax bill is not presented---the amount of the credit shall be reduced by a cumulative penalty of five (5%) percent for each quarter or fraction thereof of delay in presentment, commencing on Oct. 1 of the year in which said personal property taxes became payable!"

The proposed ordinance also provided that this provision be retroactive and shall apply to all personal property taxes paid for the 1954-55 fiscal years.

Several of the Council members opposed the retroactive provision. A general discussion was held on the penalty provision and various suggestions considered:

- 1- Should a person, who is late in filing, loose out entirely or should a 5%-10% or 15% or some other cumulative penalty each quarter be established if he fails to file as of a certain date (September 30);
- 2- That for administrative purposes the September 30 cut off date for filing would be more desirable;
- 3- Whether the credit should carry over from one fiscal year into the next until the entire credit was used or should be terminated at the end of the fiscal year.
- 4- Whether the cumulative penalty should be established at 25% and terminated on July 1 of each year.
- 5- Whether consideration should be given to the fact that the County is now collecting the taxes instead of the city as in former years.

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Procedure for handling the credit in the Finance office was outlined by Director of Finance Lawrence. He also outlined the basis considered on the possibility of retroactive credit. He pointed out that it would prove to be a big bookkeeping problem for the Finance Department if the filing date was extended beyond December 31 because the credit should be applied against the business license tax in the year in which it occurs and the department would want to be sure that the credit would not apply to quarters previously paid since this would result in a refund in many instances.

MOTION

That the provision in the proposed ordinance relating to retroactive application be deleted

Motion by Councilman Merrill
Seconded by Councilman Adams
Unanimously carried

Councilman Hammond moved the introduction of the ordinance with the retroactive clause deleted and a provision for the filing of credit by October 1 and a 5% cumulative penalty after that date. This motion was seconded by Councilman Merrill.

Councilman Anderson moved to amend the motion of Councilman Hammond to provide that the cumulative penalty be 25% per quarter and the remaining credit, if any, terminate entirely at the end of the fiscal year. This motion was seconded by Councilman Arata but upon a roll call Mayor Marks declared the amendment to the motion did not carry.

City Attorney Grimes pointed out that to accomplish Councilman Hammond's purpose his motion should be tabled and the staff be instructed to bring back revised ordinance to carry out the suggestions.

Councilman Anderson moved, seconded by Councilman Arata, that the motion introduced by Councilman Hammond and seconded by Councilman Merrill be tabled.

Councilman Robinson suggested that the proposed ordinance be amended to increase the penalty from 5% to 25% a quarter.

Councilman Anderson moved, seconded by Councilman Arata that the staff prepare and bring back an ordinance providing for 25% penalty per quarter. Mayor Marks called the roll and declared the motion did not carry.

Councilman Anderson moved, seconded by Councilman Arata, and it was unanimously carried, that the staff be instructed to prepare an ordinance providing for a 5% cumulative penalty each quarter until one year after the date for presentment expires after which time no credit would be allowed

REQUEST FOR EXTENSION OF TIME FOR FILING OF FINAL MAP ON WESTLAND MANOR SUBDIVISION NO. 2

A letter received from W. E. Grant advising that he had been unable to complete the necessary work to permit him to submit a final map on Westland Manor #2 within the required term of one year, was read. Mr. Grant reported that the tentative map approval expired on March 8, 1956. and asked for a further extension of ninety days from this date, to file the final map.

MOTION

That the request of W. E. Grant for an extension of 90 days to submit the final map on Westland Manor #2 be referred for checking to the Planning Department

Motion by Councilman Merrill
Seconded by Councilman Hammond
Unanimously carried

RESOLUTION ESTABLISHING NO PARKING ZONES ADJACENT TO THEATERS FOR THE PARKING OF BICYCLES

As directed by the Council, the City Attorney presented for Council approval a resolution providing for the establishment of "no parking" zones near the State and Strand theaters for the parking of bicycles during all performances, and rescinding that portion of Resolution No. 10,303-N.S. and all resolutions or portions of resolutions in conflict.

A staff report recommending the proposed establishment of the No parking zones, as requested by Ray Duddy, district Manager for the Modesto Theaters, was reviewed.

RESOLUTION NO. 56-88

A RESOLUTION ESTABLISHING NO PARKING ZONES THE SOUTH SIDE OF TENTH STREET BETWEEN J AND K STREETS AND THE WEST SIDE OF J STREET BETWEEN THIRTEENTH AND FOURTEENTH STREETS IN THE CITY OF MODESTO

Introduced by Councilman Robinson
Seconded by Councilman Anderson

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

Noes: Councilmen: None

Absent: Councilmen: None

REPORT ON REQUEST OF HENRY ZIMMERMAN OF THE STANISLAUS IMPLEMENT AND HARDWARE COMPANY FOR DIAGONAL PARKING ON F STREET BETWEEN TENTH AND ELEVENTH STREETS

As previously requested by the Council, Traffic Engineer Carmody reported on his investigation of the request of Henry Zimmerman of the Stanislaus Implement & Hardware Company, 10th and F streets for the legalizing of the diagonal parking on the south side of F Street, which had been practiced for sometime without legislation or diagonal stall markings, and which had recently been converted to parallel parking by the city. Mr. Carmody pointed out that although the traffic volume was not critical in this area at this time, the change had been made in line with the general Council policy---that parallel parking be established on streets of this width (57). He pointed out that the City of Modesto has been down-graded in its safety rating during the past years because of the fact diagonal parking was permitted on certain streets. He stated that the number of spaces had been reduced from 18 to 12 at the time parallel parking was established. He asked that the Council consider, when solving this specific problem, whether it wanted diagonal parking in other parts of the city with similar conditions. He pointed out that there was an available public parking lot within a distance of one-half block, adjoining the main fire station on 11th Street. He recommended that instead of diagonal parking the Council consider:

- 1- Install one-hour parking meters on both sides of F Street, between 10th and 11th Streets
- 2- Install two-hour parking meters on both sides of 10th Street between E and F Streets

which would provide better conformance to the parking limitations.

He gave a detailed report on the present use of the parking spaces which had been obtained by the Traffic Department personnel after a 50 man-hour study, involving two surveys taken between 9 A.M. and 6 P.M. at one-half hour intervals.

Mr. Henry Zimmerman, who was present, stated that the parking report did not show the true pattern because the company had three peak periods during the day; 8:30 a.m., 3:00 p.m. and 5:00 p.m. He stated that the company had widened the alley. F Street had also been widened by the company by reducing the sidewalk area to permit diagonal parking. The company's and the employees' cars, he stated are not parked near the store. The company has a shortage of spaces for its customers, especially since the parking spaces on F Street have been reduced from 18 to 12, and this loss is quite important at certain times of the day. The company will avail itself of the public parking facility on 11th street, he stated. He pointed out that the company had customers coming from Galt, Merced, Sonora and that no other firm in town had customers coming from such a long distance. The company and the city wants these people to trade in Modesto and it should be made easy for them to do so, he stated. He considered that since the company had widened the street, at considerable expense, for the benefit of the whole city, it should be given some consideration for diagonal parking. He contended that no other firms in the city had widened the street area and considered that it might be a good thing for the city to consider at other locations throughout the business area as a solution for parking problems. He stated that the company needed all of its expensive vacant property to properly carry on its business since the nature of its business required the display of large equipment. The lots are presently crowded with machinery. He asked that the city do something about the parking during the peak periods since the company's customers were complaining they could not find a parking space close enough to the building to load heavy machinery parts. Some of the customers are pulling trailers, he stated, and it is difficult to find parking spaces close to the store. It would prove a public hazard if the materials and machinery parts were loaded onto hand trucks and pushed across the streets to be loaded into the customers cars, besides being costly to the company in time consumed by the clerks. He considered that special consideration should be given because the company was a heavy taxpayer and wished to remain in Modesto and not be put to the expense of moving its store out of the city.

Mr. Carmody pointed out that this company owned vacant lots near its store on which farming machinery was displayed. He asked again that the Council's decision be based on the fact--should there be diagonal parking in the city. He reported that he had discussed the possibility of establishing a loading zone on F Street but Mr. Zimmerman had advised the company did not want a loading zone.

Councilman Arata pointed out that F Street was a dead end street at Ninth Street, one block away. He asked if there was a traffic problem on F Street.

Mr. Carmody replied that there was not a traffic problem at this time. He pointed out that the Council had agreed that there would not be any diagonal parking and the Traffic Department was following instructions when it installed parallel parking on F Street. However, he stated, this might be a special case since the company

had widened the street seven feet. This would mean that if diagonal parking was established, the cars would only be sticking into the street area four feet more than if parallel parking was established. Mr. Zimmerman's suggestion that this system of widening streets be used in other business area, he stated, would not work our satisfactorily in all cases since the sidewalk area would be reduced to eight feet.

Councilman Merrill stated that the granting of this request would not be establishing a precedent due to the unusual circumstances.

MOTION

That the City Attorney be authorized to prepare a resolution for Council consideration establishing diagonal parking on the South side of F Street between Tenth and Eleventh Street.

Motion by Councilman Merrill
Seconded by Councilman Arata
Unanimously carried

Mayor Marks asked that the language of the resolution set forth the fact that the request was approved by the Council because of the special circumstances involved. It was generally agreed by the Council that the same consideration would have been given to anybody else under the same circumstances.

Mr. Carmody asked, since the members had inspected the premises during the past week, whether they had observed that some of the machinery displayed on the 11th Street lot, was on the sidewalk area.

Mr. Zimmerman agreed to remove the machinery from the sidewalk area upon the request of Mayor Marks.

ACCEPTANCE OF THOUSAND OAKS PARK SEWAGE PUMPING PLANT

Director of Public Works Ray reported that the Thousand Oaks Park Sewage pumping plant had been completed by the contractor, North Bay Construction Company, to the satisfaction of the City Engineer, and the acceptance of the project by the city, recordation of Notice of Completion with the County Recorder, and payment of amounts due as provided by the contract, was recommended.

RESOLUTION NO. 56-83

A RESOLUTION ACCEPTING THE THOUSAND OAKS PARK SEWAGE PUMPING PLANT FROM THE NORTH BAY CONSTRUCTION COMPANY, AUTHORIZING RECORDATION OF NOTICE OF COMPLETION AND PAYMENT OF AMOUNTS DUE.

Introduced by Councilman Anderson
Seconded by Councilman Robinson

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

FINAL REPORT ON SERVICE AND WATER DIVISION OF PUBLIC WORKS DEPARTMENT

Council consideration was given to the final report on the Service and Water Division of the Public Works Department.

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Councilman Hammond suggested that more information be placed in the reports which would help him on specific problems which would be coming up in the budget.

A general Council discussion was held on the problems in connection with the wastage of water which was more prevalent under the flat rate system, which also created a severe drainage problem.

The City Manager pointed out that although every effort was made to contact those who are wasting water by allowing it to run down the gutters, there was not sufficient personnel to fully accomplish this. He suggested that it might justify the hiring of one man full time for that purpose only during the summer season. He pointed out the difficulty involved due to the public relation angle, in hiring a seasonal employee who would have the necessary qualifications to satisfactorily handle this type of work. He recommended that the program be accelerated if possible.

APPOINTMENT OF JAMES G. SIMVOULAKIS AS MEMBER OF THE MODESTO CITY PLANNING COMMISSION

Mayor Marks reported that James G. Simvoulakis had agreed to serve if appointed by the Council on the Modesto City Planning Commission. The term of his appointment would be for a four year term beginning January 1, 1956 and he would succeed Neil Cecil.

RESOLUTION NO. 56-89

A RESOLUTION APPOINTING JAMES G. SIMVOULAKIS A MEMBER OF THE MODESTO CITY PLANNING COMMISSION

Introduced by Councilman Merrill
Seconded by Councilman Arata

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

Noes: Councilmen: None

Absent: Councilmen: None

MOTION

That Mayor Marks be authorized to write a letter to retiring member Neil Cecil, commending him on his service to the city while serving on the Commission

Motion by Councilman Adams
Seconded by Councilman Robinson
Unanimously carried

RESOLUTION ESTABLISHING "NO PARKING" ZONES ON SHERWOOD AND GRANGER AVENUES (CATHOLIC CHURCH)

A staff report recommending that three "no parking" zones be installed on Granger Avenue and Sherwood Avenue near the Lady of Fatima Church, was considered by the Council. Traffic Engineer Carmody recommended that the zones on Granger and on the westerly side of Sherwood be effective at all times since this street is a half-street.

RESOLUTION NO. 56-90

A RESOLUTION ESTABLISHING NO PARKING ZONES ON THE SOUTH SIDE OF GRANGER AVENUE BETWEEN ENSLEN AND FLORIDA AVENUES, THE EAST SIDE OF SHERWOOD AVENUE BETWEEN ORANGEBURG AND GRANGER AVENUES AND ON THE WEST SIDE OF SHERWOOD AVENUE BETWEEN GRANGER AVENUE AND CATALINA WAY IN THE CITY OF MODESTO.

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Intoroduced by Councilman Merrill
Secoded by Councilman Robinson

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

Noes: Councilmen: None

Absent: Councilmen: None

APPROVE APPOINTMENT OF CITY MANAGER MILLER BY ASSEMBLYMAN C. E. CHAPEL
TO THE CITIZENS' ADVISORY COMMITTEE ON AVIATION

The City Manager reported receipt of a letter from Assemblyman C.E.Chapel appointing him to the Citizens' Advisory Committee on Aviation, which is being formed by the Assembly Interim Committee on Public Utilities and Corporations and of which Mr. Chapel is Chairman.

MOTION

That the City Manager be authorized to serve as a member of the Citizens' Advisory Committee on Aviation being formed by the Assembly Interim Committee on Public Utilities and Corporations.

Moved by Councilman Hammond
Secoded by Councilman Robinson
Unanimously carried

SET TIME AND PLACE HOLD PUBLIC HEARINGS ON GRANTING UNCLASSIFIED USE
PERMITS (Elvera Nunes--Masonic Cemetery)

Resolution No. 385 adopted by the Modesto City Planning Commission recommending to the Council the granting of an unclassified use permit to the Masonic Cemetery Association for the expansion of its present cemetery to include the north 560 feet of Block 595, bounded by Bodem Street on the west and Cedar Street on the north was considered by the Council.

RESOLUTION NO. 56-91

A RESOLUTION SETTING THE TIME OF 8:00 P.M. MARCH 28, 1956 IN THE COUNCIL CHAMBER OF THE McHENRY PUBLIC LIBRARY AS THE TIME AND PLACE FOR THE PUBLIC HEARING ON THE PETITION OF THE MASONIC CEMETERY ASSOCIATION FOR THE GRANTING OF AN UNCLASSIFIED USE PERMIT FOR THE EXPANSION OF ITS PRESENT CEMETERY

Introduced by Councilman Robinson
Secoded by Councilman Hammond

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

Noes: Councilmen: None

Absent: Councilmen: None

Resolution No. 284 adopted by the Modesto City Planning Commission recommending to the Council the granting of an unclassified use permit to Elvera Nunes for the day care of ten children at 1128 College Avenue, was considered by the Council.

RESOLUTION NO. 56-92

A RESOLUTION SETTING THE TIME OF 8:05 P.M. March 28, 1956 IN THE COUNCIL CHAMBER OF THE McHENRY PUBLIC LIBRARY AS THE TIME AND PLACE FOR THE PUBLIC HEARING ON THE PETITION

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OF ELVERA NUNES FOR THE GRANTING OF AN UNCLASSIFIED USE PERMIT FOR THE DAY CARE OF TEN CHILDREN

Introduced by Councilman Adams
Seconded by Councilman Merrill

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

Noes: Councilman: None Absent: None

RESOLUTION AUTHORIZING AND REQUESTING THE TRANSFER OF APPROVED FEDERAL PARTICIPATING FUNDS FOR CIVIL DEFENSE RADIO EQUIPMENT FROM THE CITY TO THE COUNTY

The City Manager reported that the Board of Supervisors had accepted the city's offer to transfer and assign its rights to the grant of matching funds by the State Office of Civil Defense to purchase and install a radio communication system.

RESOLUTION NO. 56-93

A RESOLUTION AUTHORIZING AND REQUESTING THE TRANSFER OF APPROVED FEDERAL PARTICIPATING FUNDS FOR CIVIL DEFENSE RADIO EQUIPMENT FROM THE CITY OF MODESTO TO THE COUNTY OF STANISLAUS

Introduced by Councilman Merrill
Seconded by Councilman Anderson

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

Noes: None, Absent: None

STAFF AUTHORIZED TO PROCEED ON LITIGATION TO SECURE RIGHTS OF WAY IN BLOCKS 2210-2211

The City Manager reported that it had been impossible to secure the necessary rights of way for alley purposes in blocks 2210, 2211, 2227 and 2231 in the LaLoma Improvement District #5 area. The interests of some of the heirs was not cleared in court and it would be necessary to clear the estate in order to clearly define certain interests. He recommended that the staff be authorized to proceed with its plans for the installation of sewer lines in a ten foot strip of land adjoining these blocks, which would be the logical location for an alley, and if challenged, condemnation proceedings could be instituted by the city. He pointed out that this procedure would save considerable time for the city.

Director of Public Works Ray pointed out that the only other alternative for the city to consider would be to deny sewer service to these areas by leaving the area out of the improvement district. He stated that some of the necessary signatures on the rights of way could be obtained.

MOTION

That the staff secure as many of the required signatures as possible for the 10 foot rights of way on blocks 2210, 2211, 2227 and 2231 and to proceed with the plans for the installation of sewer line in the Improvement District No. 5 and if challenged to proceed with the necessary condemnation proceedings to acquire the easements.

Moved by Councilman Robinson
Seconded by Councilman Anderson
Unanimously carried

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FINANCIAL REPORT FOR MONTH OF FEBRUARY 1956 FILED BY CITY MANAGER

The City Manager filed the financial report of the city for the month of February, 1956.

PRELIMINARY REPORT ON PURPOSE AND OPERATIONS OF THE PUBLIC WORKS DEPARTMENT-SEWAGE DISPOSAL AND SEWER DIVISIONS FILED

Preliminary report on the Sewage Disposal and Sewer Divisions of the Public Works Department was filed by the Director of Public Works, for final Council consideration at the Council meeting of March 21.

GIFT OF STOVE FOR GIRL SCOUT CLUBHOUSE BY GRAHAM'S FURNITURE CO.

The City Manager reported receipt of a gift of a second hand electric stove to be used at the Girl Scout Clubhouse, to replace an old stove damaged by the recent flood, by Sheldon Graham of Graham's Furniture Co. The stove was completely overhauled by the personnel of the Modesto Irrigation District including Gene Lee.

MOTION

That the City accept the donation and Mayor Marks be authorized to write letters of appreciation to Sheldon Graham and Gene Lee.

Motion by Councilman Merrill
Seconded by Councilman Anderson
Unanimously carried

REPORT ON CIVIC CENTER BY JOINT COUNCIL-PLANNING COMMISSION COMMITTEE

Copies of a report prepared by the Planning Staff listing various sites for the City Hall in the Civic Center which were considered by the Joint Council-Planning Commission committee, were distributed to the Council members for study.

Councilman Anderson, Chairman of the Council committee reported that at a joint meeting of the committees March 13, area #1, bounded by LaLoma, Scenic Drive, Rue DeYoe and James Street had been selected with qualifications as the site to be recommended for study to the Council and the Commission for the construction of the City Hall.

Councilman Merrill, member of the Council Committee, stated that since the committee meeting, he would withdraw his approval of this site, until the commission and Council had an opportunity to inspect sites.

Councilman Anderson recommended a field trip to the Civic Center area by the Council as a whole to inspect all four sites listed on the report by the Planning staff.

Councilman Arata opposed the selection of area #1 and stated he favored #2 area bounded by Scenic Drive, Downey, Melrose and Bodem. He also suggested a tour of the area by the Council.

Councilman Anderson reported that the Traffic Engineer would delay his traffic report on the area for a week until some site was selected. The Traffic plan, he stated, should conform to some definite city hall site.

MOTION

That the Members of the Council and staff inspect the city hall sites presented by the Planning staff and joint committees Monday at 4:00P.M.

Moved by Councilman Arata
Seconded by Councilman Robinson
Unanimously carried

ADJOURNMENT

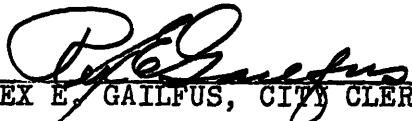
MOTION

That the Council meeting now in session adjourn.

Moved by Councilman Anderson
Seconded by Councilman Robinson
Unanimously carried

The meeting was adjourned at 10:50 P.M.

ATTEST:



REX E. GAILFUS, CITY CLERK

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

Mayor Pro Tempore Adams opened the meeting due to the temporary absence of Mayor Marks, who arrived at 4:06 P.M.

The Acting City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Mayor Marks

Absent: Councilmen: Robinson

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

Rev. George A. Miller, pastor of the Four Square Gospel Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular meeting of February 22, special meeting of February 23, and adjourned regular meeting of February 23, and the same being available for public inspection and there being no objections, the minutes were approved.

REQUEST FROM LEAGUE OF WOMEN VOTERS TO PARK VAN ON J STREET TO REGISTER VOTERS

A request filed by the League of Women Voters for permission to park a van south side of J Street at Tenth Street, April 5, 7 and 12 for the purpose of registering voters, was considered by the Council.

City Manager Miller recommended that the request be approved on the same basis as a previous request in March, 1954.

MOTION

That the League of Women Voters be granted permission to park a van on the South side of J Street at Tenth Street on the days specified above for the purpose of registering voters, on the condition that the League contact the Police Chief and Traffic

Engineer and make arrangements for parking of van and that the Police Chief be directed to check with adjoining property owners before the van is parked.

Moved by Councilman Anderson
Seconded by Councilman Merrill
Unanimously carried

ADOPTION OF ORDINANCE NO. 75-C.S. AMEND SECTION MAP 33 OF THE ZONING MAP OF THE CITY (ZIMMERMAN PROPERTY)

ORDINANCE NO. 75-C.S., entitled:

"AN ORDINANCE AMENDING SECTION MAP 33 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"

introduced on March 7, 1956 and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Councilman Arata
Seconded by Councilman Anderson

Ayes: Councilmen: Anderson, Arata, Merrill, Mayor
Pro Tempore Adams

Noes: Councilmen: None

Absent: Councilmen: Robinson, Hammond, Mayor Marks

ADOPTION OF ORDINANCE NO. 76-C.S. AMEND MUNICIPAL CODE RELATING TO POLICE RESERVE

"AN ORDINANCE ADDING CHAPTER 7 ENTITLED. "POLICE RESERVE" TO TITLE III OF THE MODESTO MUNICIPAL CODE." introduced on March 7, 1956 and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Councilmen Merrill
Seconded by Councilmen Arata

Ayes: Councilmen: Anderson, Arata, Merrill and
Mayor Pro Tempore Adams

Noes: Councilmen: None

Absent: Councilmen: Hammond, Robinson and Mayor Marks

Mayor Marks arrived at 4:06 P.M.

ADOPTION OF ORDINANCE NO. 77-C.S. AUTHORIZE PURCHASE OF CHESTER C. SPEARING PROPERTY

ORDINANCE NO. 77-C.S., entitled:

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM CHESTER C. SPEARING AND HELEN L.

SPEARING." introduced on March 7, 1956 and having been printed and published as required by the Charter and coming on for final

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consideration was moved and adopted.

Moved by Councilman Anderson
Seconded by Councilmar Adams

Ayes: Councilmen: Adams, Anderson, Arata, Merrill
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Hammond and Robinson

INTRODUCTION OF ORDINANCE NO. 78-C.S. PROVIDE FOR LEASE OF PORTION
OF AIRPORT HANGAR TO ROBERT A. PHILLIPS

ORDINANCE NO. 78-C.S., entitled:

"AN ORDINANCE PROVIDING FOR THE LEASE OF AIRPLANE HANGAR SPACE AT
THE MODESTO CITY-COUNTY AIRPORT TO ROBERT A. PHILLIPS, AN INDIVIDUAL
AND AUTHORIZING THE EXECUTION OF A LEASE IN CONNECTION THEREWITH"
was introduced and ordered printed and published, as required by
the Charter.

Moved by Councilman Arata
Seconded by Councilman Merrill

Ayes: Councilmen: Adams, Anderson, Arata, Merrill
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Robinson and Hammond

INTRODUCTION OF ORDINANCE NO. 79-C.S. PROVIDING FOR THE LEASE OF
PORTION OF AIRPLANE HANGAR AT AIRPORT TO NAKAGAWA BROTHERS

ORDINANCE NO. 79-C.S., entitled:

"AN ORDINANCE PROVIDING FOR THE LEASE OF AIRPLANE HANGAR SPACE AT
THE MODESTO CITY-COUNTY AIRPORT TO NAKAGAWA BROTHERS, A PARTNER-
SHIP, 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 Councilmer Adams
Seconded by Councilmen Merrill

Ayes: Councilmen: Adams, Anderson, Arata, Merrill
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Robinson and Hammond

INTRODUCTION OF ORDINANCE NO. 80-C.S. AUTHORIZE PURCHASE OF CHARLES
T. CARROLL PROPERTY FOR PARK PURPOSES

The City Manager pointed out that the Carrolls' offer to sell their property to the city was based on the condition that the city would plant and maintain a hedge along the northerly property line of the remaining portion of their lot to screen it from the portion being purchased by the City.

ORDINANCE NO. 80-C.S., entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM CHARLES T. CARROLL AND ELLA CARROLL" was introduced and ordered printed and published as required by the Charter.

Moved by Councilman Arata
Seconded by Councilman Adams

Ayes: Councilmen: Adams, Anderson, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Robinson and Hammond

MOTION

That the planting and maintaining of a hedge, by the City of Modesto, along the northerly property line of the remaining portion of the Carroll lot be approved.

Motion by Councilman Arata
Seconded by Councilman Anderson
Unanimously carried

INTRODUCTION OF ORDINANCE NO. 81-C.S. AUTHORIZE PURCHASE OF IRIS KEWIN PROPERTY

ORDINANCE NO. 81-C.S., entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM IRIS S. KEWIN." was introduced and ordered printed and published as required by the Charter.

Moved by Councilmen Adams
Seconded by Councilmen Merrill

Ayes: Councilmen: Adams, Anderson, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Hammond and Robinson

FURTHER CONSIDERATION OF CITY HALL SITE

Director of Planning Smeath reported that the location of the City Hall in the Civic Center had been considered briefly by the Planning Commission at its regular meeting held on March 20. Due to the limited time left to the Commission, after its meeting, to inspect the various sites, it was agreed that a special meeting

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would be held Tuesday, March 27 and this matter would be taken up as a special order of business and thoroughly discussed and its recommendation be transmitted to the Council the following day, March 28.

Councilman Anderson, Chairman of the Council Committee, recommended since the decision, on the site would be far reaching and a number of persons had indicated interest, that the Council hold a public hearing after the recommendation of the Planning Commission had been received by the Council so that everyone has an opportunity to "speak his piece and possibly give us some ideas not already thought of."

Councilman Arata concurred in the suggestion that the hearing be held after the Commission had filed its recommendation.

Councilman Anderson recommended and it was generally agreed that the date for the hearing be set at the Council meeting of March 28.

MOTION

That the Council does at this time signify its intention to hold a public hearing so that a full public discussion can be held and that ample public notice be given to all citizens of this community so that those desiring to participate in the discussion may do so and that the hearing date will be set at the regular Council meeting of March 28 after the Planning Commissions's recommendation has been filed with the Council.

Moved by Councilman Anderson
Seconded by Councilman Arata
Unanimously carried

The City Manager recommended that the matter of the site be presented to Council in regular meeting and that it would be appropriate to go through the proposals for the four areas later in the meeting in preparation for the final decision, so that any question raised could be cleared or reports submitted at the next meeting. (see further discussion on page 10)

INTRODUCTION OF ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE
(PERSONAL PROPERTY TAX CREDIT)

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As directed by the Council, the City Attorney presented a redraft of a proposed ordinance relating to personal property tax credit, which he briefly reviewed.

ORDINANCE NO. 82-C.S., entitled:

"AN ORDINANCE AMENDING SUBSECTION (b) OF SECTION 6-1.201 OF ARTICLE 2 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE" (Personal property tax credit) was introduced and ordered printed and published, as required by the Charter

Moved by Councilman Anderson

Seconded by Councilman Arata

Ayes: Councilmen: Adams, Anderson, Arata, Merrill
and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Robinson, Hammond

RESOLUTION RECOMMENDING THE ESTABLISHMENT OF A FOUR YEAR STATE COLLEGE IN THE MODESTO AREA

As directed by the Council, the City Attorney presented for Council consideration a resolution recommending the establishment of a four year state college in the Modesto area.

RESOLUTION NO. 56-94

A RESOLUTION RECOMMENDING THE ESTABLISHMENT OF A FOUR YEAR STATE COLLEGE IN THE MODESTO AREA

Introduced by Councilman Anderson

Seconded by Councilman Adams

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

Noes: Councilmen: None

Absent: Councilman: Robinson and Hammond

LETTER RECEIVED BY MAYOR MARKS FROM MODESTO IRRIGATION DISTRICT

With the unanimous consent of the Council, Mayor Marks was permitted to bring up a matter which was not on the agenda-- letter received from L. E. Bither, Secretary to the Board of Directors, Modesto Irrigation District regarding a public hearing on the Cavil Drain. The letter advised that "The Board, pursuant to your request, has instructed me to advise you that they will be pleased to discuss this matter further with you and the members of the Council at their regular Monday meeting on March 26, 1956 at 2:00 o'clock P.M."

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After a general discussion of the wording of the invitation, it was agreed that it would not be appropriate for the Council to invite others to come, only to tell them the meeting is being held.

MOTION

That it is the wish of the Council that those persons who had indicated an interest in the matters relating to the Cavil Drain at the Council meeting of March 14 be notified that a regular meeting will be held by the Board of the MID on March 28 at 2:00 o'clock P.M. in the Chamber of the Board, 823 11th St. to further discuss the problems relating to the Cavil Drain.

Councilman Hammond arrived at the meeting at 4:30 P.M.

PROGRESS REPORT ON ANALYSIS OF CITY SERVICES TO CAVIL DRAIN AREA

The City Manager reported that the report requested by the Council covering an analysis of the alternatives of city services to Cavil Drain area, was not yet complete. He stated that the report was more difficult than expected and asked that sufficient time be given so that the staff could be on "solid ground on what is being proposed." He stated that Planning Director Smeath had suggested that the report not be along negative lines but should show areas where the city could logically serve, so that development could be encouraged in these areas.

Councilman Arata asked how much further the city could go in installing sewer laterals and how much money remained for this purpose.

The City Manager pointed out that this would be included in the report. He stated that the city would shortly have plans for the trunk lines in the LaLoma area.

The City Manager reported, as requested by the Council, that the City had paid to the Modesto Irrigation District \$83,459.95 for electric energy for the year ending February 29, 1956. He pointed out that the city had a number of different electrical rates but if it could receive one basic rate it would mean a greater savings to the city.

HEARING ON APPEAL TO COUNCIL FOR REZONING OF BLOCK 6133-LOTS 1-8 INC

Mayor Marks declared that the hour of 4:30 P.M. had arrived, the time set for consideration of the appeal filed by Francis E. Thomas and J. V. Porter from the decision of the Planning Commission denying the application for an amendment to the zoning map of the City of Modesto to rezone from One-Family Residential (R-1) to Two-Family Residential (R-2), the east half block 6133 of the Hudelson Tract, as provided in Section 10-2.2110.

The Acting City Clerk reported that the notice of this public hearing had been published in the Modesto Journal, the city's official newspaper, on March 8, 1956 as required by the Municipal Code, that no written protests had been filed; that one letter asking favorable consideration be given to the appeal had been received.

Resolution No. 280 adopted by the Modesto City Planning Commission on February 21, 1956 denying the application of Francis E. or Sara M. Thomas for a rezoning of the property was considered by the Council.

Director of Planning Smeath presented maps and reported on the zoning of the surrounding area. He stated that the Commission considered that the zoning should not be changed for a single lot and the property could be developed for a single family and should be developed in that zone. He pointed out that the five duplexes now located on Timothy Avenue between Granger Avenue and Judith Lane are the only nonconforming residential uses in the R-1 zone in the immediate vicinity but may continue to be operated as two family houses. He pointed out that the rezoning of this area to R-2 would not create a buffer zone between the commercial properties on McHenry Avenue and the R-1 area to the west, since zoning in and of itself did not determine land use, but such land use is partially determined by what is now existing on the property. The Commission considered that the rezoning to R-2 would not be good zoning practice.

Lawton Hards, 1614 Timothy, spoke on behalf of a number of property owners on Timothy Lane, protesting to the rezoning of the property because the building of additional duplexes would depreciate the value of the property in that area.

Mr. Porter, owner of the lot in question, stated that he had purchased the lot with the understanding that it was already zoned for a duplex. He stated that the lot was too large, 84 x 125', for a single family dwelling.

Mayor Marks pointed out that because a person is told at the time he purchases property that it is zoned for a certain type of building and finds out later that this is not the case, is not any basis for changing of the zoning,--each case must be decided on its merits. He pointed out the importance of people checking with the city offices before purchasing and definitely determining the zoning on property.

City Attorney Grimes pointed out the two alternatives the Council could consider 1) if it feels that the property should be reclassified from R-1 to R-2, to ask for a further report from the Commission and adjourn this hearing until a later date or 2) if the Council feels it should support the position of the Planning Commission, the application should be denied and a resolution to that effect, stating the reasons as set forth in the Planning Commission Resolution why it is doing so, should be introduced. Mayor Marks declared the hearing closed.

RESOLUTION NO. 56-95

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION THAT THE APPEAL OF FRANCIS E. THOMAS AND J. V. PORTER FOR THE REZONING OF THE EAST ONE HALF OF BLOCK 6133 FROM SINGLE-FAMILY (R-1) TO TWO-FAMILY (R-2) BE DENIED FOR THE REASONS SET FORTH IN RESOLUTION NO. 280 ADOPTED BY THE, MODESTO CITY PLANNING COMMISSION.

Introduced by Councilman Adams
Seconded by Mayor Marks

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

Mr. Smeath reported that Mr. Porter was not only told by the private individual who sold him the lot that it was already zoned for duplex but had apparently been advised that it would not be necessary for him to appear at the public hearing on the reclassification of the zoning, that the Commission would grant it anyway.

Mayor Marks pointed out the importance of the buyer being informed as to the zoning since it had been demonstrated on a number of cases coming before the Council that incorrect zoning information had been given by the seller.

HEARING ON PROPOSED CLOSING OF C STREET BETWEEN 11-12th STREETS

Mayor Marks declared that the hour of 4:45 P.M. had arrived, the time set for consideration of the petition for the closing of C Street between 11th and 12th Streets filed by T. K. Beard, President of the Modesto Terminal Company

The Acting City Clerk reported that the Resolution of Intention had been published on March 8, 1956 in the Modesto Journal, the official newspaper of the city; that the portion of the street proposed to be closed had been posted, as required by law; and that no protests had been filed.

The Planning Director reported that he had contacted the Engineer for the Pacific Telephone & Telegraph Company, who informed him that a letter was in the mail notifying the city that an agreement had been made between the Modesto Terminal Company and the Telephone Company concerning the closing of the street and that the company did not oppose the closing of this portion of C Street.

The City Manager stated that preliminary information indicated that the city held title to this street but a title report stated that the city did not hold title and it would automatically revert to the adjacent property owners, if abandoned.

Mayor Marks asked if any one wished to make any oral statements or comments. No remarks were made. Mayor Marks declared the hearing closed.

RESOLUTION NO. 871-S.P.

A RESOLUTION CLOSING AND ABANDONING A PORTION OF C STREET BETWEEN ELEVENTH AND TWELFTH STREETS IN THE CITY OF MODESTO

Introduced by Councilman Arata
Seconded by Councilman Anderson

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

Noes: Councilmen: None

Absent: Councilmen: Robinson

FURTHER DISCUSSION ON CITY HALL SITE

The City Manager reported that the matter of the selection of a city hall site had not formally been presented to the Council by the Council City Hall Committee. He recommended that a brief resume be made by Director of Planning Smeath and Traffic Engineer Carmody for the information of the Council, and after these presentations that Mr. Milton Pfleuger Architect, who was present, speak briefly on the various sites. After these presentations questions could be raised by the Council members and audience, he stated.

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Mayor Marks pointed out that this would only be an official presentation to the Council by the committee but that no decision would be made at this time.

Director of Planning Smeath reported that the joint Council-Commission City Hall Committee, after many meetings had selected the following four sites for Council consideration:

AREA NO. 1

Areas bounded by LaLoma, Scenic Drive, Rue De Yoe, and James Street, which includes 4.7 acres; 3.5 in properties and 1.2 in streets and alleys. The zoning in this area is entirely C-1, however land use at the present time also includes a number of residences, 3 churches, two vacant parcels and two city owned parcels. This site is close to the present central business district. Since it is zoned commercial it may develop in commercial uses if not acquired. The site is bordered by 2 rather heavily travelled streets. This location would be a prominent one, with a reasonably high elevation at the intersection of Scenic Drive and Burney Streets.

Mr. Smeath pointed out the 4.7 acres did not include the Market Basket store at the intersection of Downey and LaLoma and the joint committee, in its discussion, considered that it should be acquired also which would increase the area by 5,500 square feet. He stated that Area #1 was selected by the joint committee as the one to be recommended to the Council for favorable consideration.

The City Manager suggested that if there was additional information and points of study the Council would like to have the staff clear before the public hearing, that they be raised at this time.

Mr. Smeath continued with his report on the sites:

AREA NO. 2

Areas bounded by Scenic Drive, Downey, Melrose, and Bodem includes 4.7 acres; 3.7 in properties and 1.0 acres in streets and alleys. The zoning is partially C-1 and partially R-2. Land use at present includes commercial parcels industrial residential and one vacant parcel. The site is on a major street and this frontage is zoned commercial. Some recent building activity has been going on in this area. The preliminary estimate indicates that this site would be most costly.

AREA NO. 3

Area bounded by Downey, James, Newgate, and including one tier of lots south of Rue De Yoe, included 5.4 acres; 3.9 in properties; 1.5 acres in streets and alleys. Zoning is entirely R-2. Land use at present includes single-family residences one two-family residence and 2 vacant parcels. This site lies in the center of the civic center area. Access would have to be over existing street. This is the least expensive site; however, future development might be more difficult with growth possible in any direction. The area to the north and east might be more difficult of expansion later, due to enhancement of the commercial values in the area after construction of the City Hall.

AREA NO. 4

Area bounded by Downey, Newgate, Harriett, and the tier of lots south of Rue De Yoe, included 3.9 acres; 2.8 acres in properties and 1.1 acres in streets and alleys. Zoning is entirely R-2. Land use at present consists of residence with no vacant parcels. This is the smallest site. It is now on a major street; however, Harriett may become one, if required for proper circulation after study by the Traffic Engineer.

Mr. Smeath reported that since the study had been made on the areas it has been considered that Newgate should be left open part way between areas No. 3 and 4 for access. He pointed out that these studies on the various area were not definite as to area but only approximate and in each case will vary somewhat depending upon the different streets.

He reported that a copy of the above Site Analysis of the various areas together with a copy of a report on "Civic Center-City Hall site Analysis Chart" had been distributed to the Council members and were available for public inspection.

REPORT BY TRAFFIC ENGINEER CARMODY

Traffic Engineer Carmody stated that the accessibility of areas number one and number two was a very important feature. As the city hall site is the only development of the civic center presently being planned, and it is possible that it may be the only governmental development for sometime, he stated, it would be well to contemplate the advantages of locating in sites 1 or 2 for the following reasons:

- 1- Commercial areas are nearby. These areas are certainly more compatible with a city hall than would be the residential areas near the other sites.
- 2- A city hall would not be accessible to the public if it were removed from major streets. (sites 3 and 4)
- 3- Mass transit lines are nearer to sites 1 and 2 than to the others. In fact, at the present time two bus lines pass site No. 1 and one passes site No. 2.

He stated that his memorandum, dated March 13, 1956 to Planning Director Smeath set out in detail points to be considered on the various sites, a copy of which is filed with the record of this meeting.

Mayor Marks stated that at the time of the public hearing on the City Hall site, the Council would ask for a more detailed report on the traffic analysis, as it would effect the 19th and H Street intersection, one way streets, access to the city hall etc.

The City Manager was requested by the Council to report on the approximate cost to the city to replace its present fire station No. 3, which is located in Area #1 site on Downey Avenue.

Mr. Milton Pflueger, stated that the reasons for the selection of the civic center were many but the most important were 1) that it was not too far removed from the Commercial area of the city 2) that the area was surrounded by natural barriers, the two main streets and the Beard Brook, and 3) that it was not too close to the center of the business area, which was a definite advantage.

He pointed out the importance of selecting the most advantageous area for the City Hall, which should be considered the first and most important building. In selecting this area, the Council must envision the over-all plan for the entire center.

He stated that he had made a thorough study of the various sites with the Commission and Planning Staff. Site No. 1, he stated, is at the apex of the designated Center area, from which future development may radiate; that it is nearest the city proper, and is at a point where important traffic arteries converge, giving it importance visually, as well as convenience. With future development the City Hall would still be the focal point, both when approached from the City as well as from within the Center area. In the interim until such future development takes place, the City Hall occupies an untouchable, important position.

He pointed out that if site 3 or 4 was selected due to the fact it was located near the park area recently acquired by the city along the creek, that the traffic arteries would have to be realigned and if no further development occurred in the next 15-20 years the City Hall would still be in an isolated location. He pointed out that the City Hall should be planned with good outcor vistas and with green areas, trees, etc. integrated but this does not signify that it must be contiguous to the Creek and Park area. There are, he stated, in his opinion, many other building types which can take much greater advantage of these natural facilities than would a City Hall, such as cultural or recreation facilities. He stated that site No. 1 is higher with a general slope to the Park Creek area and would enhance its importance and desirability. He stated that a City Hall was an office building and should be encompassed by trees, shrubs but there was no reason to locate it in site 4 for this reason alone.

He stated that there were definite advantages both ways by selecting site No. 1, if something happens soon and other buildings are built in the center, the City Hall would be in the right spot and on the other hand if no development occurred for a number of years the site would still be right. He stated that in other civic centers it has always proved that when development starts, it is considered that the center is large enough but it never is. He stated that he was not in a position to advise on the traffic or property value of one site vs. another, that this was something for the Council to consider after studying available reports from the Engineer, Traffic Engineer and Planning Director. From the immediate as well as long-range point of view and from the practical and aesthetic consideration, Site No. 1, he stated, has very definite advantages.

He stated, when asked by the Council, that whatever necessary legal procedure should be taken by the Council on whatever site is selected to control the purchase and development of all property within the entire area.

To a question from Councilman Hammond, Mr. Pfleuger stated, that when the city built its city hall that commercial development in the remaining area would increase materially which would make it more costly to acquire and develop the rest of the area.

Councilman Anderson asked if any other combination of the property in the area would be more advantageous than the areas included in the four sites. Mr. Pfleuger did not consider it of any importance.

He spoke briefly on the types of buildings which could be fitted into the center.

RESOLUTION ESTABLISHING DIAGONAL PARKING ON SOUTH SIDE OF F STREET
BETWEEN TENTH AND ELEVENTH STREETS

As directed by the Council, the City Attorney presented for Council consideration a resolution which would provide for diagonal parking on south side of F Street between 10th and 11th Streets, adjoining the property of the Stanislaus Implement & Hardware Co.

RESOLUTION NO. 56-96

A RESOLUTION DESIGNATING ANGLE PARKING ON THE SOUTH SIDE OF F STREET BETWEEN TENTH AND ELEVENTH STREETS IN THE CITY OF MODESTO

Introduced by Councilman Arata
Seconded by Councilman Merrill

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

Noes: Councilmen: None

Absent: Councilmen: Robinson

PROGRESS REPORT ON RAILROAD CROSSING PROTECTION

The City Manager reported that the Southern Pacific Company suggested that flashing lights be installed at the Kansas Avenue crossing, replacing the wig-wags presently in place. This suggestion he stated is an outgrowth of a suggestion made by the Traffic Engineer that the company consider installation of additional "two train" indicators. The Company estimates the cost of the flashing lights at \$5,490, with the city's share \$1,373 if Public Utilities Commission participation could be obtained. The City Manager stated that although the better protection is desirable, with the limited city funds available it may be better to concentrate them on the grade crossing gates at H and I Streets. He suggested to which the Council concurred since no funds were provided for this job that a further study be made and a report submitted later.

FURTHER CONSIDERATION OF STATUS OF PARKING PROGRAM

Councilman Hammond stated that since the 30 day period had elapsed during which time any interested group would have an opportunity to present a parking program to the Council for consideration, he suggested the Council Committee be disbanded. He pointed out that the parking problem needed immediate attention and suggested that a new committee be established to set up a parking program. Councilman Arata suggested that the Council Parking Committee carry over on these new parking problems.

The Council as a whole recognized the fact that the job for which this committee was appointed was complete.

Councilman Hammond recommended that a new committee be appointed to bring to the Council various alternatives and suggestion as soon as possible.

MOTION

That this present committee (Councilman Hammond, Chairman Anderson, and Adams) be relieved of their former assignment and they be asked to bring back to the Council, as a whole, their recommendations on this parking problem, as soon as possible.

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Moved by Mayor Marks
 Seconded by Councilman Merrill
 Unanimously carried

DISCUSSION ON MATTERS RELATING TO MODESTO REDS BASEBALL CLUB

Emmett Crandall, Tom Mellis, J. Pepelis, Floyd Benson and Earl Burkner, appeared before the Council on behalf of the Modesto Reds Baseball Club to discuss some of the problems relating to the lease on the Del Webb Field.

Mr. Crandall spokesman for the group recommended Council consideration for the following changes:

- 1- That additional windbreak be erected to make it more comfortable for the patrons;
- 2- That concrete floors be placed in the two small concession booths and the east end of the grandstand be remodeled in order to provide for a cushion concession booth.

He reported that these matters had been discussed with the Council Committee. He also asked that favorable Council consideration be given to the following suggestions:

- 1- That the city assume the expense of a grounds keeper;
- 2- That the city furnish police protection for the parking of automobiles and assist with the parking protection problem.
- 3- That the Council consider accepting the 384 steel chairs owned by the club in settlement for unpaid admission tax of approximately \$1400 due the city.

Mr. Crandall stated that every ball club in the League was furnished police assistance without expense to the clubs. Since the ball park is a recreation facility owned by the city he believed that it should assume the expense for a grounds keeper. He asked if the city did agree to accept the chairs, that they be left at the park as an available facility for the ball games.

Dave Arata, Chairman of the Council Committee reported on the meeting with the group from the Ball Club and recommended:

- 1- That the steel chairs owned by the club be accepted in settlement for the \$1400 admission tax due the city on the provision they be maintained by the club and the city have the right to use them at other locations when needed (Mr. Crandall reported that the club agreed that the admission tax would be paid to the city each two weeks instead of at the end of the season.)

Mr. Crandall reported that the club did not want anyone on its payroll this year except the business manager, that the concessions would be leased to private individuals.

Councilman Arata stated that he would not recommend that the city furnish a grounds keeper for the park.

Councilman Hammond pointed out the Council's policy on adult recreation was that it should be on a self-sustaining basis, that the city provide the facility but the operating details should be left to the interested organizations promoting these programs.

The Director of Public Works reported that at the request of the Council Committee he had estimated the costs of the following improvements:

- 1- Extension of windbreak between the east end of the first base bleachers and west end of the concession area, (approximately 36 feet, --- \$340
- 2- Extension of windbreak for an additional 50 feet from the west end of the concession area (approximately 50 feet) -- \$470
- 3- Installation of concrete floors in the two concession areas \$50
- 4- Installation of cushion concession area with plywood floor \$55

MOTION

That the construction by the city of the 36 foot windbreak and concrete floors in the two concession areas and cushion concession be approved and that the construction of the second windbreak be delayed until it is determined that the first one is satisfactory.

Moved by Councilman Arata
 Seconded by Councilman Merrill
 Unanimously carried

MOTION

That the City Attorney be directed to prepare the necessary documents for Council consideration to provide for the purchase by the city of the club's chairs on the condition they be maintained by the club when they are being used by the club and to work out a legal basis on the clearing of the admission tax due the city by the club.

Moved by Councilman Arata
 Seconded by Councilman Merrill
 Unanimously carried

Councilman Arata suggested, to which the Council concurred that the City Manager contact other cities owning ball park facilities in the League to determine if they are furnishing any police protection and report to the Council.

Mr. Crandall also asked that the inside area of all concession booths be painted. Councilman Arata stated he would check this matter.

DISCUSS POSSIBILITY OF ADJOURNING COUNCIL MEETINGS FOR DINNER PERIOD

Mayor Marks asked if the Council members would like to consider adopting a policy of adjourning for dinner and to reconvene later when the agenda for an afternoon Council meeting was long. No action was taken on this suggestion.

RESOLUTION REMOVING STOP SIGNS ON VIRGINIA AT STODDARD AVENUE

A staff report recommending that the stop signs on Virginia Avenue at Stoddard be removed was considered by the Council.

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RESOLUTION NO. 56-97

A RESOLUTION RESCINDING A PORTION OF RESOLUTION NO. 5837-N.S. ENTITLED 'A RESOLUTION PROVIDING FOR THE ERECTION OF FOUR BOULEVARD STOP SIGNS AND ENFORCEMENT OF ORDINANCE NO. 558-N.S. AT INTERSECTIONS HEREIN DESIGNATED IN THE CITY OF MODESTO"

Introduced by Councilman Merrill
Seconded by Councilman Arata

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

Noes: Councilmen: None

Absent: Councilmen: Robinson

RESOLUTION REMOVING PARKING TIME LIMIT IN FRONT OF FORMER MARSHALL'S
BOOT SHOP ON TWELFTH STREET BETWEEN F AND G STREETS

A staff report recommending the removal of the limited parking zone in front of the former Marshall's Boot Shop on west side of 12th Street between F and G Streets, since there was no longer any commercial operations on the street, was considered by the Council.

RESOLUTION NO. 56-98

A RESOLUTION RESCINDING RESOLUTION NO. 8444-N.S. ENTITLED 'A RESOLUTION ESTABLISHING TWO HOUR PARKING ON A PORTION OF TWELFTH STREET BETWEEN F AND G STREETS IN FRONT OF 609 TWELFTH STREET IN THE CITY OF MODESTO'"

Introduced by Councilman Adams
Seconded by Councilman Merrill

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

Noes: Councilmen: None

Absent: Councilmen: Robinson

RESOLUTION ACCEPTING CITY STREETS DEDICATED ON PLAT OF FRESNO TRACT
(PORTION OF GRANGER AND BOWEN AVENUES)

The City Attorney stated that the County had rejected all roads, streets and alleys delineated and contained in the plat of the Fresno Tract, on April 16, 1903. He recommended that it would be for the best interests of the citizens of the city that that portion of the streets as shown on the plat of the Fresno Tract, which are within the city be accepted by the city. He stated that this related to a portion of Granger Avenue and a portion of Bowen Avenue.

RESOLUTION NO. 56-99

A RESOLUTION ACCEPTING THE CITY STREETS DEDICATED ON PLAT OF THE FRESNO TRACT OF THE CITY OF MODESTO

Introduced by Councilman Merrill
Seconded by Councilman Anderson

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

Noes: Councilmen: None Absent: Councilmen: Robinson
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APPROVE EXTENDING PROVISIONAL APPOINTMENT OF AL DITMAN, SEWAGE TREATMENT PLANT LAB TECHNICIAN

The City Manager reported that the position of Sewage Plant Lab Technician was a new position which the city was still trying to work out. Al Ditman, who presently fills the position, was appointed on a provisional basis and this appointment expired on March 18, he stated. He asked that the Council extend this appointment in accordance with Section 2-5.07, Chapter 5 of the Modesto Municipal Code and under Rule 7.5 (c) for an additional 60 days to give the Personnel Department additional time to establish the proper classification for the position.

MOTION

That the extension of the provisional appointment of the Sewage Plant Laboratory Technician, Al Ditman, be extended for an additional 60 days from March 18 through May 18, 1956.

Moved by Councilman Hammond
Seconded by Councilman Adams
Unanimously carried

PETITION FOR SANITARY SEWER SERVICE FILED BY PROPERTY OWNERS ON BEVERLY DRIVE

A petition signed by 8 Beverly Drive property owners requesting that the Council consider the installation of sanitary sewer service for this area and to advise the property owners as to the conditions and procedure required to obtain such service was considered by the Council.

MOTION

That the petition be referred to the staff to work out a program with the property owners.

Moved by Councilman Hammond
Seconded by Councilman Arata
Unanimously carried

RESOLUTION APPROVING AGREEMENT WITH JOHN KNORR FOR APPRAISAL AND NEGOTIATIONS ON REAL PROPERTY ACQUISITION

The City Manager stated that he had approved an informal letter agreement dated April 5, 1955, with John Knorr for appraisal and negotiations on real property acquisition as provided by the Charter, but since the sums due and payable were approaching \$1500, it will be necessary for the Council to approve the continued agreement. He outlined the provisions in the informal agreement, and recommended that it be continued.

RESOLUTION NO. 56-100

A RESOLUTION APPROVING THE INFORMAL LETTER AGREEMENT OF APRIL 5, 1955 BETWEEN THE CITY OF MODESTO AND JOHN KNORR FOR APPRAISAL AND NEGOTIATIONS ON REAL PROPERTY ACQUISITION.

Introduced by Councilman Adams
Seconded by Councilman Arata

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

Noes: Councilmen: None Absent: Councilmen: Robinson
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FINAL REPORT ON SEWAGE DISPOSAL AND SEWERS BY PUBLIC WORKS DEPARTMENT

No questions were raised by the Council members on the final consideration of the report on sewage disposal and sewers by the Public Works Department. Director of Public Works Ray was complimented on his excellent report on the operation of this division of the Public Works Department.

Mr. Ray reported that the city's sewer plant was of such interest to the public that he had been asked to present a paper on the plant at the National Sewage Works Association conference being held in the fall. He asked permission which was granted by the Council to show some movies which had been taken of the plant while under construction, at a future Council meeting. He reported that the open house program for the plant had been delayed due to repairs now underway which were made necessary by the winter flood. He also stated the department wanted to place the plant in operation to work out some of the "bugs" before the date for the program was set. It was agreed by the Council that the open-hour program be delayed until the industrial operations started during the spring season.

Mr. Ray reported that one-half of the larger units have been constructed at the plant but it would probably be necessary to construct more biofilter units. Since the construction of the plant, he stated, is costing so much money, the staff wants to be right. He stated that he would rather see another year's operation to be certain that future plans for the plant are right.

Councilman Adams stated that the plans for the plant should be right because "we do not want to have to come back in a few years and say we need another bond issue".

The City Manager stated that his report on the financing of the plant would be submitted shortly.

Mayor Marks pointed out that ultimately if the area north of the Cavil Drain kept developing the people in that area, if they wanted sanitary sewers, might have to construct a plant of their own. A brief discussion was held on methods which could be used in financing a sanitary sewer plant for that area. Mayor Marks stated that the city was as far north as it could go without these people in that area pressing for subdivision development realizing they are going to be faced with a new sanitary district or sewer plant. He pointed out that the people going north of the sewer service area would purchase their sewers twice, once by means of septic tanks and the second time by purchase of sewer laterals or some other means.

The City Manager stated that a report was being prepared which will point out the encouragement this city has already given to existing areas that can be helped, pointing out the extra cost of developing in areas not already served.

Mr. Ray stated that the history of sewage disposal was a series of cycles where some people pay for their sewer service twice. There is always a time when the development is ahead of the facility and septic tanks are used and there is a period when the expansion of the city facilities comes along and catches up with the development and then the people only pay once for sewers.

Mayor Marks stated that the point the city has to sell now is that the people who build in subdivisions in the areas the city has placed in its present service area will only pay for their sewers once.

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Councilman Adams pointed out that there might be new subdivisions developed in the Cavil Drain area even if people would have to pay twice for their sewers, since it was a desirable area.

The City Manager stated that the people of this community and the Council had done a good job of solving a most difficult sewage disposal problem. He commended the whole Public Works Department staff for completing a "tough" job.

PRELIMINARY REPORTS ON TRAFFIC DEPARTMENT

The Acting City Clerk was directed to transmit copies of the report on the Traffic Department to the Council members so that final consideration could be given by the Council at the next meeting.

REPORT BY CITY ATTORNEY ON LITIGATION CONCERNING CONTRACTS WITH MEMBERS OF THE VALLEY BUILDERS' EXCHANGE, INC.

The City Attorney reported that the Superior Court had rendered its decision in the case concerning contracts with members of the Valley Builders' Exchange, Inc. He stated that he brought the matter to the Council's attention to determine what action it wished to take. He stated that the Judge had ruled that the contracts and purchases involved in this case were valid and it was the obligation of the city to pay them.

MOTION

That the Council does not desire to appeal the decision of the Superior Court.

Moved by Mayor Marks
Seconded by Councilman Arata
Unanimously carried

The City Attorney stated that as soon as the judgment was entered into the case, the city would be directed to pay the claims but no further action would be required by the Council.

He pointed out that this is a Superior Court decision and not a decision by the Appellate Court and would not be a binding precedent in any other case that might arise in the future to other constructions with other parties.

REAPPOINTMENT OF MEMBERS TO VARIOUS COMMISSIONS AND BOARDS

Mayor Marks stated that in line with the Council policy on reappointment of members to various Commissions and Boards when they had not served a complete four year term, Council consideration could be given at this time to the reappointment of Richard Thompson on the Board of Plumber Examiners, Donald West and Robert Carter to the Personnel Commission and Rebecca C. Heckendorf to the Board of Library Trustees, for a four year term beginning January 1, 1956

RESOLUTION NO. 56-101

A RESOLUTION APPOINTING RICHARD THOMPSON A MEMBER OF THE BOARD OF PLUMBER EXAMINERS

Introduced by Mayor Marks
Seconded by Councilman Adams

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

Noes: Councilmen: None Absent: Councilmen: Robinson
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RESOLUTION NO. 56-102

A RESOLUTION APPOINTING DONALD WEST A MEMBER OF THE PERSONNEL COMMISSION

Introduced by Councilman Merrill
 Seconded by Councilman Hammond

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

RESOLUTION NO. 56-103

A RESOLUTION APPOINTING ROBERT D. CARTER A MEMBER OF THE PERSONNEL COMMISSION

Introduced by Councilman Anderson
 Seconded by Councilman Adams

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

RESOLUTION NO. 56-104

A RESOLUTION APPOINTING REBECCA C. HECKENDORF A MEMBER OF THE BOARD OF LIBRARY TRUSTEES

Introduced by Councilman Hammond
 Seconded by Councilman Anderson

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

REPORT ON LEGISLATIVE MATTERS

The City Manager reported on the present status of the State Planning legislation.

PROPOSAL START COUNCIL MEETINGS AT 3 INSTEAD OF 4 P.M.

The City Manager asked the Council members if they wished to consider starting the first and third Council meetings at 3:00 P.M. The Council agreed that no change be made in the meeting time.

MAYOR MARKS REPORTS ON LEAGUE MEETING IN SANGER

Mayor Marks reported on the meeting of the South's San Joaquin Division of the League of California Cities which he recently attended in Sanger when the city-county sales tax was discussed.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Councilman Anderson
 Seconded by Councilman Hammond
 Unanimously carried

The meeting was adjourned at 7:00 P.M.

ATTEST ANNE M. COLLINS ACTING CITY CLERK

Anne M. Collins

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

LETTER FROM CAPTAIN ERNEST B. PARKER REQUESTING SPECIAL PARKING PRIVILEGES FOR THE AIR FORCE RECRUITING SERVICE DEPARTMENT

A letter received from Captain Ernest B. Parker asking for a special parking space for one Air Force Recruiting vehicle, was considered by the Council.

The policy previously adopted by the Council of not granting special parking privileges to special groups or organizations, was briefly discussed.

MOTION

That the request of the U.S.A.F. Recruiting Group for a reserved parking space immediate adjacent to the Post Office at 12th and I Streets, be denied.

Moved by Arata Seconded by Merrill Unanimously Carried

Mayor Marks was authorized by the Council to write a reply to Captain Parker explaining why his request could not be granted.

REQUEST OF STANISLAUS CANNING COMPANY TO EXTEND THE RAISED SIDEWALK PLATFORM ON 12TH STREET SIDE OF ITS PROPERTY NORTHWARD TOWARD D STREET

A request was filed by the Stanislaus Canning Company to partially extend "the raised sidewalk platform on the 12th Street side of its property, northward toward D Street, in the form of brick steps, providing entry to the building".

Plans for the building were presented for Council inspection. City Manager Miller reported that the construction would not interfere with the public use of the street and recommended that the permit be granted on the basis of a revokable permit with 60 days notice if the construction should be required to be moved and the city be held harmless from any costs, damages and liability arising out of the construction of the platform.

RESOLUTION NO. 56-105

A RESOLUTION GRANTING REVOKABLE PERMIT TO THE STANISLAUS CANNING COMPANY TO EXTEND A RAISED SIDEWALK PLATFORM TO ITS PLANT LOCATED ON THE NORTHEAST CORNER OF TWELFTH AND D STREETS, CITY OF MODESTO

Introduced by Robinson Seconded by Arata

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

Noes: None Absent: None

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CONSIDER AWARD OF BID FOR STREET LIGHTING EQUIPMENT IN FREMONT, GRANGER AND COLLEGE VILLAGE AREA

A tabulation of the three bids received for the installation of street lighting material in the Fremont, Granger and College Village Area, which had been opened in the office of the City Clerk, March 26, at 2:00 o'clock P.M., was considered by the Council.

Director of Public Works Ray reported that the lowest offer which was submitted by Collins Electrical Co., of \$23,844.55, exceeded the city's estimate for the work by over \$9,000 and recommended that all bids be rejected and the work be done by city forces.

A brief Council discussion was held on the methods used by the city in determining its estimates.

MOTION

That the final consideration of the bids received for the installation of the street lighting materials in the Fremont, Granger and College Village Areas be held over a week so that a study of the system by which the City makes its estimates of cost can be made.

Moved by Anderson Seconded by Hammond Unanimously carried

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR DRILLING WELLS AT PUMP STATIONS NO. 3 AND NO. 18

Specifications for drilling wells at Pump Stations No. 3, located at 8th and K Streets, and No. 18 located in the new site at Downey High School were presented by the Director of Public Works for Council approval. He suggested that the bids be opened at 10 o'clock A.M., Monday, April 16.

RESOLUTION NO. 56-106

A RESOLUTION APPROVING THE SPECIFICATIONS FOR DRILLING WELLS AT PUMP STATIONS NO. 3 AND NO. 18 AND AUTHORIZING THE CALL FOR BIDS.

Introduced by Merrill Seconded by Robinson

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

Noes: None Absent: None

ORDINANCE PROVIDING FOR LEASE OF HAWKE HANGAR AT THE MODESTO CITY-COUNTY AIRPORT TO W. G. DUNLOP

City Attorney Grimes presented for Council consideration an ordinance providing for the renewal of the lease of the Hawke Hangar at the Modesto City-County Airport to W. G. Dunlop for a period of two years from May 1, 1956, to April 30, 1958. He stated that the two year term was proposed in order that the lease would terminate at approximately the same time as the lease of the main hangar building to the Pacific Aircraft Service. This would permit, he stated, new leases for both, to be negotiated concurrently. In other respects, the new lease agreement is practically the same as the existing lease.

ORDINANCE NO. 83-C.S., entitled:

"AN ORDINANCE PROVIDING FOR THE LEASE OF HAWKE HANGAR AT THE MODESTO CITY-COUNTY AIRPORT TO W. G. DUNLOP, AN INDIVIDUAL, 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 Robinson

Seconded by Arata

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

Noes: None Absent: None

APPROVE 90 DAY EXTENSION FOR FILING OF FINAL MAP OF WESTLAND MANOR NO. 2
BY W. E. GRANT

As requested by the Council, the Modesto City Planning Commission considered the request of W. E. Grant for an extension of 90 days for filing of final map of Westland Manor. Resolution No. 292, adopted by the Commission on March 27, approving the extension upon the condition that sidewalks be provided on both sides of all streets within the subdivision, was read by the City Manager.

RESOLUTION NO. 56-107

A RESOLUTION GRANTING AN EXTENSION OF 90 DAYS FOR THE FILING OF THE
FINAL MAP OF WESTLAND MANOR NO. 2 BY W. E. GRANT

Introduced by Anderson

Seconded by Adams

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

Noes: None Absent: None

SET TIME AND PLACE FOR PUBLIC HEARING ON PETITION OF ZILLAH LYON FOR AN
UNCLASSIFIED USE PERMIT FOR THE DAY CARE OF CHILDREN AT 414 14th STREET

Resolution No. 287, adopted by the Modesto City Planning Commission on March 20, 1956, recommending to the Council that an unclassified use permit be granted to Zillah Lyon for the day care of eight children at 414 14th Street, was read.

The City Clerk recommended that the time of 4:30 P.M., April 18, in the Council Chamber, be set as the time and place for the public hearing before the Council, as provided by Section 10-2.2112 of the Modesto Municipal Code.

RESOLUTION NO. 56-108

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN
UNCLASSIFIED USE PERMIT FOR ZILLAH LYON FOR THE DAY CARE OF EIGHT
CHILDREN AT 414 14TH STREET

Introduced by Anderson

Seconded by Robinson

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

Noes: None Absent: None

REPORT BY THE PLANNING COMMISSION ON PROPOSED CLOSING OF ROSEMARY LANE AT
ITS JUNCTION WITH MARIA COURT

Planning Director Smeath reported that the petition signed by 18 property owners filed with the Council requesting the closing of Rosemary Lane at its junction with Maria Court and referred to the Planning Commission had been considered by the Commission at a public hearing held on February 7, 1956. A resolution (286) "recommending to the Council the closing to traffic of Rosemary Lane at its junction with Maria Court" failed of passage by a two to three vote.

The City Attorney reported that the Council could 1) consider the matter closed, or 2) call a hearing on the proposed closing and proceed not withstanding the opinion of the Planning Commission, or 3) ask the

staff for an additional report.

MOTION

That the staff prepare and present to the Council for consideration a further report on the request of the property owners for the closing of Rosemary Lane at its junction with Maria Court.

Moved by Merrill Seconded by Robinson Unanimously carried

CLEAR APPOINTMENT OF ALTERNATE ON THE CITY-COUNTY COMMITTEE

Upon the recommendation of the City Manager that the record be cleared the Council considered the appointment of an official alternate on the City-County Committee.

MOTION

That Councilman Robinson be named official alternate city representative on the City-County Committee.

Moved by Hammond Seconded by Adams Unanimously carried

RESOLUTION APPROVING AGREEMENT WITH LANCE AND CAROL ELLIS ON PERIMETER SEWER IN GREGORY GARDENS NO. 1 SUBDIVISION

The City Attorney presented the usual form agreement relating to perimeter sewers between the city and Lance E. and Carol L. Ellis in Gregory Gardens No. 1 Subdivision, which called for payment of \$1,369.50 by the city, one-half of the cost of the installation of the sewers.

RESOLUTION NO. 56-109

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LANCE E. ELLIS AND CAROL L. ELLIS ON PERIMETER SEWERS IN GREGORY GARDENS NO. 1 SUBDIVISION

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

HEARING ON PETITIONS FOR UNCLASSIFIED USE PERMITS

Masonic Cemetery Association for the expansion of its present cemetery

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for a public hearing on the application of the Masonic Cemetery Association for an unclassified use permit to expand its present cemetery.

The City Clerk reported that a notice of the hearing had been mailed to all property owners within 300 feet of the property under consideration at least 10 days prior to the date of the hearing as provided by the Municipal Code. He reported receipt of a petition protesting the proposed expansion of the cemetery, signed by 215 persons, owning 198 parcels of land, and a letter from Mrs. Nora Ballard, owner of dwelling at 243 Bodem Street, favoring the expansion.

Resolution No. 285, adopted by the Planning Commission on March 6, 1956, recommending to the Council the granting of the unclassified use permit as requested by the Masonic Cemetery Association, was read. Resolution No. 290, adopted by the Commission on March 27, approving the planting plan of the Association for the expansion of the cemetery, was read.

Planning Director Smeath presented maps showing the proposed expansion for the inspection of the Council and audience and reported on the public hearing held before the Commission. He pointed out that the problems considered by the Commission were:

1. Whether there would be sufficient funds from the endowment care funds of the Association to provide for the perpetual maintenance of the present cemetery facilities;
2. How the expansion, if it were permitted, would affect the property in the neighborhood;
3. Whether the cemetery development of the area in question is a logical use of the land.

It was generally agreed by the Commission that if there was a problem, that it would be a psychological one rather than a major problem. He reported on the efforts of the Planning staff and the Director of Finance to determine if the present endowment program was sufficient to provide reasonable permanent endowment care for its existing cemetery. The Association, he stated, furnished some information relating to the fund but on advice of its attorney refused to permit inspection of its books and records and no verification of the figures furnished by the Association could be made. It was impossible, he stated, from the information furnished the city to form an opinion as to the adequacy of the Association fund for permanent endowment care.

Mr. Smeath stated that he had submitted a report to the Commission dated March 6, a copy of which is made a part of the records of this meeting, recommending that "after studying all of the facts at his disposal in the light of the best interest of the people of the city, that the unclassified use permit application of the Masonic Cemetery Association be denied". However, he stated, the Commission, after holding its public hearing adopted a resolution granting the permit on the condition that "a fencing and planting plan of the area be submitted to and approved by the Planning Commission before use of the property is commenced", and this plan was submitted by the Association and approved by the Commission by Resolution No. 290, adopted on March 27. Mr. Smeath presented a chart showing the fencing and planting plans and reported briefly on the Association's proposal for improvement of the property if granted a permit.

A brief Council discussion was held on the petitions filed with the Commission approving the permit.

Mayor Marks asked for comments from proponents of the permit.

E.M. Welch, 412 Magnolia, spoke in favor of granting the permit to the Association and contended that the proposed improvement would benefit the area instead of depreciate property values.

Ronald Bates, Attorney for the Association, outlined the plan for the improvement of the area and stated that it would be more like a park than a cemetery, and benefit the area. He stated that it was considered by the Association that the income from the \$200,000 endowment fund would not be sufficient to maintain perpetual care for the present facilities but by the sale of the additional lots in the new area, enough income could be guaranteed. He reported that the annual maintenance costs for the present cemetery were approximately \$19,000. He listed the various items of expense and stated he would furnish any additional information the city staff required. However, he stated, the Association felt that its books should not be turned over to the city staff.

A general Council discussion was held on the following subjects: funds derived from the endowment fund, size of the cemetery, background

information on the Association and estimated time when all of the lots in the present cemetery would be sold.

Councilman Anderson asked Mr. Bates why the Association had not applied for a permit before it purchased the additional property on Bodem Street from the County. Mr. Bates claimed that the County had advertised the property for sale and time would not have permitted them to apply to the commission for a permit since a public hearing would have to be held.

At the request of Councilman Anderson, Mr. Smeath reported on the comparative cost of maintaining a public park, which was considerably less than the costs per acre for operating the cemetery.

Mr. Bates pointed out the extra expenses involved in operating the cemetery as compared to a park, such as hand trimming about graves, digging of graves, etc.

The City Manager pointed out that all of the signers on the petition filed with the City Clerk opposing the expansion, did not reside within 300 feet of the property in question.

Mayor Marks asked for comments from those in the audience who opposed the granting of the permit.

Mrs. Mae Reeves, 712 Scenic, opposed the expansion of the cemetery for the following reasons, 1) that it would not be in the best interest of the community, 2) that it would decrease land value, 3) that it would be a drastic nuisance and hamper progress, 4) affect the health, safety, comfort, welfare of the people in the community, and 5) create additional traffic hazards.

Dorothy Maloney, W. D. McGee, R. Gelder, also spoke opposing the expansion of the cemetery and reiterated Mrs. Reeves' reasons.

Councilman Hammond asked Mr. Smeath to report on the possible uses the land could be used for if the permit was not granted. Mr. Smeath stated that the staff had considered that if a fence were constructed along the northern boundary of the present cemetery, that the property could be cut into lots for residential development or some other unclassified use permit, such as a chapel.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 56-110

A RESOLUTION DENYING APPLICATION OF MASONIC CEMETERY ASSOCIATION FOR AN UNCLASSIFIED USE PERMIT TO EXPAND ITS PRESENT CEMETERY

Introduced by Anderson Seconded by Mayor Marks

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

Mayor Marks declared a five minute recess at 9:45 P.M.

Mayor Marks reconvened the meeting at 9:50 P.M.

(Arata and Anderson did not return until 9:55 P.M.)

The City Attorney pointed out that the Council was overriding the Planning Commission's decision. Section 10-2.2114 of the Modesto Municipal Code, he stated, provides that "if the decision is contrary to the recommendation of the Planning Commission, the Council shall request a further report of the Planning Commission before it makes its decision final". It will be necessary, he stated, for the Council to

request a further report from the Commission before its decision may become final to either rescind its resolution or at least suspend its operation until the matter has been referred to the Commission for a further report. He pointed out that this would not require any further public hearing but the action could not become effective until there was a further report submitted by the Commission.

RESOLUTION NO. 56-111

A RESOLUTION SUSPENDING RESOLUTION NO. 56-110 UNTIL SUCH TIME AS THE CITY COUNCIL RECEIVES AND ACTS UPON A FURTHER REPORT FROM THE MODESTO CITY PLANNING COMMISSION AND REQUESTING THE PLANNING COMMISSION TO MAKE A FURTHER REPORT ON THE REQUEST OF THE MASONIC CEMETERY ASSOCIATION TO EXPAND ITS PRESENT CEMETERY

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

Councilmen Anderson and Arata returned to the meeting at 9:55 P.M.

Elvera Nunes to operate a day nursery for 10 children at 1128 College Avenue

Mayor Marks announced that the hour of 8:05 P.M. had arrived, the time set for the public hearing on the application of Elvera Nunes to operate a day nursery for ten children at 1128 College Avenue.

The City Clerk reported that a notice of the hearing had been mailed to all property owners within 300 feet of the property under consideration 10 days prior to the date of the hearing, as provided by the Municipal Code. One letter approving the granting of the permit had been received, from James Van Parks.

Resolution No. 284, adopted by the Planning Commission on March 6, recommending to the Council the granting of the permit was read. The letter from Mr. Van Parks was read.

Mayor Marks asked for comments from the audience. No statements were made either for or against the granting of the permit.

Mayor Marks closed the hearing.

RESOLUTION NO. 56-112

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO ELVERA NUNES TO OPERATE A DAY NURSERY FOR TEN CHILDREN AT 1128 COLLEGE AVENUE

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

REQUEST OF STANISLAUS COUNTY HORSEMEN'S ASSOCIATION TO DISPLAY BANNERS ON CITY STREETS TO ADVERTISE RODEO

A letter was received from the Stanislaus County Horsemen's Association requesting permission to place street banners in the down-town sections of the city for a period from April 22 through May 6, 1956, the date for the 13th Annual Stanislaus County Horsemen's Association Rodeo.

Mr. Art Clawson, who was present representing the Association, stated that the Association was a non-profit organization, sponsoring a

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junior group and that the rodeo was an annual show which brought many people to the city. The plan for the show was to enlarge the program each year so that it would ultimately compare with the largest shows in the country.

The City Manager pointed out that the present legislation regulating display of banners in the city did not include this organization.

Councilman Hammond considered that this rodeo was an adult community activity and should be given the same privileges as the Fryer Festival, which had been included in Resolution No. 55-100. It was generally agreed by the Council members that the Annual Stanislaus County Horsemen's Association Rodeo be included in the group of organizations permitted to display banners and decorations over and across streets in the city.

RESOLUTION NO. 56-113

A RESOLUTION ESTABLISHING POLICY ON GRANTING OF PERMITS TO DISPLAY BANNERS AND DECORATIONS OVER AND ACROSS STREETS IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 55-100

Introduced by Robinson

Seconded by Anderson

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

Noes: None Absent: None

MOTION

That the City Manager be authorized to grant permission to the Association for such banners, number, location and time to be at his discretion, in line with permits granted other approved organizations and that the permission for the parade be subject to review and worked out between the Association, Chief of Police and Traffic Engineer.

Moved by Anderson

Seconded by Arata

Unanimously carried

ACCEPT RIGHT OF WAY AGREEMENT FROM JAMES JOHANSEN AND JENNIE JOHANSEN FOR EASEMENT FOR SEWERS IN BLOCK 2210 AND 2212

Right of Way Agreement from James Johansen and Jennie Johansen, granting an utility easement to the city in Blocks 2210 and 2212 in the LaLoma Improvement District No. 5 to be used in the construction of the sewer line was presented for Council consideration by the City Attorney.

RESOLUTION NO. 56-114

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES JOHANSEN AND JENNIE JOHANSEN, INDIVIDUALS, FOR UTILITY PURPOSES (LALOMA IMPROVEMENT DISTRICT NO. 5) AND AUTHORIZING ITS EXECUTION AND RECORDATION.

Introduced by Anderson

Seconded by Arata

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

Noes: None Absent: None

APPROVE AGREEMENT WITH COUNTY FOR PURCHASE OF TAX DEEDED PROPERTY

The City Attorney reported that two parcels of property within the city had been deeded to the State for failure to pay taxes. One of these parcels, he stated, is located in the present Nine-Hole Golf Course

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and the other within a portion of the intersection of J Street and Third Street. He presented for Council approval an agreement between the County, State and City providing for the clearing of the title of the property to the city. He reported that the agreement provided for the city to pay a purchase price of \$10 each to cover administrative costs, plus an additional \$20 to pay costs of legal publication. He recommended that this procedure be followed and the agreement approved by the Council.

RESOLUTION NO. 56-115

A RESOLUTION APPROVING AGREEMENT FOR THE PURCHASE BY THE CITY OF MODESTO OF THE STATE'S TITLE TO TAX DEEDED PROPERTY WITH SAID CITY AS PROVIDED BY DIVISION I, PART 6, CHAPTER 8 OF THE REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA

Introduced by Arata

Seconded by Robinson

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

Noes: None

Absent: None

REPORT ON THE REQUEST OF THE STATE FOR PARTIAL FREEWAY AGREEMENT

The City Manager reported that pursuant to referring the State's request for the clearing of partial freeway agreements on the two ends of the freeway, to the staff for further study, the Planning Director and Traffic Engineer wished to submit further reports.

The reasons for the consideration of these separate agreements were 1) property owners in the area south of Tuolumne River were anxious to know whether the freeway would effect their property and 2) it is difficult for the city to determine its design for the sewer which will be serving the slaughter house area until the grade of the freeway is determined. He suggested that the Council consider the possibility of requesting the state to submit agreements for the city to study to determine if it desired to execute partial agreements or to wait until the grade separation studies were complete.

Councilman Arata objected until the grade separation had been agreed upon.

Councilman Merrill stated he would be opposed until the grade separation problems were settled.

The City Manager stated that from the Planning Staff's standpoint there would be a real advantage to approve the plan across the river but he asked that the Council advise the staff what its wishes were in this regard.

Mr. Smeath pointed out that the state could not continue across the city until an agreement had been executed by the city. He reported that the Advance Planning Staff had completed a new map of the area and were having meetings with the state to discuss the problem of location of state highways. If the agreement on the northern section outside the city was executed, he stated, it would assist the staff in determining the relocation of state highway over Maze Boulevard and the agreement on the southern section would assist in planning of roads in the industrial area and the Crows Landing Road area.

Councilman Hammond pointed out that the state needed these agreements to finalize their engineering plans for the freeway.

A general Council discussion was held on the possibility of the state building the bridge across the river and dumping the traffic onto

the west side before any agreement was made for the central area, or whether an agreement could be considered to the south river bank only.

Mr. Carmody reminded the Council that the state's traffic survey would start in May and carry on through September and it would possibly be January before the reports and studies could be evaluated. He pointed out that the only time an agreement was necessary on a freeway was for the closing of a street. He stated the reason the state was anxious to have the partial agreement south of the river approved was due to a traffic hazard on Hatch and 99 Highway. He pointed out that the Seventh Street bridge was limited to vehicles of a certain weight and it was not too strong.

After a general Council discussion on the position of the City in regard to the execution of a partial freeway agreement which might permit the building of the bridge before any solution was assured on the grade separation, it was agreed that a further investigation should be made on the subject and a further report submitted for Council consideration.

GRANT REQUEST BY JOE'S TAXI FOR CAB STAND AT DEL WEBB FIELD

The City Manager reported that both the Modesto Reds Baseball Club and Joe's Taxi Co. had requested that a cab stand be allowed on the Del Webb Field parking lot. Since this property is leased to the Club, the request will have to be cleared by the Council.

RESOLUTION NO. 56-116

A RESOLUTION AUTHORIZING THE MODESTO COMMUNITY ATHLETIC ASSOCIATION TO SET ASIDE A PORTION OF DEL WEBB FIELD TO BE USED FOR A TAXICAB STAND

Introduced by Arata

Seconded by Robinson

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

Noes: None

Absent: None

DIRECTOR OF PARKS AND RECREATION DISPLAYED TREE SAMPLES

Samples of trees removed from the Graceada Park were displayed by Director of Parks and Recreation Lowrey. He outlined his program for the removal of diseased trees which were proving to be a potential hazard to the citizens using the parks.

REQUEST OF FRESNO CONSUMER'S ICE COMPANY FOR PERMIT TO DRILL WELL

A letter from the Fresno Consumer's Ice Company requesting permission to drill a drainage well to take care of excess water from a cooling unit to be installed in its plant near Tully Avenue and North 99 Highway, was read.

MOTION

That the request be referred to the staff for investigation and report.

Moved by Anderson

Seconded by Robinson

Unanimously carried

REQUEST BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO CANCEL CITY TAXES ON BUTTS PROPERTY

The City Manager recommended that the Council request the Board of Supervisors of Stanislaus County to cancel the city taxes on the property acquired from Burchell M. Butts to be used by the city in the widening of

Miller Avenue.

RESOLUTION NO. 56-117

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO CANCEL CITY TAXES ON PROPERTY ACQUIRED BY THE CITY OF MODESTO

Introduced by Merrill

Seconded by Anderson

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

Noes: None Absent: None

RESOLUTION APPROVING APPROPRIATION TRANSFER OF FUNDS FOR PAYMENT OF FEDERAL AMUSEMENT TAX ON "ALL AMERICA CITY" CELEBRATION

The City Manager reported that the Federal government had made a demand upon the All America City Award Celebration Committee for the amusement tax on the celebration held on January 29, 1955. He recommended an appropriation transfer of \$167.00 from General Reserve to Music and Promotions, Miscellaneous Promotions, for the payment of the tax.

RESOLUTION NO. 56-118

A RESOLUTION APPROVING APPROPRIATION TRANSFER

Introduced by Anderson Seconded by Merrill

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

Noes: None Absent: None

ACCEPT GRANT DEED FROM CAMILLO BIANCHI FOR ALLEY RIGHT OF WAY IN BLOCK 2020

A grant deed from Camillo Bianchi and Rose M. Bianchi for alley purposes in Block 2020, LaLoma Improvement District No. 5, was presented for Council consideration by the City Attorney.

RESOLUTION NO. 56-119

A RESOLUTION ACCEPTING GRANT DEED FROM CAMILLO BIANCHI AND ROSE M. BIANCHI, HIS WIFE, FOR AN ALLEY IN BLOCK 2020, LALOMA IMPROVEMENT DISTRICT, AND AUTHORIZING ITS RECORDATION

Introduced by Adams

Seconded by Anderson

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

Noes: None Absent: None

FINAL REPORT ON TRAFFIC ENGINEERING DEPARTMENT

Final consideration was given to the report from the Traffic Engineering Department. A brief Council discussion was held on the problems involved in painting the single and double white stripe lines on paved and oiled streets.

Traffic Engineer Carmody reported that the special parking signs and the mirror to be installed on the building in rear of the Ninth Street Parking Lot had been ordered for some time but delivery was slow.

REPORT ON NOTICE FROM CALIFORNIA STATE AUTOMOBILE ASSOCIATION OF CHARGE FOR INSTALLATION OF TRAFFIC SIGNS

The City Manager reported notification had been received from the

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California State Automobile Association that after July 1, 1956, a charge would be made for the installing and maintaining of signs. This would be in addition to their present charge for the cost of materials only. The approximate cost to the city would be \$2,700 for this phase of the service. He recommended, to which the Council concurred, that the Association continue the sign service subject to further experience.

The signs presently installed at all parks "Drive Carefully, Children at Play", were of not much use and were in need of repair, Mr. Lowrey stated, and a study was underway on the removing of these signs since enforcement was impossible.

SUBMISSION OF REPORT BY PLANNING DEPARTMENT

Copies of the report on the Planning Department were distributed to the Council members for their study before final consideration at the next meeting.

REPORT FROM PLANNING COMMISSION ON CITY HALL SITE

Resolution No. 293, adopted by the Modesto City Planning Commission on March 27, 1956, recommending to the Council Site No. 1 as the location of the City Hall, was read.

MOTION

That a public hearing on the selection of a site for the City Hall in the Civic Center be held on Wednesday, 8:00 P.M., April 11, 1956, as a special order of business.

Moved by Adams Seconded by Anderson Unanimously carried

MOTION

That a display ad be placed one time in the official newspaper of the city, The Modesto Journal, and in three editions of some other daily paper, advertising the time and place for the public hearing.

Moved by Anderson Seconded by Arata Unanimously carried

REPORT ON DEL WEBB FIELD

Councilman Arata reported that the Council committee had inspected Del Webb Field with representatives of the Modesto Reds Baseball Club. They had agreed that in order to meet the health standards that the insides of the three concession areas and the Ladies' Rest Room should be painted. This has been ordered done, he stated. Inspection of the bleachers in the grand stand indicate that a coat of paint is badly needed to preserve the wood. He recommended that if favorable consideration of this improvement was given by the Council that it be done prior to the opening game of the club, April 7.

Director of Public Works Ray reported that an informal bid of \$90 had been received on the cost of the materials for the painting of the inside of the concession areas and rest rooms. The material could be placed by employees in the Park Department, he stated, with the help of the Public Works Department, if necessary. He stated that one painting contractor had offered to provide one spray coat on the tops and backs of the seats in the grandstand at a cost of \$1280, and could do the work this week.

MOTION

That the City Manager be authorized to proceed with the painting

of the concession areas, rest rooms and grandstand bleachers.

Moved by Merrill Seconded by Robinson Unanimously carried

REPORT BY COUNCIL COMMITTEE ON PARKING PROGRAM

Councilman Hammond reported that the Council Parking Committee, in order to further its study on the parking program, would like to have the Council ask the City Attorney to give an opinion on the advantages and disadvantages of whether the parking is best handled as a Council or the Council acting as a Parking Authority.

MOTION

That the City Attorney be instructed to render an opinion as requested.

Moved by Hammond Seconded by Anderson Unanimously carried

REPORT BY CITY ATTORNEY - PROHIBITED INTEREST IN PUBLIC CONTRACTS

As directed by the Council, the City Attorney filed an opinion on the subject, "Prohibited Interest in Public Contracts - Contract between City and Independent Certified Public Accountants?" Copies were distributed to the Council members.

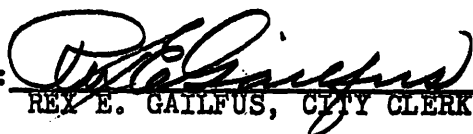
ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Adams Seconded by Anderson 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, Robinson and Mayor Marks

Absent: Councilmen: None

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

Rev. Bryan Judge, pastor of the Calvary Baptist Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular meeting of March 7, 1956, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM MRS. ROLLA MCKNIGHT RE: USE OF JOHN MUIR PARK BUILDING FOR SENIOR CITIZENS OF MODESTO MEETINGS

A letter from Mrs. Rolla McKnight requesting use of John Muir Park Building for meetings of the Senior Citizens of Modesto, was read.

MOTION

That the request of Mrs. Rolla McKnight for use of the John Muir Park Building be referred to the City Manager for study.

Moved by Councilman Adams
Seconded by Councilman Arata
Unanimously carried

ACCEPT GIFT OF LAWN SWING SET AND BICYCLE RACK FROM THE McHENRY LIONS CLUB FOR PIKE PARK

The City Manager reported that the McHenry Lions Club had donated a lawn swing set and bicycle rack for use at Pike Park.

RESOLUTION NO. 56-127

A RESOLUTION ACCEPTING THE GIFT OF A LAWN SWING SET AND BICYCLE RACK FOR USE AT PIKE PARK FROM THE McHENRY LIONS CLUB, AND AUTHORIZING THE MAYOR TO SEND A LETTER OF APPRECIATION.

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

LETTER FROM MAYOR CAMPBELL, SONORA, CALIFORNIA, RE: QUARTERLY LEAGUE MEETING IN SONORA, APRIL 26, 1956

The City Manager read a letter from Mayor Wm. H. Campbell, Sonora, California, advising that the next meeting of the Central Valley Division of League of California Cities will be held in Sonora on April 26, 1956.

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

Councilman Robinson arrived at this time.

COMMUNICATION FROM MODESTO CITY SCHOOLS RE: LOCATION OF PROPOSED NEW HIGH SCHOOL

The City Manager reported that a written communication had not been received from the Board of Education regarding the proposed new high school, but that Resolution No. 297 of the Planning Commission had been received recommending to the Board that the location of the third high school be in the vicinity of Bowen Avenue and Tully Road. He stated that the Board, at its meeting on Monday night, April 2, had decided, subject to final clearing, to purchase land for a third high school, and it was generally agreed to locate it on Tully Road near Bowen Avenue. This matter, he stated, raised a special problem on two other matters on the agenda; 1) the construction of Tully Road Sanitary Sewer from Briggsmore Avenue to Bowen Avenue, and 2) the approving of an agreement with Modesto Development Association, Inc. and Lance and Carol Ellis for construction of a sub-trunk sanitary sewer on Tully Road between Briggsmore and Bowen Avenue.

Director of Public Works Ray reported that plans and specifications for construction of a trunk sewer on Briggsmore Avenue, to serve the Bel Air Addition, Gregory Gardens No. 2 Addition and two other parcels of property, had been prepared for consideration by the Council, prior to the action of the Board of Education. He stated that they had also prepared an agreement with a subdivider for participation on the costs of constructing a trunk sewer line, and hoped that it would be signed and cleared today. He stated that he did not believe the agreement had been signed by both parties involved, and asked that the matter be held over for consideration.

The Council Sewer Committee, Mr. Ray stated, had discussed this matter very thoroughly before the high school matter had come up, and he believed the committee was in agreement on the method of procedure on this particular construction. He said that the line now serving the area will not be adequate if the school is to be served, if it is located in that area.

City Manager Miller reported that the Board of Education is considering at least two locations for the high school at the present time.

Mr. Ray pointed out that one of the locations will not require a larger sewer line, but the other one might.

Mayor Marks asked if this matter would entail a great deal of expense on the city's part.

Mr. Ray replied that only the specifications would have to be changed, and it would cost very little. The length of the line, and the manholes will be the same, but the pipe size will have to be changed.

Councilman Arata asked that if the school would be located in an area where a pump would be needed.

Mr. Ray stated he did not know at this time, but he would recommend that if a pump was needed, the school be required to install and maintain it at their expense.

MOTION

That the approval of specifications for the construction of Tully Road Sanitary Sewer from Briggsmore Ave. to Bowen Ave., and the approval of an agreement with Modesto Development Association, Inc. and Lance and Carol Ellis for the construction of a sub-trunk sanitary sewer on Tully Avenue between Briggsmore Ave. and Bowen Ave. be deferred until the meeting of April 11, 1956.

Moved by Councilman Robinson
Seconded by Councilman Adams
Unanimously carried.

Councilman Arata stated that the council had requested a report on the status of the Sewer Bond Funds some time ago, and asked that a copy be sent to him when it was available.

Mr. Ray stated that he was working on the report at the present time and would send the council members copies very soon.

COMMUNICATIONS FROM MODESTO CITY SCHOOLS RE: PROPOSED NEW DOWNEY HIGH SCHOOL SWIMMING POOL

The City Manager read a letter from James Corson, Superintendent of Modesto City Schools, informing the Council that the Board of Education is now proposing to construct a swimming pool at Thomas Downey High School, at an estimated cost of \$78,400, including fees, inspection as well as construction.

It was pointed out by the City Manager that the Council was on record as considering an allocation of \$25,000 towards the cost of the swimming pool, and suggested that the Administrative Staff bring back a report to the Council on the status of the Capital Improvement Fund, for the present year and for next year.

Councilman Hammond stated that possibly a less expensive swimming pool should be considered, so that more swimming pools could be constructed in other areas.

The Council agreed that the Administrative Staff make a study and report back to the Council at a later date on the status of the Capital Improvement Fund. Mayor Marks asked that they keep in mind the importance of the Civic Center and Police Building when they make the report.

LETTER FROM FRANK ANDREWS RE: "NOTICE TO CIRCULATE A PETITION"

A letter from Frank Andrews advising the Council of his intention to circulate a petition for the City of Modesto to purchase the electrical system of the M.I.D., within the City limits, was read by Mayor Marks.

City Attorney Grimes pointed out that under law, the City can not condemn the property of the Modesto Irrigation District to conduct the same type of business.

The Council agreed that no action be taken at this time and ordered the letter filed.

LETTER FROM DONALD R. ROE, TECHNICAL DIRECTOR, MODESTO JUNIOR COLLEGE
LITTLE THEATRE

Mayor Marks read a letter from Donald R. Roe, Technical Director, Modesto Junior College Little Theatre, requesting permission to stretch two canvas banners across city streets, one across College Avenue opposite the main entrance to the campus, and the other across Tenth Street just north of I Street, to advertise the coming production of a play by the College Players.

The City Manager stated that the request could not be granted, unless the Council changed its present policy on the placing of banners on city streets.

MOTION

That the request of Donald R. Roe for permission to place banners across city streets be denied.

Moved by Councilman Hammond
Seconded by Councilman Robinson
Unanimously carried

CONSIDERATION OF AWARD OF BID FOR INSTALLATION OF STREET LIGHTING MATERIALS, IMPROVEMENT DISTRICT NO. 3

The City Manager read a letter from the Stanislaus County Central Labor Council requesting a postponement of action on this matter, of one week, in order that they might have an opportunity to go into the details further on the matter of the difference of the City's estimate and the low contract bidder's figure in connection with this project.

The City Manager recommended that the request be granted and the subject be held over for one week.

MOTION

That consideration of award of bid for installation of Street Lighting Materials, Improvement District No. 3, be held over for one week.

Moved by Councilman Anderson
Seconded by Councilman Arata
Unanimously carried.

Mr. Jack Rollins appeared later in the meeting, on behalf of the Electrical Contractors Unit, requesting that the Council extend the time limit for an additional one week, in order that they might have more time to prepare the material and data necessary on this matter. He stated that it was the policy of the Council that the City would not go into competition with private business, but that the policy has been reversed and they would like an opportunity to show the Council members that it would be very costly for the City to attempt to compete with private industry.

MOTION

That the consideration of award of bid for installation of Street Lighting Materials, Improvement District No. 3, be extended one additional week, until April 18, 1956.

Moved by Councilman Anderson
 Seconded by Councilman Arata
 Unanimously carried

REPORT ON BIDS FOR STORM RELIEF PUMP STATION AT 9TH AND M.I.D. LATERAL NO. 4

Tabulation of the bids received for the storm relief pump station at 9th and M.I.D. Lateral No. 4, which had been opened on April 2, 1956, at 2:00 P. M., were considered by the Council.

Director of Public Works Ray reported that the City's estimate was \$4,600 and that it had been prepared prior to the water being put into the irrigation canals. He stated that the bids submitted on this project, had taken into consideration the problem of the water. He reported that the low bid was considerably higher than the City's estimate. In view of this fact, he stated, and in view of the fact that no assurance is given that the lateral will be available for use whenever it is needed because of M.I.D. operation of Lateral No. 4, it is recommended that the bids be rejected. He stated that it was felt that this amount of cost, for something the City may have very little use of, could not be justified. In the event that the bids are rejected, he stated, the following alternatives are suggested:

1. Wait until the end of irrigation season and call for bids, again. This way there would be assurance of proper working conditions in making this installation.
2. Advertise to do this work on cost-plus contract basis.
3. Table the project.
4. Accept the lowest bid submitted.

MOTION

That the project be tabled until the water is out of the M.I.D. Laterals.

Moved by Councilman Hammond
 Failed for lack of a second.

Councilman Adams asked if it would be possible to call for bids, to start the work on or about October 15, 1956. He was informed that this could not be done under present bids.

Mayor Marks suggested that the project be referred back to the Drainage on Tully (Use of M.I.D. Laterals for Storm Sewer) Committee for study of the four alternatives listed above.

Mr. Ray suggested that the matter be held over for one week and consider the possibility of cost-plus-contract basis. He stated that the companies, who submitted bids on this project, might be contacted to get their ideas, and also get the ideas of the Council Committee after they have had an opportunity to discuss it.

Councilman Hammond suggested the bids be rejected and then re-advertise after the water is out of the canals.

MOTION

That the consideration of the bids for the storm relief pump station at 9th and M.I.D. Lateral No. 4 be referred back to the Drainage on Tully (Use of M.I.D. Lateral for

storm sewer) Committee for study of the four alternatives, and report back to the Council at a later date.

Moved by Councilman Arata
Seconded by Councilman Robinson
Unanimously carried.

Councilman Robinson asked if this project had been figured on cost of City labor or cost of the contractors labor. Mr. Ray replied that it had been figured on the cost of the contractors labor, as it was the Department's recommendation to the City Manager, in which he concurred that City labor not be considered as the work load is quite heavy at this time, and they did not feel they would have the time to do it.

Councilman Hammond asked if this \$4,600 included the pumps. Mr. Ray stated that this amount did not include the pumps, as they were going to use the pumps which had been saved from the Sewage Plant.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS ON STREET LIGHTING MATERIALS

Upon approval by the Council, this item was held over until the meeting of April 11, 1956.

ADOPTION OF ORDINANCE NO. 78-C.S. - LEASE OF HANGAR SPACE AT AIRPORT - PHILLIPS

ORDINANCE NO. 78-C.S., entitled:

"AN ORDINANCE PROVIDING FOR THE LEASE OF AIRPLANE HANGAR SPACE AT THE MODESTO CITY-COUNTY AIRPORT TO ROBERT A. PHILLIPS, AN INDIVIDUAL, AND AUTHORIZING THE EXECUTION OF A LEASE IN CONNECTION THEREWITH", introduced on March 21, 1956, and having been printed and published as required by the Charter, and coming on for final consideration, was moved and adopted.

Motion by Councilman Arata
Seconded by Councilman Anderson
Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks.
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 79-C.S. - LEASE OF HANGAR SPACE AT AIRPORT - NAKAGAWA

ORDINANCE NO. 79-C.S., entitled:

"AN ORDINANCE PROVIDING FOR THE LEASE OF AIRPLANE HANGAR SPACE AT THE MODESTO CITY-COUNTY AIRPORT TO NAKAGAWA BROTHERS, A PARTNERSHIP, AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH", introduced on March 21, 1956, and having been printed and published as required by the Charter, and coming on for final consideration, was moved and adopted.

Motion by Councilman Robinson
Seconded by Councilman Anderson
Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 80-C.S. - PURCHASE OF REAL PROPERTY FROM CHARLES T. CARROLL

ORDINANCE NO. 80-C.S., entitled:

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM CHARLES T. CARROLL AND ELLA CARROLL", introduced on March 21, 1956, and having been printed and published, as required by the Charter, and coming on for final consideration, was moved and adopted.

Motion by Councilman Anderson
Seconded by Councilman Hammond

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

Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 81-C.S. - PURCHASE OF REAL PROPERTY FROM IRIS S. KEWIN

Before this ordinance was finally adopted, Mr. Bob Bomberger, stated that he felt the City had paid twice the price for this property, than it was worth on the open market. He said that he had been out to look at the property and that either the appraiser was high, or he had not considered all the phases while appraising the property. He stated that the area would require a great deal of fill.

The City Manager replied that the property had been appraised by Mr. John Knorr, and that preliminary plans for subdivision had been submitted and that it was the understanding that if the City did not purchase the property, it would be subdivided. The City had three alternatives from which to choose if it were to provide any park in this area.

1. Permit the subdivision and buy the remainder of it;
2. Permit about 4 lots to develop on the east end and buy the remainder;
3. Purchase it all.

Mr. Bomberger stated that he appreciated the City's position, but that he just wanted them to know what his feelings were on the matter.

Mayor Marks asked him if he felt the City should acquire land by condemnation proceedings, or if they should continue under the policy now being used.

Mr. Bomberger stated that he felt the City should attempt negotiations with the property owners first, then if this failed, condemnation proceedings should be started.

Howard Wilbourn, also a real estate man, disagreed with Mr. Bomberger, stating that approximately 8 lots, worth a minimum of \$5,000 each, could be yielded from this property, which would make the total property worth about \$40,000.

ORDINANCE NO. 81-C.S., entitled:

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM IRIS S. KEWIN", introduced on March 21, 1956, and having been printed and published as required by the Charter, and coming on for final consideration, was moved and adopted.

Motion by Councilman Adams
Seconded by Councilman Anderson
Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
Robinson and Mayor Marks
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 82-C.S. - AMENDING CODE, CREDIT FOR PERSONAL PROPERTY TAX PAYMENT

ORDINANCE NO. 82-C.S., entitled:

"AN ORDINANCE AMENDING SUBSECTION (b) OF SECTION 6-1.201 OF ARTICLE 2 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE", introduced on March 21, 1956, and having been printed and published as required by the Charter, and coming on for final consideration, was moved and adopted.

Motion by Councilman Robinson
Seconded by Councilman Hammond

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

Noes: None Absent: None

REPORT ON DRAINAGE PROBLEM IN THE McHENRY AVENUE AREA

City Manager Miller reported that a McHenry Avenue Improvement Group had been organized to help with the development of storm drainage on McHenry Avenue. He distributed to the Council Members, copies of an analysis on the drainage problem, which had been prepared by the Public Works Department. Meetings have been held with representatives in the area, and with the Division of Highways, he reported, but the State is unwilling to make the necessary reconstruction for the widening of McHenry Avenue, until the drainage problem was solved.

Director of Public Works Ray reported that no final decision had been reached in the report, but that 4 alternative plans had been proposed. He stated that it might be possible for the Division of Highways to participate in the drainage problem on McHenry Avenue to the extent of estimated costs of rights-of-way acquired for the widening of the thoroughfare. This is based on the assumption that the rights-of-way would be provided without cost, by the property owners. He pointed out that it might be possible to obtain State participation in the amount of \$400,000, which would help greatly in financing the cost of a trunk line for McHenry Avenue alone. He stated that if an improvement district is formed, the majority of the property owners would have to be in favor of it, and it would be very difficult to obtain this majority. He stated that it would also be difficult to establish an improvement district, since a major portion of the area involved is located outside the present City limits. He recommended that the Council study the report during the next week, before any discussion is held on the matter.

The City Manager urged that the matter move along as fast as possible since the Division of Highways would be preparing their budget, shortly, for the next year, and the cost of their participation in the improvement of McHenry Avenue should be included.

The Council set April 11, 1956, at 8:30 P. M. as the time for a hearing on the storm drainage problem.

Director of Public Works Ray introduced Frank Reynolds, Civil Engineer Assistant, who has been assigned to work full time on the storm drainage problem.

PRELIMINARY REPORT ON POLICE DEPARTMENT FILED BY CHIEF OF POLICE

The Chief of Police filed copies of the preliminary report on the Police Department with each Council member for study and final

consideration at a later meeting.

Police Chief Neel introduced three officers who were recently appointed to the position of Sergeant after completing an extensive examination. He reported that they had just completed a four week training program at the Los Angeles Police Department. He introduced the following Officers to the Council:

Sergeant Charles Daggs
Sergeant James Doerksen
Sergeant Claus Fuhlendorf

APPROVE AGREEMENT WITH THE MODESTO REDS FOR PURCHASE OF FOLDING CHAIRS

This matter was held over for one week.

RESOLUTION ACCEPTING THE OFFER OF THE UNITED STATES OF AMERICA FOR A GRANT OF FEDERAL FUNDS FOR THE DEVELOPMENT OF THE MODESTO CITY-COUNTY AIRPORT

The City Manager recommended that the offer of the United States of America for a grant of Federal funds for the development of the Modesto City-County Airport be accepted.

RESOLUTION NO. 56-120

A RESOLUTION ACCEPTING THE OFFER OF THE UNITED STATES OF AMERICA FOR A GRANT OF FEDERAL FUNDS FOR THE DEVELOPMENT OF THE MODESTO CITY-COUNTY AIRPORT.

Introduced by Councilman Merrill
Seconded by Councilman Robinson

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

AUTHORIZE PAYMENTS FOR CONTRACTS HELD UP FOR JUDGMENT ON DECLARATORY RELIEF CASE

The City Attorney reported that since the Judgment had been rendered in the Superior Court on the Declaratory Relief Case, it would be in order to accept the Carver Trunk Sewer Line, which had been constructed by the Standard Materials Co., Inc., and the curbs and gutters in Whitmore Park, which had been constructed by Tanner Construction Company, and file Notice of Completion, and authorize payments as due.

RESOLUTION NO. 56-121

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE CARVER ROAD SANITARY TRUNK SEWER FROM CONTRACTOR, STANDARD MATERIALS COMPANY, INC., AND AUTHORIZE PAYMENTS AS DUE.

Introduced by Councilman Anderson
Seconded by Councilman Merrill

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

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RESOLUTION NO. 56-122

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CURBS AND GUTTER AT WHITMORE PARK FROM CONTRACTOR, TANNER CONSTRUCTION COMPANY, AND AUTHORIZE PAYMENTS AS DUE.

Introduced by Councilman Adams
Seconded by Councilman Robinson

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

Noes: None Absent: None

RESOLUTION TRANSFERRING \$1,500 FROM GENERAL RESERVE TO GENERAL FUND,
CITY COUNCIL-SERVICES LEGAL COUNSEL (POLICE HOLIDAY PAY)

The City Manager reported that in as much as the Council had authorized the Agreement for services of a Legal Counsel (Police Holiday Pay) and that funds had not been appropriated to cover this service, an appropriation transfer of \$1,500 was now being submitted for Council approval.

RESOLUTION NO. 56-123

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,500 FROM GENERAL RESERVE TO GENERAL FUND, CITY-COUNCIL, FOR SERVICES OF A LEGAL COUNSEL (POLICE HOLIDAY PAY)

Introduced by Councilman Arata
Seconded by Councilman Anderson

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

Noes: None Absent: None

The City Attorney stated that if the City was successful in the first test case, the fees for the legal counsel should be much less than the \$1,500 estimated at this time.

RESOLUTION ACCEPTING AGREEMENT WITH R. B. ASBILL FOR BUILDING SETBACK
LINE AT D AND 14TH STREET AND DEDICATION OF STREET RIGHT-OF-WAY

The City Manager reported that the Agreement with R. B. Asbill for building setback line at D and 14th Street and dedication of Street Right-of-Way was now ready for Council approval. He pointed out changes that had been made and recommended that the agreement be approved.

RESOLUTION NO. 56-124

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND R. B. ASBILL AND DOROTHY MAE ASBILL FOR BUILDING SETBACK LINE AT D AND 14TH STREET AND DEDICATION OF STREET RIGHT-OF-WAY

Introduced by Councilman Arata
Seconded by Councilman Robinson

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

Noes: None Absent: None

RESOLUTION APPROVING AGREEMENT WITH KENNETH DURAND ON CARE OF WALNUT TREES ON GOLF COURSE PROPERTY

The City Manager recommended the approval of an agreement with Kenneth Durand for care of the walnut trees on the Golf Course property.

Councilman Arata stated that there were quite a few small trees on the property, and recommended the agreement be approved.

RESOLUTION NO. 56-125

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND KENNETH H. DURAND AND GLADYS S. DURAND FOR THE CARE OF WALNUT TREES ON THE GOLF COURSE PROPERTY

Introduction by Councilman Arata
Seconded by Councilman Adams

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

FURTHER REPORT ON REQUEST OF FRESNO CONSUMERS ICE CO. TO DRILL WELL

The City Manager recommended that the request of the Fresno Consumers Ice Co. to drill a well be granted upon the following conditions:

1. Well Construction: Well must be provided with an impervious casing which will effectively exclude sub-surface waters and ground waters. Casing should terminate above the floor level.
2. Opening at top of casing shall be effectively closed.
3. Subject to conditions of the State Water Pollution Control Board which may set requirements on temperature and other conditions affecting the underground supply.

RESOLUTION NO. 56-126

A RESOLUTION GRANTING THE REQUEST OF THE FRESNO CONSUMERS ICE COMPANY TO DRILL A DRAINAGE WELL

Introduced by Councilman Hammond
Seconded by Councilman Robinson

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

REPORTS FROM PLANNING COMMISSION

City Attorney Grimes reported that the matter of expansion of the Masonic Cemetery had been held over by the Planning Commission for further consideration and action at a later date.

CONSIDERATION OF PERFORMANCE AND COMPENSATION OF CITY MANAGER AND CITY ATTORNEY

Mayor Marks asked that the Council consider the following questions raised in his memorandum to the members of the Council, dated April 2, 1956, a copy of which is on file in the minutes of this meeting:

1. Has Mr. Miller performed the functions of "general manager" of this corporation, the City of Modesto, satisfactorily and well during the almost five years he has been with us?
2. If so, is he entitled to a raise in salary, and how much?

Mayor Marks pointed out that since both the City Manager and the City Attorney were employed directly by the Council, that it was a matter of Council consideration.

Councilman Merrill pointed out that the policy adopted by the Council relating to new business would require that this item be held over for Council consideration and further study and investigation. He recommended that the matter be held over for one week. He asked that a report be furnished on salaries paid the City Manager of other comparative cities.

MOTION

That the matter be held over for one week for further study.

Moved by Councilman Merrill
Seconded by Councilman Anderson

Before the vote was taken on this motion, additional discussion was held.

Councilman Hammond considered this subject was of public interest and additional facts and figures should be obtained before a decision was made by the Council.

Mayor Marks pointed out that the salaries paid by comparative cities was not the matter under discussion. The question was "How much is the City Manager of Modesto worth", and "What has he done"? Does he do his job right; if so, is he entitled to a raise?

Councilman Arata stated that he was not against increasing the City Manager's salary, but he would like to have the matter held over for a week in order to obtain the reaction from the general public.

The City Manager said that the matter was very important to him, and stated that if there was not an affirmative answer to question No. 1, there would be no need to consider No. 2. He asked, if possible, that the matter be cleared on question No. 1 at this time.

Councilman Hammond pointed out that the Council had already expressed its satisfaction on his service, individually, but there were other matters they wished to clear before a vote was taken.

Mayor Marks pointed out that Mr. Miller was employed under the direct supervision of the Council and that he had not asked for a raise. He stated there was some public misunderstanding of the Council-Manager form of government and that the City Manager actually was employed by and worked for the Council.

Councilman Anderson considered that the Council should determine what the general public felt about the matter before action was taken.

Councilman Hammond pointed out that the Council had already expressed itself on the satisfactory work of the City Manager. Mayor Marks considered that it should be done by a vote on a motion.

Councilman Robinson considered that since the Council had expressed satisfaction on the service rendered by the City Manager, that a vote should be taken at this time and expressed willingness to vote on a motion.

Councilman Anderson stated that as a matter of principle, and since the Council's policy is to delay considering new matters for one week that this matter should be held over.

Councilman Arata stated that he desired an additional week to consider the matter to determine what the general public's reaction would be. He stated, "Whenever we vote, it should be right".

Mayor Marks pointed out that the City Manager had numerous offers from other cities at a higher salary.

City Manager Miller said, "I would like to tell you that I have never been happier in my life than in Modesto. We came here because we were sure we would be happy here, and we have never regretted it for a single day. I have never worked harder or enjoyed it more. I have never worked with a better group. I know some would regret it if I go, and some would regret it if I didn't go. To the question of urgency, these people have come to me. I have never asked any city for a job or a raise. I have turned down all the offers I have received because I have been assured all the way along that there was opportunity here in Modesto. I called the people after the discussion by the Council, and told them that I thought I was going to stay in Modesto, and that I wanted to stay in Modesto. I stated that they should consider some other person for the job. The Mayor of the City said that I was the first man they were considering for the job. I told him that they better proceed on the basis that I wasn't leaving Modesto. We have been happy here and enjoyed it. We have built our own home. I would like to know that you want me to continue here. If it is the wish of the Council to hold it over for a week, then take another week."

Councilman Arata stated that he felt the Council should wait a week before considering this item.

Mayor Marks pointed out that the Council was judging the City Manager on his capability. He said that he thought the motion should be amended to say that the Council acknowledges the fact that Mr. Miller has performed his job satisfactorily for the past five years.

Mr. Grimes stated that the motion could not be amended since it was a tabling motion. He said that the only way the Council could consider question No. 1 tonight would be to defeat the motion and to table the matter until next week unless the author of the motion is willing to withdraw it.

Councilman Merrill stated that he would not withdraw his motion.

Mayor Marks called for a vote on the motion. (Hold over consideration for one week.)

Ayes: Councilmen Adams, Anderson, Arata, Hammond and Merrill.

Noes: Robinson and Mayor Marks.

He declared the motion carried.

The City Manager specifically requested that Question No. 1 be put on the agenda for next week's meeting. He stated that he had hoped to obtain a statement from the Council on this question, after five years of employment. He said that he appreciated the spirit in which this matter was handled, and hoped that next week the Council would clear the matter and he would be able to stay for a long time.

The matter of the compensation for the City Attorney was held over for one week.

CONSIDER PURCHASE OF ADDITIONAL WATER PIPE

With the approval of the Council, this item was held over until the next meeting.

PROCLAMATION BY MAYOR MARKS SETTING APRIL 5 to APRIL 12 AS SPECIAL "REGISTER TO VOTE WEEK"

Mayor Marks issued a proclamation setting the week of April 5 through April 12, 1956, as "Register to Vote Week" and urged every citizen of Modesto, who had not yet registered, to be sure that their name is placed on the roll.

FINAL REPORT ON PLANNING DEPARTMENT

Final consideration of the Planning Department report was held.

Councilman Adams inquired as to when the master plan would be finished. Mr. Smeath replied that it is hoped that a preliminary plan will be available in about a year.

The subject of subdivisions was also discussed, and Councilman Anderson asked how much time is allowed the subdivider to submit his final map to the Planning Commission. Mr. Smeath pointed out that there was some confusion among the subdividers and the planning staff as to when to begin the 30 day period, which is allowed. He stated that the Planning staff begins the period after the tentative map meets all the requirements of the City ordinance. It was brought out that maybe the Planning staff is doing a lot of work on the tentative maps which should be done by the subdivider. Mr. Smeath stated that he felt the Planning Department is unable to spend enough time on subdivisions.

Mr. Smeath pointed out that in many cities a planning consultant is hired to make recommendations to the City on certain planning matters.

Mayor Marks asked what it would require to have someone work on the Tidewater Southern problem. Mr. Smeath stated he felt that in order to work on this project, it would require one full time planning technician. He said that he had discussed this with the City Manager and it was felt that there is a need for some consulting assistance on special problems such as the use of M.I.D. canals and the Tidewater Southern project.

Councilman Arata asked if the City hired a consulting engineer would a full time planning technician still be needed.

Mr. Smeath stated that the problem was, whoever worked on these problems would have to be able to work with the City Planning Department. He said that unless some one is hired to handle these problems, it will be some time before the current Planning Staff will be able to get to them.

PACIFIC GAS AND ELECTRIC FRANCHISE TAX PAYMENTS

The City Manager reported that the Pacific Gas and Electric Company had made a payment, in amount \$11,960.28, representing the franchise tax payment for the calendar year 1955. He stated that it is over \$2,000 more than last year's payment, and represents more than a 20% increase over the 1954 franchise tax payment. He said that the payment is based upon 1% of the gross receipts from gas sales to customers within the City of Modesto.

REQUEST OF PACIFIC GREYHOUND LINES FOR ROUTE MODIFICATION

The City Manager stated that it was the recommendation of the staff that the Council either not object to the route modifications or approve them.

It was agreed by the Council that they would take no action on the application, but would let the Public Utilities Commission handle the matter.

PARTIAL REIMBURSEMENT FROM C.A.A.

Assistant City Manager Masonheimer reported that a partial reimbursement of expenses incurred for land acquisitions for expansion of the Modesto City-County Airport had been received from the C.A.A. He stated that the amount of the City's request for partial reimbursement was \$83,983.92, and that they had received payment, in amount \$80,502.30, with a notation that \$3,481.62 had been deducted to reduce the partial payment to 90% of the maximum grant. Distribution of the amounts received between the City and County, is now being made, he reported, as set forth in the contract, with the County.

APPROVAL OF APPLICATION FOR FUNDS FOR REPAIR OF FLOOD DAMAGE

The Assistant City Manager reported that the application of the City of Modesto for emergency relief funds, had been approved. He stated that the amount of funds for the emergency repair services in the City is \$9,700. The money, he stated, is for the clearing of the debris at the Sewage Treatment Plant, cleaning out the storm sewers, and cleaning the streets. It was pointed out that the experience of the Assistant City Manager in his emergency assignment to Yuba City had helped in getting this allocation.

RECEIPT OF FEDERAL REIMBURSEMENT FOR CIVIL DEFENSE PURPOSES

Assistant City Manager Masonheimer reported that the last invoices for participating funds on the remainder of the items approved for purchase under the Federal Civil Defense Administration matching funds program, had just been completed. He stated that this had been a two year program and during that time the money had been used to purchase radio communications and training equipment. He said that invoices had been submitted in February and March which totaled \$10,797.53, of which approximately \$5,490 is reimbursable. \$1,757.75 has been received previously, which will make a total of almost \$7,250.

BUDGET HEARINGS

The City Manager reminded the Council that the preliminary budget hearings are now under way and stated that so far only two visitors had been present at the hearings.

REPORT FROM CITY ATTORNEY ON COMPARATIVE POWERS OF CITY COUNCIL AND A
PARKING AUTHORITY

The City Attorney reported that Councilman Hammond had asked that he report on the following three questions:

1. Can the City Council constitute itself as a parking authority for purposes of exercising the powers granted to parking authorities under the Parking Law of 1949?

Answer: No

2. In a city having a city council consisting of 7 members, can the Mayor, with the consent of the city council, appoint five of such council members as members of a duly created parking authority under the Parking Law of 1949?

Answer: No

3. Under Section 33552 of the Streets and Highways Code, may a city exercise the powers granted to a parking authority under the Parking Law of 1949?

Answer: Yes, but it is limited by the state or local constitutional debt limitation provisions.

He said that the law apparently permits the City to condemn existing property now used for off-street parking and then use the area for off-street parking purposes, but that he could find no case law so holding.

Councilman Hammond, Chairman of the Council Parking Committee, stated that the committee was not ready to give a report at this time.

ADJOURNMENT

MOTION

That the Meeting now in session adjourn.

Moved by Councilman Adams
Seconded by Councilman Anderson
Unanimously carried.

The meeting was adjourned at 6:38 P.M.

ATTEST: 
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., 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. Wendel Kramer, pastor of the Centenary Methodist Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of March 14, 1956 and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM GREATER MODESTO SAFETY COUNCIL RE: ERECTION OF SIGN ON PARKING LOT AT TWELFTH AND I STREETS

A letter was received from the Greater Modesto Safety Council asking Council consideration for the erection of a sign at the Southeast corner of 12th and I Streets on the city parking lot calling attention to the number of traffic accidents and deaths. City Manager Miller recommended that the letter be referred to the staff for further checking.

Traffic Engineer Carmody pointed out that the only problem involved would be the objection of the adjacent property owner, who had asked that the city's sign be removed as it blocked his advertising sign. Since the new sign is proposed to be erected above the city's sign, he stated this might present another unfavorable reaction by the same property owner.

Marion Moorehead, President of the Safety Council, who was present, indicated that a week's delay in the Council's decision would not present any problem.

MOTION

That the request of the Greater Modesto Safety Council to erect a sign on the city's parking lot over the present parking lot sign be referred to the staff for investigation and report to the Council.

Moved by Councilman Anderson
Seconded by Councilman Robinson
Unanimously carried

REQUEST FOR PERMISSION TO ERECT REVIEWING STAND IN FRONT OF COUNTY COURTHOUSE IN I STREET FOR "KEFAUVER-FOR-PRESIDENT COMMITTEE"

A letter was received from J. P. Dieu, requesting permission on behalf of the Kefauver-For-President Committee, to erect a reviewing
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stand in front of the Courthouse on I Street, Tuesday, April 17 for the use of Senator Estes Kefauver and his party. He also asked for permission to use a public address system and the reservation of four parking spaces on the south side of I Street.

The City Manager stated that he would recommend the granting of the request on the basis that the stand meet safety standards and the parking be arranged by the Traffic Engineer and the Police Department. A report prepared by the Traffic Engineer outlining suggestions for the granting of the permit was considered.

MOTION

That permit be granted to the Kefauver-for-President Committee to erect a reviewing stand on I Street at the location and time requested and use of parking spaces and public address system for speeches ^{be} approved on the basis recommended by the City Manager and outlined in the report of the Traffic Engineer, dated April 10, 1956.

Moved by Councilman Hammond
Seconded by Councilman Adams
Unanimously carried

The City Attorney stated that it would be necessary for the Council to approve the use of the public address system each time a similar request was filed.

CONSIDER FURTHER AWARDING OF BID ON STORM RELIEF PUMPING STATION AT M.I.D. NO. 4 AND N. 99 HIGHWAY

Pursuant to referring the bids received on the Storm Relief Pumping Station to the Council Committee, Councilman Adams, Chairman, reported that due to the increased costs involved in the construction during the time that water was in the irrigation ditch, the committee recommended that all bids received be rejected and new bids be called for in the fall, so that construction could be started immediately after the water was out of the canal. He estimated that the water might be out of the ditch by October 15.

RESOLUTION NO. 56-128

A RESOLUTION REJECTING THE BIDS RECEIVED FOR THE CONSTRUCTION OF STORM RELIEF PUMPING STATION

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

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR TULLY AVENUE SEWER

Plans and specifications for the construction of a sanitary sewer in Tully Avenue from Briggsmore Avenue to Bowen Avenue were presented for Council consideration by Director of Public Works Ray. He pointed out that item 30 on the agenda "Report on expenditures 1953 Bond" tied in with this matter and suggested, to which the Council concurred, that

both matters be considered at the same time.

He reminded the Council that the call for bids had been held over for a week due to the fact that the School Board was considering a possible location for a new High School on Tully Road. The original plans presented last week, he continued, were for a sub-trunk line on Tully Road from Briggsmore north to serve adjoining subdivisions. Since last week, he reported, two sites, one on the west side in an area the City had planned as residential area and the other on the east side of Tully Avenue north of the Bel Air Subdivision and not in the city's previously established sewer service area were considered by the Board. He pointed out that the School Board had not voted on the site officially. In that event it is necessary, if the School is to be served with city sewers, to install a larger line on part of Tully Avenue. This would then become a trunk line, 12" in diameter and would require expenditure from bond funds, he stated. He recommended that since there were some subdivision houses near completion that plans for the trunk line be approved and bids be called for. In the event that the school board does not select this site prior to the bid opening, the bids could be rejected and new bids be called for if the Council so desires. He pointed out that time was of the essence. He pointed out that if these plans were approved that it would become an expenditure from the bond funds and would amount to approximately \$12,000. He stated that this tied in with the report on the expenditures of the 1953 bond issue, which had been sent out to the Council previously.

He stated that it appeared that the City would not be able to build all of the things it would like to see built with the bond issue of 1953. It is evident though, he stated that the City can build considerably more than was originally anticipated. He pointed out that the Tully Avenue trunk was not originally included in the bond expenditures. He asked the Council if they had any questions regarding the report.

Mayor Marks pointed out that the School Board had in the past, where the City had extended sewers, paid the difference in cost and asked if it could be done in this instance.

Mr. Ray pointed out that this was not a request from the School Board but the staff felt that a line should be built that was large enough to serve that particular area including a school, if the school is to go there no matter if it may be two, three or five years before such a school may be developed. He stated that the City did not want to have to build later a larger size and the staff is proposing it on that basis. In the event the Board decides it is not going out there prior to the time the contract is let the line can be revised.

Mayor Marks suggested that the matter be held over for a week to give the Council members an opportunity for further study, on the report submitted on the status of the sewer bond money.

Mr. Ray stated that the staff was concerned with the problem of the subdividers in that particular area since there were some houses nearly completed and will be completed before the line is constructed.

A general Council discussion was held on whether the matter should be held up until the Board had made its decision on the school site.

Mr. Ray pointed out that if the line was to be a sub-trunk sewer it would be necessary first to have an agreement with the subdivider. He stated that he had tried to contact the subdivider, Lance Ellis, to obtain an agreement prior to this meeting so that it would be possible to go either way tonight but he had been unsuccessful. He stated that he would not advise calling for bids on a sub-trunk sewer until the agreement had been executed.

The City Attorney pointed out that if the Council approved the specifications tonight, because of the fact the legal publication is held up for a week, a decision may be made by the Board by that time and even before the proposals are given to the bidders, they could be notified of the change, so the only cost that would be involved would be for publication.

Mr. Ray pointed out that the trunk line would only go as far as Bowen Avenue and it would be necessary for the Schools to build a line of considerable length to connect with the line.

Mr. Ray suggested the time for opening of bids as Monday, April 30, 1956 at 2:00 P. M. in the office of the City Clerk.

RESOLUTION NO. 56-129

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF A SANITARY SEWER IN TULLY AVENUE FROM BRIGGSMORE AVENUE TO BOWEN AVENUE AND AUTHORIZING THE CALL FOR BIDS

Introduced by Councilman Robinson

Seconded by Councilman Hammond

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

Noes: None Absent: None

It was agreed by the Council that consideration of the report submitted on the status of the funds of the 1953 Sewer Bond would be considered at the next Council meeting.

HEARING ON PROPOSED LOCATION OF THE CITY HALL BUILDING

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed location of the City Hall Building. He outlined the procedure to be followed in the hearing. He asked the City Manager to review the background on the study made by the Citizens Committee, which had been appointed by the Planning Commission.

The City Manager stated that this committee had been appointed to assist in answering two questions: 1) Should there be a civic center, and 2) if so what should be included in it. After that report was made, the joint committee composed of members of the Planning Commission and the Council was appointed. This committee, he stated, together with members of the administrative staff made a study of five sites throughout the city. This committee made a recommendation to the Council and the Planning Commission that the area between Scenic Drive, LaLoma and Beard Brook and 19th Street be designated as the Civic Center Area. Both the Planning Commission and the Council have now indicated approval of the committee's recommendation for the area. Mr. Milton Pfleuger, Architect, hired by the city to design the City Hall, also assisted the staff and committees in the consideration of the civic center area. After this location was determined, he continued, the next question was----where the City Hall was to be located on the area? The Council, at its meeting of March 28, adopted a motion that "a public hearing on the selection of a site for the City Hall in the Civic Center be held on Wednesday, 8:00 P.M., April 11, 1956, as a special order of business".

Mayor Marks called on Councilman Anderson, Chairman of the Council Committee on the City Hall. He stated that considerable time had been spent by the joint committee, on analyzing the various sites. He asked Mrs. Ruth Potter, Planning Technician, to report on the preliminary work done on the selection of the various sites in the Civic Center area, due to the absence of Planning Director Smeath, who was ill.

Mrs. Potter displayed a number of maps showing the various sites considered by the committee and briefly described the boundaries of the four sites. She pointed out that since the committee's report to the Council, an additional site (4A) composed of the land acquired by the city from the Moose Lodge, along the Beard Brook, had been considered in conjunction with site No. 4, which was rather small. The architect, she stated, considered that there should be a site of approximately five acres. She reported on the acreage of the various sites.

Councilman Anderson asked Roy Potter, Associate Planner to report on the other sites throughout the city which had originally been considered for a Civic Center Area by the committee.

Mr. Potter displayed maps indicating the various sites and described the boundaries. He stated that the basis for the Planning Department recommending Area No. 2, was 1) possible future expansion of the central business district, 2) the circulation pattern was considered desirable, 3) that the city should not have a civic center that would stop the commercial pattern of growth and should be located adjacent to a future central business district and not too far removed from these functions.

He pointed out that if the area in which the city's property on 15th Street was located had been selected that it would tend to stop the commercial growth. This would also be true of the northern site considered. With the projected increase in population, he stated, this should be taken into consideration. The site selected will be a hub of the future community and is a focal point geographically in the community and is almost the center of the population of the total area, he stated.

Councilman Anderson stated that although the committee had made a thorough study of the problems, it was not infallible and was open to any suggestions that anybody might have. He stated that there were certain things brought up recently which were of benefit and which would be further explored when the various sites in the civic center area were discussed. He asked Mrs. Potter to further discuss the four sites within the civic center area.

Mrs. Potter stated that two reports had been prepared by the Planning Staff and filed with the joint committee on the various sites. She stated that the staff had proceeded on the basis of these four sites, looking for an area approximately 5 acres which would be the proper size for a low type of building for the city hall, and which would provide some parking and landscape area around it. Site No. 1 was considered as a possibility because of its intersecting roads and the possibility of cutting off of some of the streets as additional area which could be used for city hall development. In fact all of the sites considered, she stated, the possibility of cutting off streets was considered. The object of cutting off the streets was to give the greatest flexibility in the development of the city hall plan itself. The staff did not want to limit the architect by telling him that he had to put the city hall in a certain area of just a certain particular shape. Area No. 1 was selected by the Planning Department as the No. 1 recommendation, because it has the best accessibility; it is on a transit route, the bus goes by on both Scenic Drive and LaLoma; the visibility of the city hall would be best.

She reported that the costs were also examined in some of the sites on varying basis. Most of them were by a rough estimate of costs done by the city appraiser. She stated that the staff did not feel that the costs could be examined only in the light of the present day. They should be considered over a 25-30 year period, or even longer. She listed the estimated costs as follows:

Site No. 1.	\$2.00	per square foot
Site No. 2.	\$1.50	per square foot
Site No. 3.	\$.85	per square foot
Site No. 4.	\$1.56	per square foot

She stated that the Traffic Engineer had made the sketches showing the street requirements during the interim stage while the city hall would be the only building in the civic center area. There might have to be some small adjustment in the street pattern so that it would work out. In area No. 2, there was an alternate, Harriett Street, which is not a through street, would have to be extended in some manner. There are other street closing problems in No. 2, which means that someone would not have access to his property and in some cases the city would have to buy all of the property in order to make sure that people would not lose access to their property. In Area No. 1, it was considered that Rue de Yoe would have to be cut off. Area No. 3 is sufficiently large to satisfy the acreage requirement, however, there would be some street closing. In all of the sites, she stated, Rue de Yoe Street would be closed. She pointed out that area No. 3 did not have the access that was available to Sites No. 1 and 2. It would be hard to find the city hall if it was located on Site 3, unless you were an actual resident of the city. It would be difficult to point out the route to the city hall to a new citizen if it was located on site No. 3. Because of its inaccessibility, she pointed out, and because at present most of the land is vacant, it was the cheapest of all the sites. Area No. 4 was the smallest site and due to the possibility it might be further reduced if a street was established as suggested by the Traffic Engineer, it was considered advisable to include an additional area recently acquired by the city from the Moose Lodge (area 4a), although there might be a possibility of not using the entire site. Due to the fact part of this site is already owned by the city, she stated, it would not be as costly as some of the other sites.

On the basis of these studies, she stated, the staff recommended to the joint committee, Planning Commission and Council, that Site No. 1 be selected, which is the most accessible, easy to see and has a workable shape for the architect to develop the site for a city hall.

Councilman Arata suggested to Mrs. Potter that she give an approximate cost of the various sites since it would be difficult to estimate the square footage in each area. Mrs. Potter stated that the total estimated cost, which was still preliminary, would be:

Site No. 1	\$325,000.00
Site No. 2	245,000.00
Site No. 3	145,000.00
Site No. 4	160,000.00

Councilman Anderson pointed out that all of Site No. 1 was zoned commercial, part of Site No. 2 was zoned commercial, all of No. 3 and No. 4 were zoned as R-2. He stated that it has been pointed out that if either Site No. 2, No. 3 or No. 4 was selected as the site for the city hall, then the property value in Site No. 1 would probably sky-rocket. He called attention to the fact that a small portion had been deleted from Site No. 2 because of the fact that the small corner area had been appraised as \$135,000 and it really did not fit into the pattern of any particular site and was deleted for that reason.

Mayor Marks pointed out that if Site No. 2, 3 or 4 was selected, the property in Site No. 1 would increase in value to such an extent that for all practical purposes as to subtract it from acquisition as a part of the civic center. This was pointed out by the Architect and the Planning Department, also, he stated.

Councilman Anderson stated that none could foresee in the future 5-10 years what part of the city will grow as far as its commercial value, however, with the location of a city hall on one of the other sites, that Site No. 1 no doubt would be a choice piece of land for any commercial establishment to move in on.

Mayor Marks reviewed for the information of the audience the action taken by the Council a year or so ago when the sales tax was increased one-half cent to pay for capital improvements.

The City Clerk reported that a letter had been received from Floyd Benson.

Mayor Marks read the letter. Mr. Benson recommended that the city hall be located on the presently owned city property on 15th Street, that the balance of the block should be acquired by the city.

Mayor Marks asked if there were any oral protests from anyone in the audience.

Mayor Marks asked if there was anybody who wished to speak on the matter either way, in the audience.

Mrs. Smith asked if there had been any consideration given to building the city hall on the 9-hole golf course after it was abandoned as a golf course.

Councilman Anderson stated that it had been considered many times but it was considered that this was more of a recreation area than it was a business area, which the city hall is going to be. The city hall is an administrative function and should be located closer to other administrative offices, such as the courthouse and the downtown administrative area. The people who do their business in one office could go to other ones without too much trouble. After the new 18 hole golf course is developed, future plans for the 9 hole golf course development for a recreation area will be considered.

Mayor Marks pointed out that when Mr. Dryden had deeded 60 acres to the city for the 18 hole golf course, one of the conditions he asked was that the 9 hole golf course area be used as a regional park with facilities to be used by all of the people in this community.

Councilman Hammond stated that he had been questioned by a number of people on the advisability of using the present city owned property on 15th Street and asked for further information on why the Scenic area had been selected over the 15th Street area.

Councilman Anderson stated that all of the areas pointed out by Mr. Potter had been carefully considered by the joint committee. He stated that he personally considered that the commercial development would envelop the 15th Street area and that future parking facilities which the city does now own might be utilized to a greater extent. However, he stated, he was prone to be criticized for that viewpoint in that a lot of people had contacted him recently and asked "why don't you give more consideration to the 15th Street site, as we now own one-half of the block." It all resolves itself down to one of two problems, he stated, "Do we use this site as a city hall and more or less put in the background a civic center, or do we acquire enough property or an area that we could use for a civic center and relegate the city hall to a second place. It is a question which is debatable and that is why we have a public hearing tonight, to find out, what do the people think."

Mayor Marks stated that it was a situation which required the fullest public consideration and vision. He stated that at the time Architect Pfleuger discussed the city hall site before the Council, that he had stated that the city could not lose on Site No. 1, if nothing else was developed in the center for a long time and even if the center did not develop. Both the state and federal government will ultimately need offices in this area, he stated.

Councilman Robinson stated that the Planning Director had made an estimate of the present value of the city's half block on 15th Street. The lowest estimate on the current market value of this property is between \$100,000/150,000. The current market value of the remaining one-half block was estimated to be approximately \$175,000. If the 15th Street site was decided on, he stated, and the whole block was used, there would be a total cost of between \$275,000/325,000, close to the range of Site No. 1 in the Civic Center, with a total acreage of 2.7 as compared to approximately 5 acres. The square footage cost would be almost double.

Councilman Anderson questioned the using of the \$100,000/150,000 value on the one-half block owned by the city since it had been acquired by the city for a city hall site at a cost of \$38,000.

Councilman Robinson stated that the 15th Street site belonged to the city hall fund and if it was not used for the city hall it would come up for review and if it was used for some other purpose there would be an intra-department transfer of funds or it would come up for sale depending on what the Council decided. In either case it would be either transferred within the city's bookkeeping system or sold on the basis of its current market value.

Councilman Anderson stated that the actual cost would be used if it was decided to build the city hall at this location.

Councilman Arata stated that this property was originally purchased for a city hall site. He stated that he was 100% for a city hall; that he had continually brought up the fact that the city was losing money, approximately \$30,000 annually by not having all the city offices together. However, he stated the more he looked at Site No. 1 in the civic center, the worse it seemed. He stated that he had driven around and around the area and the traffic problem was bad. The traffic will not be decreasing, he stated, but increasing, due to the fact the new county bridge across Dry Creek will bring more traffic over these streets. Commercial operations are building out in that direction. The city can install sewers out close to the county buildings on Old Oakdale Road. I Street is the widest street in town and there is no traffic problem at all and probably never will be. 15th Street is practically in the center of town, close to the courthouse, close to the banks and close to the title companies and closer to the majority of people. He stated he wanted the city hall built but he was 100% for the 15th Street location and definitely against Site No. 1 in the civic center.

There was a loud clapping of hands from the audience at this time.

Councilman Merrill stated that he was on the Council Committee in the selection of the civic center site. He reminded the Council that he had asked the members to personally inspect the various sites in the civic center. After this inspection, he stated, it was his opinion that if the city hall was built in any of the sites in the civic center that traffic problems would be created. He pointed out that the acquisition of the other one-half block adjoining the city's property on 15th Street, closing of the alley, with I Street the widest street in town, the city will not be creating another traffic problem and it would be more convenient for all the people in the city. He pointed out that it would be in a location which would be easy to see and he recommended that the Council take a strong look and move toward acquiring the other one-half block and locating the city hall on this property.

There was a loud clapping of hands from the audience.

Mayor Marks asked Councilman Merrill whether he was only speaking on the city hall and that he did not desire a civic center site.

Councilman Merrill stated that this was the case since the M.I.D. had built its new building, the courthouse, Jail, schools and County Center had already been built. He pointed out that the state was leasing its office space in Modesto. The state, he continued is leasing its buildings instead of building them. The federal government may come in but the question is, where and if. The Council's responsibility is to look out for the City of Modesto and let the state and federal governments come along and take care of themselves.

There was a loud clapping of hands from the audience.

Councilman Arata stated that at present there was \$107,000 in the capital improvement fund for the city hall project. If the land in Site No. 1 was purchased, it would take at least two years to purchase all the property. The city owns one-half of the block on 15th Street and with a small additional fund in the next year's budget, the city could buy the other half of the block and start construction much sooner.

Mayor Marks asked the City Manager to acquaint the audience with what can be constructed in a civic center besides city, county, state or federal buildings.

The City Manager pointed out that there were many reports available to the public which would outline the reasons for the final conclusion that a civic center area should be designated. He pointed out that all civic center areas in every city developed rapidly. He stated that if this city was ever to have a civic center it must point toward it, plan toward it and make it possible. He urged that if the Council considered seriously the 15th Street lot that it go back and take into account all of the studies which were made of this area. He pointed out that almost everybody that worked on the civic center location presumed that the 15th Street would be the place where it would finally be. If the Council is only considering building a city hall, it could be built on that site but it is only about one-half the size the architect has indicated he thought would be suitable for a city hall site. Before the decision is made it should be determined what it will cost to acquire any adjacent property. He stated that the purpose of a civic center was to provide and make possible a grouping of public buildings which are related or other buildings which are related to public buildings in an area where it is the center of the city from the civic activity standpoint. In every city, without exception, that has designated a civic center area, it has been too small. This one will be too small, he stated. A city, of course, he stated, and the people who pay the bills can only do so much and what the Council is trying to do here is to pick a site for a city hall in an area where other uses can fit in. A civic center costs a lot of money and takes a long time to build but the city is not responsible for the building of it. The city can make it possible and the purpose of designating a civic center area is to make it possible. The city hall, if it is placed in there, is just a start and there would not be any obligation on the city to buy any more land or do anything else about it. The purpose is to get some place where public uses can get into a logical arrangement and where it is easily accessible to the public.

Councilman Arata stated that he had not been talking about a civic center but a city hall. As far as the civic center, the city is about ten years too late. It should have been started ten years ago. So many of the public buildings have already been built. He stated, "We had better crawl before we walk."

Mr. Fitzgerald asked what city building besides the city hall would be going into the civic center eventually.

Councilman Anderson stated that at this point that the City Hall would be the only one. He stated that it was planned to locate a new police building at a different site.

The question was raised why the locating of an auditorium in the center could not be considered.

Councilman Anderson reported on the studies which had been made on the question of building an auditorium. He pointed out that the cost of building an auditorium was almost secondary to the maintenance. It would cost the city upward \$15/20,000 annually, over the receipts, if it was run 365 days a year, to pay for the maintenance alone. He pointed out that the city had a theater type auditorium available at Modesto High and would soon have new ones at the Junior College and Downey High School. He stated that the building of an auditorium was a very expensive project and was "quite a ways away". The City Hall and police building were the only buildings considered at this time.

Councilman Hammond commented---"when seven men on the Council get together, there is always bound to be a surprise". He stated that he had been under the impression that the Council had pretty well established a civic center area quite sometime ago, and it appeared now that it might be advisable to reconsider its position. Out of respect to the many citizens of this community who served on the various committees, he stated, it would be advisable for those people to come back with their plans and thinking that went into the civic center area program and re-examine the whole thing again. He stated that he felt the civic center area had been settled on.

Councilman Merrill considered that the Council should reconsider its position on the civic center.

Mayor Marks asked for further comments from persons in the audience.

Mr. Pete Ruffino expressed his approval of the purchase of the other one-half block area adjoining the 15th Street property and to only build a city hall and to forget about the civic center area.

J. A. Hamilton, member of the former "21 man committee" spoke in favor of a civic center. He considered that where the city hall was built was up to the Council.

Sam Darby stated he approved the 15th Street site. When asked by Mayor Marks whether he was in favor of a civic center, he stated, that the area surrounding the 15th Street site could be expanded as a civic center area.

Earl Holtham spoke in favor of the 15th Street lot and considered that a civic center could come later on, after the city hall.

At this time, Councilman Arata enlarged on his statement "that the city was 10 years late in selecting a civic center". He pointed out that it was 10 years too late to get the M.I.D., County Courthouse, Jail and other public buildings, in the civic center.

Mayor Marks pointed out that he was also confused, as was Councilman Hammond, since the Council had already selected a civic center site. He concurred with the necessity for a city hall right now.

M. M. Shelly, 321 N. Santa Ana Avenue, spoke in favor of the 15th Street site. He asked that a rising vote be taken on the number of people in the audience who would be in favor of the 15th Street site.

Mayor Marks stated that "we do not choose up sides that way, by the people who were present". He pointed out that there were 34,750 people who were intensely interested in this program who were not present, and would not have an opportunity to stand up and state their viewpoint.

Mr. Shelly asked that the people in the audience be given an opportunity to vote on the 15th Street site or any other site.

Mayor Marks asked if Mr. Shelly would object to pose the question in two parts, 1) how many people in this room have read any of the reports on the 1½ years of planning and studying that has gone on this project. He pointed out that they had been published in the papers. About one-half of the audience raised their hands. He asked for the hands of those who had read the reports and approved of the 15th Street lot. He then asked for the hands of all of those in the room who believed in the 15th Street site. About one-half of the audience raised their hand.

Mayor Marks stated, "I am elected to office to carry forth the opinions and I should listen and work for every constituent in this community. I work for him, true I only get \$5.00 per week, and put in about 40 hours and so does everybody else here, but I work for them and I am elected to office to carry out their wishes as much as I possibly can. I should spend all of my time working for them all the time, continuously never putting them ahead of myself. Believe me, this Council does that, because they have given me the right to be their representative and serve up here, but they have not given me and it belongs to me, it was granted to me by divine providence and that is, my own conscience and my own judgment and I want to tell you that I would be betraying the people rather than serving them if I did not exercise it. Many other public officials feel that way". There was a loud clapping of hands.

MOTION

That the city hall subject be referred back to the committee and additional study be made.

Moved by Hammond

Seconded by Arata

Unanimously carried

Councilman Hammond stated that the Council had agreed previously on a civic center area but the expression from the group tonight indicates that the Council should review the situation again. He considered that a decision should not be made at this time.

Councilman Arata suggested that a standing vote be taken from the audience on the number who favored the LaLoma area for a city hall site.

Mayor Marks asked for hands of those who had read the report of the LaLoma area and wanted it for a city hall site. He asked for a showing of hands of those who had read the report and did not want it for a civic center site. He stated that the ratio of hands was two to one. He asked for the hands of all of those who wanted the city hall to be located in the LaLoma area. He then asked for the hands of those who did not.

Someone from the audience asked if it could be possible for the people to vote on the site. Mayor Marks stated that it could be done. They could initiate a petition asking for it and it could be put to a vote.

Councilman Arata pointed out that if "we go to a bond deal, they will have the right to vote on it."

Jules Loeb spoke in favor of the 15th Street site.

The City Manager pointed out that in addition to the \$107,000 which the Council had already allocated, if an allocation was made out of the next year's funds, which could reasonably be made within the budget, and add to it the value of the property already owned on 15th Street, funds would be available to purchase any of the sites proposed. A fur-

ther report will be made to the Council on this, he stated. He asked for the names of those in the audience so that a copy of some of the reports could be sent to them.

Mayor Marks declared the hearing closed.

Mayor Marks declared a five minute recess at 9:30 P.M.

The Council reconvened at 9:35 P.M.

MAYOR MARKS OUTLINES CITY'S PROGRAM FOR PAVING STREETS FOR BENEFIT OF AUDIENCE

Mayor Marks pointed out that it might be of interest to those of the audience, that many people think they are living on a paved street, when the street is only oiled. He asked the audience if they were aware that there had been no streets paved in the city since 1928, other than those few which have been paved with gas tax funds. He pointed out that "there is no way that anybody gets anything out of a government without paying for it, because government can give you nothing other than what it takes away from you under the guise of taxes or bonded indebtedness". He stated that those persons who want paved streets will have to pay for them. He pointed out that the Council had gone on record that the city will pay 20% of the paving cost providing there is drainage in the area.

INFORMAL PUBLIC HEARING ON MCHENRY AVENUE DRAINAGE

Mayor Marks announced that the hour of 8:30 P.M. had arrived, the time set for the informal hearing on the matters relating to McHenry Avenue drainage. He declared the hearing open.

Director of Public Works Ray gave a resume for the benefit of the audience of the report submitted to the Council at the last meeting entitled "Report on Storm Drainage in Northern Section of Modesto in vicinity of McHenry Avenue", dated April 3, 1956, a copy of which is made a part of the records of this meeting.

He pointed out that since preparation of the report in draft form, this matter was discussed with members of the Division of Highways, Stockton office, and representatives of property owners on McHenry Avenue. At that time it was indicated by State representatives that it might be possible for the State to participate in the drainage problem for McHenry Avenue to the extent of estimated costs of right-of-way acquisition for the widening of that thoroughfare, on the assumption that rights-of-way would be provided without cost by the property owners. In the event that this happens, it is likely that State participation might be obtained in the order of \$400,000.

He pointed out that the staff was most concerned that the Council clear standards and procedures to follow not only in further design in this area but in other sections of the city. Major questions, he stated, are the design criteria to be used and a definition of a boundary of a drainage district. The general slope of the land northward from the Tuolumne River is in a southwesterly direction up to Ladd Road which is the east-west portion of the Riverbank-Oakdale Highway. He pointed out that it was obviously too far to go at this time to consider all of that area as an urban area. However, he stated, it appears to the staff that this is a policy matter to determine just what a boundary might be such as was accomplished on the sanitary sewer for which the bond issue of 1953 was carried. A logical area must be determined, he stated, after further staff-council discussions, since there were no topographical areas to the North until Ladd Road in the northern portion. He listed the estimated costs for various plans as follows:

- Plan No. 1 - \$187,000 (this plan is not recommended).
 Plan No. 2 - \$907,000 (cost per lot \$267; with laterals and inlets \$305 - area served 850 acres).
 Plan No. 3 - \$1,113,000 (cost per lot \$263.50; with laterals and inlets \$301; area served 1,056 acres)

and defined the areas to be drained. Most of the area, he stated, lies outside of the present city limits, east of McHenry Avenue. He reported on the problem of attempting to create an improvement district for storm drainage in that district since it would require approval of the Board of Supervisors before a plan could be initiated for such a district.

He reported on the proposed location of the storm drainage line, under plan No. 2, which would be built to an outfall point on Dry Creek down stream from the County Hospital.

He pointed out that there might be some consideration of the possibility of constructing the major trunk proposed for location on McHenry Avenue alone without providing for the other trunks and laterals at this time. If this is considered, the estimated cost for the McHenry Avenue trunk under Plan No. 2 is \$525,375. For Plan No. 3, the estimated cost is \$573,350. Either of these plans, he pointed out would require a considerable sum of money in addition to any contribution by the Division of Highways. He pointed out that in the discussion with the McHenry Avenue property owners, it was indicated that all storm drainage constructed to date has been at the expense of the property owners benefited and probably that the same situation would prevail here.

Mayor Marks asked if any one in the audience affected by the drainage problem had any questions.

Douglas St. John, member of the citizens committee which was formed to work on the widening of McHenry Avenue, stated that the committee was prepared to make its recommendation on the drainage problem.

He stated that Plan No. 1, which provided for the drainage of McHenry Avenue only, would benefit the property owners on this street only, and that as citizens of the greater Mcdesto community they considered that Plan No. 3 would be the most logical plan with a secondary recommendation that further study be given to plan No. 3, with the possibility of tying down Sunrise Avenue to a larger trunk line to carry more water from the area bounded on both sides of Sunrise and north of Norwegian Avenue which is presently planned to go into the McHenry Avenue line. The idea being that there is a possibility of getting the \$414,000, the value the state has placed on the right-of-way which the committee is in the course of acquiring, that if the cost of the McHenry Avenue trunk line can be reduced to the \$414,000, there would not be a deficit of \$151,000 for the drainage job. He stated that the committee would like the city engineering department to give that further study. The Committee would like to recommend, he stated, that an engineer be assigned to the McHenry Avenue project full time, if possible. Unless the project is brought to a head by this June there is no possibility of getting it started next Spring, he pointed out.

Mr. Ray stated that the city would be happy to place an engineer full time on this project if there was one available but there were several other projects which had been waiting for some time and it appeared like the city would have several more projects in the near future. It will no doubt, he stated, take some additional engineering staff. It becomes a matter of priority and would involve a council decision.

He reported that a study had been made on the first suggestion submitted by Mr. St. John but it was not included in the report because the over-all picture did not indicate any preference over any other plan.

He stated that he could see the possibility of reducing the size of the trunk line on McHenry Avenue. He stated that the staff was looking at this problem in respect to the total cost to the entire district which might be served. He stated that the staff would be glad to bring it up to date, and bring it to the Council for examination.

The City Manager pointed out that this project was very important; lots of people had done a lot of work; that the city should do everything possible to help them. He stated that it might be necessary to obtain some special assistance on this and if so funds could be made available. He pointed out that it would not cost any more to do it and get it done than it would to put it off and do it later. He stated that by next week some specific recommendation could be made to the Council on the assistance needed and he urged that the Council give prompt attention to the project.

Mr. Ray pointed out that the staff's primary problem at this time is to see if the Council agrees with the basic assumption and data for storm drainage of this area. He pointed out that the report proposed that storm drainage design be based on a 5 year storm. He stated that there were certain run-off coefficients which the staff wished to check with the Council. He asked that a Council Drainage Committee be appointed to confer with the staff on these problems, or the matter be taken up with Council as a committee as a whole. When this matter is settled, the staff can proceed, he stated. He suggested that the Council might want to have a private consulting engineer or a Board examine the basic assumptions and design data. He stated that this point had been raised because the staff wants to be sure the Council is satisfied and not have a situation come up later and then feel that it had never been brought to the Council's attention.

The City Manager reminded the Council that in the sewage disposal program, the city did get some outside check. He pointed out that the same sort of design factor comes into this and it might be well to get somebody to take a look at them with the city's engineering department.

Mayor Marks asked the Council sewer committee members to serve as a Council Drainage Committee. He promised the members (Councilmen Adams, Chairman, Merrill, and Robinson) that he would not put them on any other committees until this problem was resolved.

City Attorney Grimes pointed out that the city was proposing that this project be financed on an improvement district procedure which would mean that general funds of the city would not be utilized but the cost, in excess of what the state might contribute, would be paid by the property owners benefited in direct proportion to the benefit received.

Mr. Paul Hudelson, member of the McHenry Avenue Improvement Association, also reported on the recommendations of the group on the project. He pointed out that if Plan No. 1 was used there would be a loss of over \$200,000, which could have been used if Plan No. 3, with some alterations was adopted. If the plans and boundaries were redesigned to cost the total amount of \$414,000, and the state participated as they have indicated they would to this extent, there would be no need for additional costs to the property owners. It was also the feeling of the property owners on McHenry Avenue that they are contributing land value in the amount of \$414,000 that if plan No. 3 were settled on, that difference of \$159,000 should not come from McHenry Avenue property owners.

Mayor Marks suggested conferences between the Council Drainage Committee, administrative staff and members of the Association, to resolve the various problems and recommendations presented. This met with the approval of the Association members who were present.

MOTION

That the Council Sewer Committee, composed of Chairman Councilman Adams, Merrill and Robinson, also serve as a Council Drainage Committee.

Moved by Arata Seconded by Anderson Unanimously carried

Mr. Ray stated that on the recommendations of the Association, that the line be redesigned to bring it down to a cost of \$414,000, he wished to state that he personally would not want to redesign a line and bring it down to that cost unless it could adequately serve the area.

Mr. Tom Quinn, speaking on behalf of the property owners south of M.I.D. Lateral No. 4 to Needham Avenue, asked that in fairness to these property owners who would be dedicating their property for rights-of-way and because they had previously paid for their storm drain facilities and would not benefit from the improvement district, that they be protected by the city by the assurance that the commercial zoning be extended to Elmwood Avenue on the west and Johnson Street on the East. He also pointed out that the state would take away the present parking facilities at any time; that there has never been any off-street parking assigned to this particular portion of the city. He stated that these property owners of the lower portion of McHenry Avenue were contributing \$244,000 of the \$414,000 estimated value of rights-of-way of the entire project and wished to make this a part of the records on this particular project and the Council to be aware of the situation. Mayor Marks suggested that he meet with the staff, Council Committee and the other association members.

Russell Briggs stated that he would be required to donate a strip of land from his property extending from Briggsmore Avenue to Bowen Avenue, a distance of approximately 1500 feet and asked that some consideration be given to his request for the rezoning of his property for commercial uses.

Mayor Marks stated that these zoning problems did not relate directly to the drainage matter and could be presented to the Planning Commission at any time and in the due course of time, it would be considered by the Council.

Mayor Marks declared the hearing closed.

MOTION

That the matter of the problems relating to the widening of McHenry Avenue be referred to the Council Committee, Administrative Staff, property owners on McHenry Avenue, south of Lateral No. 3 and North of Lateral No. 3 and 4, for further study.

Moved by Merrill Seconded by Anderson Unanimously carried

ADOPTION OF ORDINANCE NO. 83-C.S. PROVIDE FOR LEASING OF HAWKE HANGAR TO W. G. DUNLOP

ORDINANCE NO. 83-C.S., entitled

"AN ORDINANCE PROVIDING FOR THE LEASE OF HAWKE HANGAR AT THE MODESTO CITY-COUNTY AIRPORT TO W. G. DUNLOP, AN INDIVIDUAL, AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH"

introduced on March 28, and having been printed and published as required by the Charter and coming on for final consideration, was moved

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and adopted.

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

DISCUSSION ON MATTER OF PERFORMANCE AND COMPENSATION OF CITY MANAGER AND CITY ATTORNEY

Mayor Marks outlined the procedure to be followed in discussing the matter of the performance and compensation of the City Manager and the City Attorney. He stated that the discussion by the Council and audience would be divided into three parts:

- (1) Has Mr. Miller done the kind of a job this Council wants done and do they want him to stay;
- (2) If so, should he get a pay raise, and how much;
- (3) Matters relating to the City Attorney.

Mayor Marks read into the record letters which had been received.

Letters commending Mr. Miller and recommending that a pay increase be granted to him, were received from the following:

J. M. Varley, 1502 Cherrywood Drive
 Phil Humphreys, 425 McHenry Avenue
 Dan Mellis, 1109 14th Street
 Clifford M. Annan, 545 Myrtle Avenue
 Edmund W. Andrews, 918 Magnolia Avenue
 Robert D. Carter, 911 10th Street

A letter was received from Chas. W. Riise, Carlton Building, commending City Attorney Grimes.

Letters expressing opposition to the questions raised by the Council, some relating only to the salary increase and others relating to both matters, were read by Mayor Marks

Mrs. Adolph Heersink, Maze Road
 George Hansen, President, Associated Plumbing Contractors
 Ralph L. Cloward, Chairman, Labor-Management Relations Foundation
 Bert Castle, Secretary, Painters Local No. 317 of the Brotherhood of Painters, Decorators and Paperhangars of America
 Harold E. Newman, Trustee of the Yosemite Area Sheet Metal, Ventilating and Air Conditioning Trades Trust Fund
 John A. Rollins, Secretary of the Joint Industry Council
 Andrew P. Fischer, President of the Yosemite Area Sheet Metal Contractors Association, Inc.
 Robert A. Kulina, Recording Secretary of the Carpenters Local No. 1235 United Brotherhood of Carpenters and Joiners of America
 R. L. Cloward, Business Manager of the Plumbers & Steamfitters Local 437 of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada
 Bert F. New, Secretary - R. L. Cloward, President of the Building and Construction Trades Council
 LeRoy Gill, Recording Secretary of the International Brotherhood Electrical Workers, Local No. 684
 E. L. Kyte, 316 Tenth Street.

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A letter was received from Mrs. Robert Crabb, 1010 Princeton, asking that the Council be polled at this meeting on the following questions:

- (1) Do you as a member of the City Council of Modesto, believe the enclosed advertisement (Ad in Modesto Bee of April 10, 1956) presents an honest picture of the situation to the voters?
- (2) If not, what is your responsibility and obligation to the citizens of Modesto to see that they do have the truth in a situation such as this?

Mayor Marks suggested that this letter be checked later.

Mayor Marks asked for comments from the audience on Question No. 1.

J. A. Hamilton stated he had always found City Manager Miller cooperative at all times, and hard working. He considered that he had contributed more to the welfare of this city than any other man. He also commended City Attorney Grimes. He stated he had never met two men who worked harder and who were always available for advice and assistance. "I feel the City Manager is entitled to a vote of confidence by the Council as our representatives," he stated.

T. M. Spaulding, 923 Carla Lane, stated he was speaking on behalf of the thousands of Modesto citizens who really appreciate the city administration during the past five years and who feel that tremendous things have been accomplished during that time. Anyone who favors a city government marked by integrity, efficiency, and honesty can have no quarrel with the administration, he stated.

Attorney Robert Elledge, 1115 13th Street, spoke on behalf of the Joint Industry Council. He stated that insofar as the Joint Industry Council was concerned the issues here did not concern whether or not it approves of the City Manager form of government. He pointed out that there had been a suggestion by members of the Council in the article which had appeared in the Modesto Bee, this evening, that the issue was one of whether or not "we were in favor of the City Manager form of government". "This is not very good thinking because in fact the City Manager form might function in an excellent manner if it had the proper personnel and it might function very unsatisfactorily without the proper personnel." He pointed out that this issue was not a matter of personalities, either, as far as the Joint Council was concerned. He stated he considered the people should have an opportunity to be heard upon this question of efficiency and administration of policies and the matters should be open to investigation and survey of what is being done in this office as compared with what is being done in other offices throughout the state of a similar nature and communities of similar size. He asked for an opportunity to speak on Question No. 2 at the time it was considered.

Dr. R. S. Shearn, 215 State Street, member of the former Forward Modesto Committee, stated he had worked under the City Manager and found him at all times willing to assist in the many problems of the community. He pointed out that Modesto was a growing city and to progress would have to have people of the caliber of the City Manager to "show us the way". He stated that the City Manager had done a remarkable job in taking a city managership of a town that was disorganized and that he had literally pulled it up by the roots. He stated, "Personally, I give Mr. Miller a vote of confidence."

Rev. Dodds Bunch, 211 Needham, stated he represented a number of other pastors in the city who were interested in these issues tonight. He stated that these pastors had watched closely, and were tremendously interested, in the work that Ross Miller had been doing. He stated,

he wished to say that "in the interest of a greater Modesto and also the spiritual interest which they represented that they had found him very helpful and encouraging for their work".

Mrs. H. S. Walton, 320 Santa Barbara Avenue, stated that she had worked with the City Manager on the Forward Modesto Committee, and in other capacities and she wished to go on record as being in favor of anything that could be done for him. She stated that she considered that he had done a tremendous amount of good for the City of Modesto and she would hate to see the City go backward 5-10 years if the city lost him.

Mayor Marks asked the Council members if they wished to make any comments on Question No. 1.

Councilman Anderson stated that he would like to clear one item which was in the paper. This was a quotation of Mayor Marks which appeared in today's paper, a portion of which states as follows: "All seven members of the Council voted unanimously that Miller's service to the city was very satisfactory and instructed me as the Mayor to telephone him the next morning and so inform him".

Councilman Anderson stated that he wanted to take this opportunity of stating that "I, as a private citizen, and a member of the City Council, only vote when I appear in public at a meeting of the City Council, and I think that I represent the rest of the Councilmen, when I say that they also do the same. In other words, when we are asked for our opinions, we will give it freely, but when we vote we vote up here."

Mayor Marks stated, "Well, now, Councilman Anderson, let us not break any butterflies on a wheel over a word. I refuse to get involved in any semantics. The question before the Council is, did or did not the Council instruct me, let's not use the word vote if you don't want to, to notify Mr. Miller, unanimously, before 9:00 A.M. the following day, that his services were excellent and we desired him to stay. I don't want to get on this salary thing, but they didn't want to discuss that. Did they or did they not. I would like to poll the Council on that one."

Councilman Anderson stated that he could answer for himself that he reserved the right to study both of these problems over at that time and "I stated such". "I stated that I would not give you an opinion at that time."

Councilman Hammond questioned the advisability of polling the Council.

Mayor Marks contended that his integrity was being questioned and that there was nothing more important to him than his integrity and that he was going to poll the Council. That it was his right and his prerogative. "Was it or was it not your impression that there was unanimous approval. I asked it twice. I said, 'then I gather I am supposed to call Mr. Miller before 9:00 A.M.'; just answer, did I ask it twice. Did you hear any noes. All I heard was 'yes, go ahead and do it'. I thought every one had done it. If you did not make any answer then that was your time to stand up and be counted."

Councilman Anderson stated that he had made it very specific that he wanted time to consider it for at least a week. "You pointed out that we would have at least that time to consider this and I took that as a matter of further consideration and I so expressed myself more than once," he stated.

Mayor Marks stated that he did not hear it. He polled the Council at this time.

Councilman Robinson stated that it was his understanding that "we were in agreement that Mr. Miller's performance was satisfactory and that you were to so instruct him, but on the question of salary, that we did not give you instructions."

Mayor Marks asked him if he had asked the question twice.

Mr. Robinson stated that he remembered once, definitely, and that he did not hear anyone say "no".

Councilman Adams stated that it was his understanding that Mayor Marks was to notify the City Manager, and also remembered the Mayor calling for it twice.

Councilman Merrill stated that he remembered Mayor Marks calling for the answer to his question once, and recollected that Councilman Anderson had stated "no comment at the moment".

Councilman Hammond stated that he was under the impression that it was an unanimous agreement. He stated that he had not caught any statement from Councilman Anderson. He considered that at the termination of the meeting, that there was unanimous agreement.

Councilman Arata remembered that he had stated that he was satisfied, but did not remember about the other matter.

Councilman Hammond stated that he considered that both Councilman Anderson and Mayor Marks were out of order on this procedure.

Ralph Watson, Helen Avenue, pointed out that the Council were in constant contact with the situation and if it was satisfied with the City Manager and the citizens did not like it too well, that there would be an election some day."

MOTION

That a vote of commendation be given to Ross Miller and that he be urged to stay in his present position.

Moved by Hammond

Seconded by Adams

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

Noes: Anderson Absent: None

Before the vote was taken, City Manager Miller asked the members to vote on the motion "just as they saw it now", and not in the light of any prior discussion or situation which had arisen; that he needed to know from this Council, right out of their hearts, the answer to this question.

There was a loud clapping of hands after Mayor Marks declared the motion carried.

Mayor Marks then posed the second question, "Should he get a pay raise and if so, how much?" He stated that he wished to make it clear that the City Manager had not asked for a raise although it had been raised at every budget hearing. He has not had a raise, Mayor Marks stated, since 1952, and regardless of the offers he has received from other cities, that he had never gone out after any raise.

The City Manager stated that he appreciated the action of this Council on the first question and that he wanted to stay in Modesto and work with this Council; that he had never worked harder and been happier. He pointed out that in many of the cases where he had received larger offers from other cities that he had not brought them to the attention

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of the Council. In the matter of salary raise, he stated, that he had not asked for it but that he had asked the Council, in considering whether he should stay in Modesto, whether he could look forward to some growth as the city grew in relation to the kind of accomplishments which were being made and the kind of job that was being done. He stated that he left the matter entirely to the Council without any request on his part. As to whether or not the Council wishes to consider it now, he stated, or in connection with some other matter, it is up to the Council. He stated that in view of the vote of confidence from the Council that "I am staying in Modesto and I hope I get to stay a long, long time".

Councilman Merrill pointed out that the Council had the policy of only considering salaries at budget time, and he did not consider this the proper time to consider this matter.

MOTION

That the matter of the City Manager's and City Attorney's salary be deferred until budgets are considered.

Moved by Merrill, seconded by Arata
Ayes: Adams, Arata, Hammond, Merrill, Anderson, Robinson
Noes: Mayor Marks Absent: None

Mayor Marks pointed out that those who opposed these raises could be at the budget hearing as well as those who approved them.

The City Attorney stated he wished to clear the record on a matter which had been brought up in one of the letters received "that there is no assistant city attorney in the City of Modesto, that he was the office".

The City Manager requested that one question of personal integrity of the City Manager raised in the letter from George Hansen should be cleared, now or at any time the Council wished. He stated that it was possible that there might be some misunderstanding but the implication was "that he could not depend upon the word of the City Manager".

The City Manager stated that the matter related to the conflict between the plumbing code and personnel system. He stated that it was his understanding that it was being handled as they had agreed to handle it and if not that he would like to know where the city had failed to go along with what it had agreed to do.

George Hansen stated that there were two question which he had raised in his letter and that he would like to clear them at this time if possible. He stated that on the question of integrity that it had been his understanding that the Association would be notified of the meeting before it was taken up with the Personnel Board and that the City Manager had advised them, just a few hours before the Personnel meeting, that he was going to bring the subject before them. The Plumbers' Association, he stated, due to the fact he was busy bidding on a job, were compelled to hire an attorney to represent them at the meeting. Mr. Hansen contended that the City Manager had been advised by the Association that it would not go on the ordinance unless it was brought before the Council and it could express its opinion.

The City Manager stated that he believed there was a misunderstanding on the matter. He outlined the procedure which would be required in clearing the matter, that it must be acted on by the Personnel Commission and a recommendation submitted to the Council and then the Council must act on the ordinance or personnel rule.

Mayor Marks assured Mr. Hansen that he would receive every possible

consideration and that the Council would take the time to acquaint itself with the Association's problem and that the Council's decision would be in the best interest of the community.

Mayor Marks declared a five minute recess at 11:30 P.M.

Mayor Marks reconvened the Council Meeting at 11:35 P.M.

AUTHORIZE RECORDATION OF FINAL ORDER OF CONDEMNATION FOR EASEMENT, ARTHUR J. RIEDEL, ET AL

The City Attorney reported receipt of the Final Order of Condemnation in the City of Modesto vs. Arthur J. Riedel, et al, No. 53444 proceedings for easement and that it would be necessary for the order to be recorded in the office of the County Recorder. Upon filing of this order, he stated, the City obtains title to the easement sought in the proceedings.

RESOLUTION NO. 56-130

A RESOLUTION AUTHORIZING RECORDATION OF FINAL ORDER OF CONDEMNATION NO. 53444, CITY OF MODESTO VS. ARTHUR J. RIEDEL, ET AL - UTILITY EASEMENT

Introduced by Anderson

Seconded by Hammond

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

Noes: None Absent: None

APPROVE AGREEMENTS WITH MODESTO COMMUNITY ATHLETIC ASSOCIATION RE: FOLDING CHAIRS

As directed by the Council, the City Attorney presented for consideration agreements between the City of Modesto and Modesto Community Athletic Association for the sale of the Association's folding chairs to the City of Modesto.

RESOLUTION NO. 56-131

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COMMUNITY ATHLETIC ASSOCIATION FOR THE SALE OF STEEL CHAIRS BY THE ASSOCIATION TO THE CITY AND AUTHORIZING ITS EXECUTION BY THE CITY'S DESIGNATED OFFICIALS

Introduced by Merrill

Seconded by Arata

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

Noes: None Absent: None

RESOLUTION NO. 56-132

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COMMUNITY ATHLETIC ASSOCIATION FOR THE REPAIR AND MAINTENANCE OF THE 384 STEEL FOLDING CHAIRS PURCHASED BY THE CITY FROM THE ASSOCIATION AND AUTHORIZING ITS EXECUTION BY THE CITY'S DESIGNATED OFFICIALS

Introduced by Arata

Seconded by Robinson

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

Noes: None Absent: None

The Director of Public Works reported on the necessity for the adoption of the resolutions at this time in order to meet the legal requirements on sending out notices, publication of Resolution of Intention, and posting of the property in the district, so that the public hearing could be held on May 2 as proposed in the resolutions.

He stated that the specifications had been prepared on the same basis as the three other improvement districts in the city. A question has been raised, he stated, whether the city should include in the district proceedings, the installation of the street lighting materials. He pointed out that if the specifications were revised to provide for this, that it would delay proceedings for approximately 3-4 weeks. He stated that the Council could follow the same procedure as in the other districts and go to bid for the installation of the lights after the conclusion of the work on the sewer laterals, which would be approximately 6 months. He stated that there had been a suggestion that the entire project, including the installation of lights should be let to contract under the original specifications and call for bids. Instead of the city contributing the labor to install the street lights, it could then make a monetary contribution to the District to cover this contribution. He stated that it would be more economical for the city the way the staff is proposing, however. He pointed out that there was a way by which it could be done on an estimated basis and the property owners of the district would have to pay the balance. He stated that the staff did not recommend this procedure due to the delay in revising the plans, and action could not be started tonight.

Councilman Anderson asked that consideration be delayed until the policy on the matter in Improvement District No. 3 was cleared at the next meeting.

The City Manager pointed out that some of the people in this district were in need of the sewer facilities and a delay of 3-4 weeks would prove a hardship.

Councilman Hammond recommended that the Council proceed at once with the district and discuss the policy matter later.

RESOLUTION NO. 873-S.P.

RESOLUTION OF PRELIMINARY DETERMINATION THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE CONSTRUCTION OF SANITARY SEWER LATERALS AND APPURTENANCES AND THE FURNISHING OF STREET LIGHTING MATERIALS, SUPPLIES, APPLIANCES AND APPURTENANCES IN IMPROVEMENT DISTRICT NO. 5, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA, DESCRIBING SAID PROPOSED IMPROVEMENT AND SETTING A TIME AND PLACE OF HEARING THEREON

Introduced by Adams

Seconded by Robinson

Before the roll was called Dan Chaddick, representing Local 684 of the International Brotherhood Electrical Workers, urged that proceedings be delayed on Improvement District No. 5 until the electrical contractors had an opportunity to present all of their data at the next Council meeting. He pointed out the difficulties involved when the contractors were asked to bid on labor only instead of labor and materials since they would not have a "cushion" to fall back on. He stated that the question raised tonight at the hearing on the City Manager was not a question of salary increase, it was a question of allowing the sub-contractors an opportunity to bid on city jobs which would include materials. He stated that the contractors could not compete with labor, as the city hires and pays. He asked that the Council defer action on Improvement District No. 5 until further discussions could be held with the contractors.

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Councilman Hammond pointed out that the City Council had gone on record numerous times that the city was a service organization and the less government, the better. He pointed out that the city was not competing with private industry wherever possible. He pointed out that Mr. Chaddick had raised a valid question which should be reviewed but the Council also had an obligation to the people in the LaLoma area and was striving to handle this matter to the best interest of all concerned.

Mr. Ray pointed out that it would be necessary for the city to make a check on the location in the district to determine the problem of installation of cable, etc., which it planned to do during the six month period the contractor was constructing the sewer laterals, but it would take the staff two weeks to do this if the Council decided to include the installation of the street lighting material in the bid call. This would delay the sewers for five weeks.

A general Council discussion was held on the agreement with the citizens in the area prior to annexation proceedings on the installation of sewers.

Mr. Chaddick stated that the contractors had agreed that if it was impossible to work out a deal with the Council on the installation of street lights in this district without causing confusion, that it would only ask for recognition of its organization.

Phil Humphreys, resident of the LaLoma District, expressed appreciation for the cooperative attitude indicated by Mr. Chaddick and pointed out that the area had been annexed in June, 1953, and that part of the annexation program was based on the extreme desire of many citizens in this area for sewer service.

Mayor Marks called for a vote on Resolution No. 873-S.P.

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

RESOLUTION NO. 874-S.P.

A RESOLUTION DIRECTING PREPARATION OF PLANS AND SPECIFICATIONS

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

RESOLUTION NO. 875-S.P.

A RESOLUTION ADOPTING PLANS AND SPECIFICATIONS

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

RESOLUTION NO. 876-S.P.

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE EAST MODESTO SANITATION DISTRICT RELATING TO ALLOCATION OF DISTRICT FUNDS

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

RESOLUTION NO. 872-S,P.
RESOLUTION OF INTENTION NO. 252

A RESOLUTION OF INTENTION IN THE MATTER OF THE INSTALLATION OF A SYSTEM OF SANITARY SEWERS AND APPURTENANCES AND THE FURNISHING OF STREET LIGHTING MATERIALS AND APPURTENANCES IN IMPROVEMENT DISTRICT NO. 5, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

Introduced by Robinson

Seconded by Arata

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

Noes: None

Absent: None

FURTHER CONSIDERATION ON APPEAL FOR VARIANCE FOR CURB CUTS ON TWELFTH STREET BETWEEN D AND E STREETS BY SOUTHERN CALIFORNIA FREIGHT LINES

Mr. Ed Haymen, of the Southern California Freight Lines, reported that the plans proposed for the construction of curb cuts for the freight depot to be constructed on Twelfth Street between E and D Streets by Traffic Engineer Carmody had not met the approval of the company. The company, he stated, asked that the original plan, be given further consideration. This original request has now been amended to cut off 30 feet making a total cut of 114 feet. This amended plan has been approved by the Director of Public Works and Traffic Engineer, he stated.

Mr. Ray stated that he would recommend the granting of the 114' curb cut with the conditions that the curb cut fees for the replacing of the curb be paid and that concrete driveways and sidewalks be constructed in accordance with the city requirements.

The City Manager asked that the record show that the request was allowed because of the unusual circumstances and should not set a precedent.

RESOLUTION NO. 56-135

A RESOLUTION GRANTING REQUEST OF THE SOUTHERN CALIFORNIA FREIGHT LINES FOR A VARIANCE FOR CURB CUTS FOR ITS FREIGHT DEPOT BEING CONSTRUCTED ON TWELFTH STREET BETWEEN D AND E STREETS

Introduced by Robinson

Seconded by Arata

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

Noes: None

Absent: None

RESOLUTION REFERRING THE PETITION FOR ANNEXATION OF THE MARK TWAIN ADDITION TO THE MODESTO CITY PLANNING COMMISSION

A petition for the annexation of the Mark Twain Addition to the City of Modesto was filed.

RESOLUTION NO. 56-136

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO (MARK TWAIN ADDITION)

Introduced by Arata

Seconded by Anderson

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

Noes: None

Absent: None

ADJOURNMENT


MOTION

That the Council meeting now in session be adjourned to Thursday, April 12, 1956, at 4:00 P. M.

Moved by Arata Seconded by Merrill Unanimously carried

The meeting was closed at 12:35 A.M.

ATTEST:


REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.07 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Pro Tempore Adams presiding.

The City Clerk called the roll and there were

Present: Councilmen: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams
Absent: Mayor Marks

Mayor Pro Tempore Adams declared the adjourned meeting of April 11, reopened.

RESOLUTION TRANSFERRING FUNDS FOR PURCHASE OF STEEL FOLDING CHAIRS

RESOLUTION NO. 56-137

A RESOLUTION AUTHORIZING THE TRANSFER OF \$1482 FROM THE GENERAL RESERVE TO PARKS AND RECREATION - CAPITAL OUTLAY FOR THE PURCHASE OF STEEL FOLDING CHAIRS FROM THE MODESTO COMMUNITY ATHLETIC ASSOCIATION

Introduced by Anderson

Seconded by Hammond

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams

Noes: None

Absent: Mayor Marks

RESOLUTION AUTHORIZING FORMAL PROTEST RE: INSTALLATION OF TRAFFIC CROSSING GATES AT H, I, AND L STREETS

Traffic Engineer Carmody reported that the city had been unable to obtain approval of the Southern Pacific Railway for installation of grade crossing gates at H and I Streets and the company and the Division of Highways at L Street. He recommended that a formal complaint be filed with the Public Utilities Commission before the state funds allocated for this type of project were depleted.

The City Manager recommended the Council authorize by resolution that a formal complaint be filed with the Commission which would formally place the City of Modesto on record.

RESOLUTION NO. 56-138

A RESOLUTION AUTHORIZING THE FILING OF A FORMAL COMPLAINT WITH THE STATE OF CALIFORNIA, PUBLIC UTILITIES COMMISSION, REGARDING GRADE CROSSING PROTECTIONS IN PLACE AT THE H STREET AND I STREET INTERSECTIONS WITH THE SOUTHERN PACIFIC RAILROAD AND GRADE CROSSING PROTECTION PROPOSED FOR THE L STREET INTERSECTION WITH THE SOUTHERN PACIFIC RAILROAD IN THE CITY OF MODESTO

Introduced by Robinson

Seconded by Anderson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams

Noes: None

Absent: Mayor Marks

TRAFFIC ENGINEER CARMODY REPORTS ON SIGNAL PROGRAM

Ninth Street

Traffic Engineer Carmody reported that the District office of the State Division of Highways had recommended to its headquarters office

in Sacramento, the approval of the installation of traffic signals at N. 99 Highway and Tully Avenue; Kansas and N. 99 Highway, Ninth and P Street or Needham Avenue; Ninth and J Streets and the remodeling of the existing signals on Ninth Street. The financing of the city's share of the costs could possibly be handled in this year's allocation, he stated. However, if this could not be arranged, additional funds could be allocated in the next fiscal year, beginning July 1, since several of the projects may not be undertaken until that time. He reported that he had discussed the possibility of the realignment of the Kansas Avenue and Needham Avenue and Ninth Street intersection. By the elimination of the bridge just north of Needham Avenue on U.S. 99 Highway, the traffic signal problem for Kansas Avenue and for Needham Avenue could be combined into one signal system at one-half the cost of the individual signalized intersection.

Yosemite Avenue

Mr. Carmody reported that tentative plans for the traffic signals for Yosemite Avenue, at South Santa Cruz and LaLoma, had been submitted by the state and approved by the traffic office. He estimated that the installation should be completed by the middle of the summer season. Final plans for these intersections will be submitted to the Council later for its approval, he reported.

14th & J Streets

An agreement prepared by the State Division of Highways relating to the financing, installation, and maintenance of traffic signals at 14th and J Streets, was presented for Council approval.

RESOLUTION NO. 56-139

A RESOLUTION APPROVING AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND CITY OF MODESTO FOR THE FINANCING, INSTALLATION, AND MAINTAINING OF TRAFFIC SIGNALS AT FOURTEENTH AND J STREETS

Introduced by Robinson

Seconded by Anderson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams

Noes: None

Absent: Mayor Marks

19th and H Streets

The Traffic Engineer reported that plans and specifications for the traffic signals for both the intersections of 19th and H Streets and 14th and J Streets could be prepared as one set and one bid call be made. He stated that Council instructions were needed on whether one-way street signals should be considered for the intersection of 19th and H Streets.

The City Manager pointed out that this could be held up for 2-3 weeks longer, if necessary, to clear out the matter of one-way streets.

Councilman Merrill stated that he believed that the city was not ready for one-way streets. Councilman Anderson recommended that if one-way streets were arranged later, that the signal could be changed over but the signal was needed as soon as possible.

MOTION

That the staff proceed on the basis of two-way streets in preparing the plans and specifications for the intersection of 19th and H Streets.

Moved by Arata

Seconded by Merrill

Unanimously carried

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LaLoma and Santa Ana

The Traffic Engineer outlined the plans for the installation of a pedestrian actuated signal on LaLoma and Santa Ana intersection, close to the Wilson School. He stated that after a considerable period of time the school had reached the decision it would not participate in the cost for this signal. He reported that this signal could be financed within the city's allocation for this year's traffic signals.

Councilman Arata questioned whether the fact that the city was paying all of the costs for this signal would set a precedent at other school intersections.

Mr. Carmody stated that at the same time the school was approached on participating in the cost for this signal, it was also asked to participate in the cost for installing a similar signal at the Modesto High School on H Street. The final answer on this signal has not been received from the Schools, as yet, he stated.

It was generally agreed by the Council that a further effort should be made to obtain School participation in the costs of signals for both intersections.

MOTION

That the staff should ask the schools to reconsider this matter and participate in the cost of traffic signals at both intersections - one this year and the other next year.

Moved by Anderson Seconded by Merrill Unanimously carried

RESOLUTION REVISING TIME LIMITS ON 18TH STREET BETWEEN G AND H STREETS

Traffic Engineer Carmody reported that the time limits on 18th Street between G and H Streets did not properly relate to the parking demand. He recommended that the two hour zone near the Post Office be changed to a 24 minute zone and the one hour zone near G Street to a two hour zone.

RESOLUTION NO. 56-140

A RESOLUTION ESTABLISHING A TWENTY-FOUR MINUTE PARKING ZONE ON THE SOUTH SIDE OF EIGHTEENTH STREET BETWEEN G AND H STREETS IN THE CITY OF MODESTO

Introduced by Robinson

Seconded by Arata

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Pro
Tempore Adams

Noes: None Absent: Mayor Marks

RESOLUTION NO. 56-141

A RESOLUTION ESTABLISHING A TWO HOUR PARKING ZONE ON THE SOUTH SIDE OF EIGHTEENTH STREET BETWEEN G STREET AND H STREET IN THE CITY OF MODESTO

Introduced by Merrill

Seconded by Robinson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Pro
Tempore Adams

Noes: None Absent: Mayor Marks

FURTHER REPORT ON PROPOSED PARTIAL FREEWAY AGREEMENT U.S. 99 HIGHWAY

The City Manager reported that, as agreed by the Council, the staff had checked further with the State Division of Highways Office regarding the state's authority to proceed across Tuolumne River if a partial agreement was executed by the city on the section of the freeway south of the river, before execution of the agreement on the center section in the city. The feelings of the Council on this matter, he stated, were explained to the state representatives, who indicated that the agreement could be worked out on that basis and they would try to do it in this manner. He suggested, that if the Council agreed, the state be asked to submit a written agreement on this section for the Council's consideration.

Councilmen Merrill and Arata stated they would want definite assurance to be written into the agreement that the state would not proceed across the river until the agreement for the center section in the city was executed.

The Director of Public Works outlined the change in plans for the construction of the sewer facilities to serve the slaughter house area due to the freeway construction proposed, which would call for the construction of a trunk line instead of a lateral line. He pointed out that this would require an expenditure from the sewer bond funds instead of being financed by general funds and contributions from the companies served in the area.

MOTION

That the redesigning of the sewer facilities to serve the Slaughter House Industrial Area be approved and the preparation of the plans and specifications be authorized.

Moved by Robinson Seconded by Anderson Unanimously carried

MOTION

That the City Manager be instructed to work with the State in the preparation of partial agreement on the freeway (south section) and to bring it back to the Council for further consideration.

Moved by Merrill Seconded by Anderson Unanimously carried

APPROVE APPROPRIATION TRANSFER TO PARKS DIVISION, HORTICULTURAL SUPPLIES AND MAINTENANCE OF BUILDINGS AND GROUND ACCOUNT

The City Manager requested that an appropriation transfer of \$1380 be approved to cover unanticipated expenditures in both the Horticultural supplies and maintenance of buildings and grounds account. This additional expenditure, he stated, was due to a greatly stepped up tree planting and maintenance program during the past winter and to the cost of emergency repairs and painting at Del Webb Field, which the Council had recently approved.

RESOLUTION NO. 56-142

A RESOLUTION APPROVING APPROPRIATION TRANSFER

Introduced by Arata Seconded by Robinson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson
and Mayor Pro Tempore Adams

Noes: None Absent: Mayor Marks

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SET DATE FOR HEARING ON REQUEST OF LAWANDA K. MUNCY FOR UNCLASSIFIED USE PERMIT AT 914 TUOLUMNE BOULEVARD TO OPERATE A REST HOME

Resolution No. 295, adopted by the Modesto City Planning Commission, recommending to the Council the granting of an unclassified use permit to Lawanda K. Muncy for a rest home for six ambulatory patients at 914 Tuolumne Boulevard, was read. The City Clerk recommended that the Council set the time of 8:00 P.M., April 25, 1956, in the Council Chamber as the time and place for the required public hearing by the Council.

RESOLUTION NO. 56-143

A RESOLUTION FIXING THE TIME AND PLACE FOR THE PUBLIC HEARING FOR AN UNCLASSIFIED USE PERMIT TO OPERATE A REST HOME AT 914 TUOLUMNE BOULEVARD BY LAWANDA K. MUNCY

Introduced by Anderson

Seconded by Merrill

Ayes: Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Pro Tempore Adams

Noes: None

Absent: Mayor Marks

RESOLUTION FIXING TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT FOR DAY CARE OF CHILDREN BY RUTH DILLER AT 1408 DEL MAR

Resolution No. 294, adopted by the Modesto City Planning Commission, recommending to the Council the granting of an unclassified use permit to Ruth Diller for the day care of 8 children was read.

The City Clerk recommended that the Council set the time of 8:05 P.M., April 25, in the Council Chamber, as the time and place for the required public hearing by the Council.

RESOLUTION NO. 56-144

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO PERMIT THE DAY CARE OF CHILDREN BY RUTH DILLER AT 1408 DEL MAR AVENUE

Introduced by Robinson

Seconded by Merrill

Ayes: Anderson, Arata, Hammond, Merrill, Robinson and Mayor Pro Tempore Adams

Noes: None

Absent: Mayor Marks

ACCEPT GRANT DEEDS FROM VARIOUS INDIVIDUALS FOR WIDENING OF ALLEY IN BLOCK 2086, IMPROVEMENT DISTRICT NO. 5

The City Attorney presented for Council consideration grant deeds relating to the widening of alley in Block 2086, Improvement District No. 5.

RESOLUTION NO. 56-145

A RESOLUTION ACCEPTING GRANT DEEDS FROM BERNARD F. FARR AND RUTH A. FARR, C. VERNON COEY, VERNON C. COEY AND MAY COEY, AND MABEL L. SHOLIN AND GEORGE SHOLIN FOR WIDENING OF ALLEY IN BLOCK 2086, IMPROVEMENT DISTRICT NO. 5

Introduced by Anderson

Seconded by Robinson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Pro Tempore Adams

Noes: None

Absent: Mayor Marks

FINAL REPORT ON THE POLICE DEPARTMENT

Police Chief Neel presented Captain Bill Coulson, in charge of the Record Service Division of the Police Department; Lieutenant Mickey Horan, in charge of the Detective Division; Lieutenant John Meier, in charge of Patrol and Traffic Division; and Patrolman Jack Morris, in charge of the Juvenile Department.

Patrolman Morris and Police Chief Neel discussed the program of the Juvenile Division and the basis upon which the report was prepared.

Police Chief Neel briefly discussed the various other divisions and outlined the methods records were kept in the department.

Police Chief Neel urged the Council to consider favorably the installation of the sign requested by the Safety Council which would show the records of traffic accidents.

He reported that it would be necessary to increase the number of personnel in this year's budget to handle the rising problems due to the increased population in the city. More office space is badly needed, also. He reported that a suggestion would be presented later, for Council consideration on enlarging the space in the Department.

He called attention to the report (Page 18) on the breakdown of total county jail bookings showing the number of persons arrested for drunkenness and vagrancy. He pointed out that society must find some cure for the "repeater" drunks to stop a "revolving door" situation.

Police Chief Neel recommended the establishment of a camp program for less serious juvenile offenders.

DISCUSS RESOLUTION FOR ESTABLISHMENT OF FEES FOR MAP SERVICE

A resolution prepared by the City Attorney establishing fees for map service, which had been previously approved by the Council, was considered. It was agreed by the Council that the Attorney make certain changes in the resolution and present it later for Council further consideration.

REPORT FROM LEAGUE OF CALIFORNIA CITIES ON STATUS OF FEDERAL AID HIGHWAY PROGRAM

The City Manager reported receipt of a bulletin from the League of California Cities advising that the long-range program for federal assistance to highway construction was in danger of being defeated. The League asked that an expression of support of this legislation be sent to Congressman Johnson and Senators Kuchel and Knowland. (Fallon Bill H.R. 8836 and Boggs Bill H.R. 9075)

MOTION

That the City of Modesto go on record as urging support of prompt action on the federal program of assistance on highways as proposed in Fallon and Boggs Bills, and to so notify Congressman Johnson and Senators Kuchel and Knowland.

Moved by Anderson

Seconded by Merrill

Unanimously carried

CITY CLERK-AUDITOR FILES COPY OF DEPARTMENTAL REPORT

Copies of the report prepared by the City Clerk & Auditor on the operations of this department were distributed to the Council members for study and final consideration at the next meeting.

FINANCIAL REPORT FOR MONTH OF MARCH FILED

Financial report for the month of March was submitted by the City Manager.

ADJOURNMENT

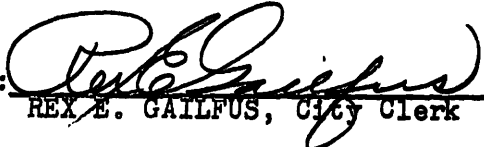
MOTION

That this adjourned regular meeting now in session be adjourned.

Motion by Arata Seconded by Anderson Unanimously carried

The meeting was adjourned at 5:30 P.M.

ATTEST:


REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council 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. 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 regular meeting of March 21, 1956, and the same being available for public inspection and there being no objections, the minutes were approved.

APPROVE ADDITIONAL CONTRIBUTION TO THE CALIFORNIA RELAYS

A letter was read from the California Relays, requesting additional funds for the 1956 California Relays. Mr. Trevor Griffith, who was present, asked that in addition to the \$750 already allocated in this year's budget, that an additional amount of \$500 be approved. The funds would be used to help pay for transportation costs of athletes as the Colliseum would not be sharing expenses this year due to the difference in dates for the Relay.

RESOLUTION NO. 56-146

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF THE SUM OF \$500 FROM GENERAL RESERVE TO MUSIC & PROMOTION FOR THE CALIFORNIA RELAYS FOR THIS YEAR ONLY

Introduced by Anderson

Seconded by Merrill

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

Noes: None

Absent: None

DENY REQUEST OF THE MILITARY ORDER OF THE PURPLE HEART, INC., TO DISPLAY EXHIBIT OF ANTIQUE AND MODERN FIREARMS

A request was filed from the office of National Field Exhibits, the Military Order of the Purple Heart, Inc., to display an exhibit of antique and modern firearms and war equipment in the city.

City Manager Miller pointed out that the local chapter of this organization had again refused to sponsor the exhibit and recommended that the request be denied on that basis.

MOTION

That the Military Order of the Purple Heart, Inc., be denied permission to display an exhibit of antique and modern firearms in the city since the local organization refused to sponsor the exhibit.

Moved by Merrill

Seconded by Robinson

Unanimously carried

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LETTER FROM ATTORNEY ROBERT R. ELLEDGE

A letter from Attorney Robert R. Elledge regarding the discussion held at the Council meeting of April 11 on the performance of the City Manager, was read. Mayor Marks asked if he should acknowledge receipt of the letter but the Council agreed that no reply was necessary.

LETTER FROM COUNTY ADMINISTRATOR E. W. HANE, RE: OFFER OF COUNTY ON UNIFORM 1% SALES AND USE TAX

A letter received from E. W. Hane, County Administrator, notifying that the Stanislaus County Board of Supervisors approved a motion that the County adopt an ordinance for a uniform 1% sales and use tax throughout the County, to be operative on July 1, 1956, upon condition that all of the cities in the county adopt an ordinance complying with Part 1.5 of Division 2 of the Revenue and Taxation Code, imposing a sales and use tax not exceeding 9/10th of 1%, was read.

Councilman Merrill recommended that receipt of the letter be acknowledged and Mr. Hane be advised that the Council is withholding any action until the Council meeting of April 25, at which time the decision of the City-County Committee, which will be made at its regular meeting held on Monday, April 23, will be reported.

Mayor Marks reviewed the background of the City-County Committee discussions on the uniform 1% sales tax:

The cities had first gone on record that the money collected in the cities belonged to them and that any payment to the county would be an infringement of the sovereign rights of incorporated cities.

After the flood, the cities recognized that the county was badly in need of funds to repair and build bridges and roads and if the county agreed to use these funds for the rebuilding of these facilities that the cities agree to a basis of 5% of the 1% of city sales tax collected in the city.

The City of Turlock, Mayor Marks reported, believed that if any other basis was used, that it would be collecting less money than it is presently collecting.

The City Manager pointed out that the present sales tax would remain the same, but there would not be any exemptions as is presently granted to certain individuals if the merchandise is to be used for business outside the city limits.

MOTION

That Mayor Marks be authorized to acknowledge receipt of the letter from E. W. Hane, County Administrator, and that the Council's decision will be made after the City-County Committee meeting of April 23.

Moved by Merrill Seconded by Anderson Unanimously carried

The City Clerk was asked to send additional information on the subject to members of the Council.

LETTER FROM ED ARPS

A letter sent to Mayor Marks from Edward Arps was read and ordered filed.

COMMUNICATION FROM LEAGUE OF CALIFORNIA CITIES RE: AUTHORIZE IN LIEU
TAX PAYMENTS TO LOCAL GOVERNMENTS ON FEDERALLY OWNED PROPERTY

A bulletin from the League of California Cities on the subject: "S.1566 Authorizing in lieu tax payments to local governments on federally owned property", was briefed by the City Manager. He stated that this was a matter which has been constantly before Congress and the League has supported such legislation. There are many areas where property owned by the federal government requires local services and where the government should pay for services received. He cited the Riverbank plant. The League represents a reasonable position and would like to have support and asks that the cities write to Senator McClellan, chairman of the Senate ~~Committee~~ on Government Operations and copies to Senator Kuchel, Patrick Healy, Jr., Executive Director, American Municipal Association. The City Manager suggested that if the Council wishes it could express support only on the basis where there are services rendered by local agencies.

MOTION

That the City Manager be authorized to notify the parties designated in the bulletin from the League that the City of Modesto would support S-1566 as outlined by the City Manager.

Moved by Merrill Seconded by Adams Unanimously carried

REQUEST FROM THE CITIZEN'S COMMITTEE FOR ADLAI STEVENSON TO USE DEL WEBB
FIELD

A request was filed by The Citizen's Committee for Adlai Stevenson for President for the use of Del Webb Field for a Stevenson Rally on May 3, 1956, from 12:00 noon to 2:00 P.M. Mr. Paul Couture, who was present, stated that arrangements were being worked out with the Modesto Community Athletic Association, lessees of the Field.

The City Manager recommended that permission to the organization to use the Field on the conditions that 1) subject to clearing with the Association, and 2) proper arrangements be made for the cleaning up of the Field after the Rally.

MOTION

That the request to use Del Webb Field, by The Citizen's Committee for Adlai Stevenson for President on the date specified in the request of April 17, 1956, be granted, subject to the conditions recommended by the City Manager.

Moved by Hammond Seconded by Robinson Unanimously carried

LETTER FROM FRANK ANDREWS RE: BUILDING OF CITY HALL

A letter from Frank Andrews regarding his plan for a joint city hall-M.I.D. office was briefed by Mayor Marks and ordered filed.

HEARING ON REQUEST OF ZILLAH LYON FOR AN UNCLASSIFIED USE PERMIT FOR
THE DAY CARE OF EIGHT CHILDREN - 414 14th STREET

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the request of Zillah Lyon for an unclassified use permit for the day care of 8 children at 414 14th Street.

The City Clerk filed a statement that notices had been mailed to all property owners within 300 feet of the proposed location for a

day nursery on April 5th and that no written protests had been filed.

Resolution No. 287 adopted by the Modesto City Planning Commission on March 20, 1956, recommending to the Council the granting of the unclassified use permit to Mrs. Lyon was read.

Mayor Marks asked if there were any oral protests or comments to be made by the audience. No comments were made.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 56-147

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO ZILLAH LYON TO OPERATE A DAY CARE NURSERY FOR CHILDREN AT 414 14TH STREET

Introduced by Robinson

Seconded by Arata

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

Noes: None

Absent: None

FURTHER CONSIDERATION OF BIDS FOR INSTALLATION OF STREET LIGHTING MATERIALS IN IMPROVEMENT DISTRICT NO. 3

At the request of the City Manager, Director of Public Works Ray reviewed the status of the consideration of the bids received for the installation of street lighting materials in Improvement District No. 3 which had been deferred at the request of the local contractors who wished to submit additional information on costs to the Council.

Mayor Marks issued the following statement on "city policy determination":

"In consideration of the matters relating to the installation of street lighting materials and water pipe and whether or not we should go to contract on certain items, we should be reminded, first, that the basic policy under which this city operates on these matters is set forth in the City Charter, and, secondly, that the policy determinations which need to be made within the framework of the Charter are made by the Council and not by the Director of Public Works or the City Manager. The questions which have been raised about the compensation and working conditions of city employees, and of whether or not the matter of street lighting materials, for example, or water pipe, should be installed under any circumstances by city employees or by contract, or whether the material should be purchased by the city and then installed under contract if the amounts are under \$1500-- are matters of policy to be determined by the City Council within the framework of the Charter.

The administrative officers are expected to furnish us with the information which is necessary to make these determinations, and with their recommendations as to what, in their judgment, is in the best interests of the public. Their recommendations have always been made on this basis. It is then our responsibility, as representatives of the public, to make the policy decisions in the public interest."

The Director of Public Works distributed a tabulation of the bids received on the installation of street lighting materials in Improvement District No. 3, which indicated that the low bid of \$23,844.55 had been

submitted by Collins Electric Co., Inc.

The City Manager pointed out that the city had always proceeded in good faith, in the installation of street lighting materials and water pipe, on the basis that if the costs of the labor involved, without material, did not amount to \$1500 that bids were not required. This was done upon the advice of the City Attorney.

When questions relating to these operations were raised recently, the City Manager stated, the City Attorney was requested to make a further study of his decision in light of the questions raised--this decision has been rendered and copies sent to Council members. The situation is different since this new decision.

The City Attorney pointed out that this new decision did not relate to this particular matter--bids received for installation of street light materials in Improvement District No. 3.

Mr. Ray reminded the Council that he had pointed out, at the meeting of March 28, at which time the bids were considered, that the lowest bid submitted was approximately \$9,000 above the estimate prepared by the Public Works Department and that he had recommended that the bids be rejected and the work be done by city forces. The city's estimate and the bids submitted have been investigated by Councilman Anderson, various contractors and labor organizations during the period since March 28. Meantime, he reported, at the request of some interested parties, the city has refigured its estimate using a regular union scale wage but the same figures were used for ditching, rental equipment, etc. Considering labor only, as the only factor, the city's estimate on this basis was \$17,117, as compared to the original of \$14,716.

Mayor Marks asked for comments from the audience.

Guilford S. Frolich, Manager, San Joaquin Valley Chapter of the National Electrical Contractors Association, Inc., stated that the Electrical contractors felt that this question was a matter of principle--the principle of private enterprise. All the contractors are asking for, he continued, is a chance to bid competitively for this work. He asked the Mayor, who complied, that his letter to the Council, of April 18, be read.

The City Attorney noted that paragraph 3 on page 3 of Mr. Frolich's letter indicated a misunderstanding on his part since the city charter (Section 1307) permitted the Council, after adoption of a resolution by five affirmative votes, to reject bids and "declare and determine that in its opinion, based on estimates approved by the City Manager the work in question may be performed better or more economically by the city with its own employees and----may proceed to have said work done in the manner stated, without further observance of the provision of this section". He pointed out that in this case since bids had been called for and received, that the question now before the Council was whether to award a contract to the lowest responsible bidder. These bids could be rejected and new bids be called for or the bids could be rejected and the work be ordered done by force account, which would require a resolution adopted by five affirmative votes.

To a question posed by Councilman Hammond on various unit prices shown in the city's estimate as compared to the contractor's bid, Mr. Ray pointed out that the city did not concern itself with precise unit construction prices, but the total cost of the job of installing street light units. He commented on a statement made on Page 4 of Mr. Frolich's letter that "the low bidders used a figure of 35 cents per lineal foot". He outlined the method used by the city in determining its estimate for this type of work which called for jacking under the street and alley

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approaches. Councilman Hammond, Ray Hizer, local branch manager of the Collins Electrical Co. Inc., discussed the estimates on the concrete base.

Councilman Hammond stated that the Council adhered to the charter provisions relating to the calling for bids on construction which would exceed \$1500 but it had a problem in that it considered that the City had an excellent engineering staff and that there was too much difference in the figures submitted by the city and bid received from the company. This Council has to justify this difference to the people it represents, he stated. The Council does not question the reliability of the company but there is too much discrepancy between the two figures submitted. It is not from the standpoint that the city is trying to get to do the job, he stated, since it has indicated many times that it is opposed to any more government than is necessary.

Councilman Merrill asked---assuming the city does not do any new installation at all, that it would be farmed out to private industry--would that materially reduce the city's personnel. Would this affect a savings for the city, he asked, if only maintenance work was done by the city.

Mr. Ray pointed out that the electrical crew was small at the present time and if the work was done under contract that it would be necessary to assign one member of the crew to inspect the work being done by the contractor. He stated that in the case of the water line installation crew that it could be reduced to some extent but as in the other case, an inspector would have to be assigned to each job and additional engineering work would be involved in drawing plans and specifications. "There would be a slight reduction based on the city as it stands today", he stated, "not in our over-all public works department but in those two particular crews." He pointed out that with the present rate of development in the city that the present inspection staff would be inadequate.

The City Manager pointed out that the inspection could be done by one of the men working on the job, if the city forces did the work. A discussion was held on the difficulty of hiring an inspector on a part time basis and to maintain a crew in the electrical department large enough to keep up the maintenance work necessary. Mr. Ray outlined the city's practice in placing the electrical crew on installation work during the time it could be spared on maintenance work----that it was operated on a flexible basis.

Councilman Hammond pointed out that the question of whether the city was providing crews for construction work or for maintenance work was discussed during the last budget discussions and that at that time it was brought out that the crews were primarily for maintenance. That the city should have an opportunity to provide full time employment was also discussed at the budget hearing.

The City Manager pointed out that the city did not want to get into the construction business and that during the past years millions of dollars of work was done on contract basis, through the bid procedure by private business concerns. He stated that the construction now under consideration was a border line case where there were some special problems on both sides which must be decided by the Council.

Councilman Arata asked Mr. Ray if the city's cost might exceed the estimate.

Mr. Ray pointed out that this instance was the first time the staff had to consider an estimate on doing this work under force account. He pointed out that it was proposed in future cases to submit to the Council 1) estimate of what the city could do the work for, and 2) what

the staff considers it could be done for under contract.

Mayor Marks considered that the policy of the city in installing the street lighting material which were furnished by the residents in the district was wrong. It is not fair to the tax payers in this city, he stated, or fair to the city to pull these city employees off of maintenance work to install the lights.

George Hansen, member of the Electrical Union organization, pointed out that the subject matter under discussion was of considerable importance to the local contractors, due to the publicity received on the difference in the city's estimate and the contractor's bid. The estimates of the bid submitted by Collins Electrical Co., Inc., he stated, have been thoroughly checked and are accurate. The Company is willing to go ahead and take this job on the cost plus basis with a top guarantee of the amount bid \$23,844.55. If there is a mistake in the bid estimate, he stated, the records will show this. If the Council decides not to do this, he stated, the electrical contractors would ask that the same break down be made of the Public Work's estimate when the work is being done by city forces.

A general discussion was held on the percentage figure used for administrative overhead costs by the city and the contractors.

Matt Sherwood, national representative of the electrical contractors association, stated that it has been determined throughout the nation from experience that contractors can do this type of work better, more efficiently and more economical than any municipal or state government. For this reason, the majority of the governmental agencies are letting out their work to contractors. He questioned the ability of Mr. Ray in estimating costs since he had stated that it was his first experience and he questioned whether the city would be getting its true value of the tax dollar by pulling crews back and forth off a job. He pointed out that a contractor would keep his men on the job until it was finished and that they were highly skilled operators. He contended that the city's estimate could not be as valid, as accurate, as definite as an estimate from a competent contractor who had been in the business for years and knew how to do the business. He stated, "If you decide not to award the business on the basis of such an estimate, I feel it is bad city policy and bad for taxpayers of the City of Modesto."

Mayor Marks pointed out that as far as the Council was concerned, that its over-all policy had always been to contract public works, but in this instance it was talking about \$9,000, the difference between the city's estimate and the low bidder. He stated that he regarded the offer made by Mr. Hansen, on behalf of the low bidders, as splendid. He brought up the subject of the percentage of over-head costs again. The City Manager stated that in the city's estimate the 17½% overhead costs was not what the city would normally call overhead in the strictest sense of administration but was in relation to such things as vacation, retirement costs, sick leave, etc., allowed each employee and on top of this figure should be added an additional 10% for administration overhead, making a total of 27½%.

In answer to some of the points brought out by Mr. Sherwood, Mr. Ray stated:

1. That he was not inexperienced in preparing estimates but had been doing the work for sometime;
2. That the city had a top flight crew doing street light material installation since they had been doing it for sometime;

3. That the staff's efficiency spoke for itself when it considered that the city could do the work for the estimate it submitted;
4. That the city kept a detailed record of the costs for a job but not a unit cost since it was not necessary, as the total cost to the tax payer for a certain job was the prime interest, but unit cost was important and essential to a private contractor;
5. That the city's estimate was based on similar work done previously in subdivisions and improvement district, but that since the estimate had been made the cost of concrete had increased;
6. That the employees had a direct interest in doing a good job because they were working for themselves as taxpayers;
7. That the cost of transporting men and tools had been taken into consideration in the estimate;
8. That the staff considered that the low bidder was a well qualified contractor, that its bid was fair, but it was unfair to ask a contractor to bid on installation alone;
9. That the city had not considered that it was competing with private business since it was working for itself.

Mr. Ray stated that it was his understanding, from reliable suppliers, that the cost of purchasing materials for street lights and water mains were the same to the city as to anyone else. He asked if the contractors association would be willing to provide the city with a tabulation of its rates.

Councilman Hammond and Councilman Merrill recommended that Mr. Hansen's suggestion of doing the work on a cost plus basis be considered by the Council.

Councilman Adams moved that the city do the work on force account and that an accurate record of the costs and materials be kept by the city. Councilman Hammond stated he was opposed to this, and asked for a restatement of the offer made by Mr. Hansen, on behalf of the Collins Electrical Co. Inc.

Mr. Hiser, local representative of the company, stated that he did not believe that there was that much difference on the profit, that someone had made an error. He stated that his bid tabulations had been rechecked and compared with other estimates throughout the state. He stated that his company would take the job on a cost plus basis not to exceed its bid figure and reimburse the city for the difference if there was a difference.

The City Attorney stated that while the cost plus basis seemed a happy solution it could not be done under the charter provisions. He pointed out that competitive bids had been called for and received; that the cost plus basis was not the basis upon which the bids were submitted; that the charter provided the only basis upon which the Council could consider cost plus contracts, without allowing competitive bidding on that basis, was under emergency conditions.

The City Manager asked the City Attorney if the Council could let the contract to the lowest bidder and whether there would be any legal obligation to pay him if he wishes to do it for less and donate the difference to----say the Youth Center or some other worth while city activity. He pointed out that this could not be included in the executed contract.

The City Attorney stated that nothing would prevent the company from giving a gift to the city.

Mr. Ray pointed out that in the case of the Carver trunk sewer line, which was done on a cost plus basis, all the bids were rejected and the city readvertised on the cost plus basis.

Mr. Ray stated that it would cause about a 3 weeks delay if the bids were rejected and a new call be made for bids.

Councilman Merrill pointed out that the readvertising for bids would work out to a disadvantage to the bidders since all the bid figures were now generally known.

Councilman Hammond opposed the plan for the donation of funds to the city by the lowest bidder and proposed the following motion:

MOTION

That the Council appoint two members to check both the figures of the lowest bidder and the city's estimate and make a recommendation to the Council to accept or reject as they now stand.

Moved by Hammond Seconded by Adams Unanimously carried

Mayor Marks appointed Councilmen Anderson and Hammond as a committee to check the city's estimate and the bid submitted by the Collins Electrical Co. Inc., on the installation of street lighting material in Improvement District No. 3.

The City Manager recommended that the Council reconsider its present policy on furnishing labor for installing street lighting materials in subdivisions and improvement districts as soon as the past commitments were completed and that the property owners be required to furnish both materials and labor.

Mayor Marks stated that in new construction work, if it can be done by private enterprise for the same price that it should be done by private enterprise--that the city was not in the construction business.

AUTHORIZE PURCHASE OF ADDITIONAL WATER PIPE

The City Manager outlined the provision in the most recent bid received on water pipe, valves and fittings which provided for the purchase by the city of an additional amount at the same price. He pointed out that the same problem existed in the installation of pipe by the city as the installation of street lighting material. He read a letter received from Glenn D. Hanney, Field Representative of the Plumbing and Pipe Fitting Labor-Management Relations Foundation which claimed that the city was now in the process of installing water mains in the Bel Air District which was illegal under the provisions of the charter providing for a \$1500 limitation on any work than can be done by the city itself.

The City Manager referred to the City Attorney's Opinion No. 56-3, dated April 10, 1956, relating to the subject "Application of the bid provisions of the City Charter to the construction and installation of water mains by the Department of Public Works" and which ruled that "it is the opinion of this office that both the cost of the pipe and the cost of the installation of the pipe should be taken into consideration in computing the cost of the project. If this cost exceeds \$1500, the preferable course of action appears to be to call for bids in accordance with the provisions of Section 1307 of the City Charter".

The City Manager pointed out that the installation of the water mains in the Bel Air Addition was a prior City commitment to the subdivider and had been started prior to the acceptance of this opinion by the City Council.

The Director of Public Works pointed out that at present the city has a supply of water mains, etc., but since the price was advancing, and since the city found itself in a situation last year of being unable to purchase pipe due to lack of supply, the question to be considered is whether the city should stock pile the vital materials to be certain that it will have them when needed. He pointed to the rapid expansion of the city limits and considered that the city should protect itself by authorizing the additional 30% purchase as provided in the existing contract. He stated that it would cost approximately \$31,205 for the pipe and recommended the sum of \$35,000 be appropriated in order to allow for the purchase of the necessary fittings and valves.

Mr. Harney, who was present, gave a detailed report on the amount of pipe being used in the Bel Air Subdivision and stated that it exceeded the charter limitation of \$1500. He stated that his organization would like to know why this was not put out to competitive bid.

The City Manager stated that the city had been operating under a prior opinion from the City Attorney which did not require that the cost of the materials which had been purchased under the bid procedure, should be included in the cost of the job. He stated that there was no question that the total Bel Air Subdivision job, with the cost of the material, would exceed the \$1500 limit, but that the City had been proceeding under the old opinion of the attorney.

The City Attorney reported on his most recent opinion, which the Council members stated they had not received as yet.

The Director of Public Works pointed out that in view of the new ruling by the City Attorney it would be necessary to revise the preliminary budget for the water department. He stated that the Bel Air Subdivision job had been started before the staff had read the Attorney's opinion but it would have gone ahead anyway because of a prior commitment to the subdivider covering two blocks. He pointed out that the cost of water line material would limit jobs which could be done under the \$1500 limit and that in other cases it would be necessary to advertise for each project contract.

The Director of Public Works stated since the city was a public utility that to protect the health and welfare of the community that it would be wise to purchase the material and then call for bids on installation but that this would not hold true with electrical materials, because delivery would not be delayed, as was the case of water line materials. Sometime the delivery of water line materials is held up for 60 days and this could become very critical if the material was not available. He stated that he had recommended to the City Manager that the city at least continue to purchase water line materials as in the past.

Councilman Hammond stated that the Council should use its own good judgment in purchase of materials, whether they will furnish or not furnish the materials. He recommended that the procedure for the purchase of water pipe not be changed but a further study be made on the policy of installing street lighting materials furnished by subdivider or for improvement districts.

Mayor Marks agreed that the present commitments to the subdividers and districts should be carried through but in the future that those people who got the benefit should pay for both the labor and materials.

MOTION

That the Department of Public Works should be authorized to purchase the additional water line materials in the sum of \$35,000 as recommended by the Director of Public Works.

Moved by Arata Seconded by Adams Unanimously carried

DELAY APPROVING SPECIFICATIONS AND CALL FOR BIDS ON STREET LIGHTING MATERIALS

The consideration on approving specifications and calling for bids on street lighting materials was ordered held over until the next Council meeting.

REQUEST OF STANISLAUS COUNTY HORSEMEN'S ASSOCIATION TO USE THREE PARKING SPACES ON J STREET STARTING AT THE CORNER OF 11TH STREET AND GOING WEST THREE METERS

A request of the Stanislaus County Horsemen's Association to use three parking spaces on J Street, starting at the corner of 11th Street and going west, during the rodeo which is being held in Modesto, was discussed.

MOTION

That the request be rejected.

Moved by Hammond Seconded by Robinson Unanimously carried

Councilman Adams, suggested that the group work with Traffic Engineer Carmody and Police Chief Neel to use the city's 15th Street free parking area.

MR. AND MRS. FRANK REID URGE DECISION ON LOCATION OF CITY HALL

Mr. and Mrs. Frank H. Reid, Palo Alto, who were present at the meeting, owners of property in the Civic Center Area, urged the Council to make its decision on the location of the city hall.

The City Manager reported that there were some special problems involved with regard to the Reid property and that a copy of the background information would be supplied the Council members.

RESOLUTION APPROVING LEASE OF BUTTS PROPERTY TO ROBERT GEORGE KIRK, ET UX

City Attorney Grimes presented for Council consideration a lease agreement with Robert G. Kirk and Elaine Kirk for the rental of the dwelling at 120 Rowland Avenue, which was recently acquired by the city from B. M. Butts, for the monthly rental of \$75 for a term of six months.

RESOLUTION NO. 56-148

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT G. AND ELAINE KIRK FOR THE RENTAL OF DWELLING AT 120 ROWLAND AVENUE FOR A TERM OF SIX MONTHS AND AUTHORIZING ITS EXECUTION BY THE CITY'S DESIGNATED OFFICIALS

Introduced by Merrill

Seconded by Robinson

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

Noes: None Absent: None

AUTHORIZE REVISED LEASE OF RAILROAD PARKING LOT FROM SOUTHERN PACIFIC COMPANY

The City Attorney pointed out that the present lease between the City and the Southern Pacific Company for the parking lot on 8th Street adjoining the station, between I and K Streets was on a month to month basis. The Traffic Engineer has recommended that it be revised to provide for a five year term so that certain proposed improvements could be amortized over this period.

ORDINANCE NO. 84-C.S., entitled

"AN ORDINANCE APPROVING THE LEASING OF CERTAIN REAL PROPERTY FROM THE SOUTHERN PACIFIC COMPANY FOR PARKING PURPOSES 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 Arata Seconded by Robinson

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

Noes: None Absent: None

RECOMMENDATION OF PLANNING COMMISSION TO AMEND ZONING TEXT TO PROVIDE FOR INCREASE IN MEMBERSHIP ON BOARD OF ZONING ADJUSTMENT FROM THREE TO FIVE

Resolution No. 302 adopted by the Modesto City Planning Commission on April 17, 1956, recommending to the Council that Section 10-2.1901 of the Modesto Municipal Code be amended to increase the membership of the Board of Zoning Adjustment from three to five, since a five man board could better carry out the functions of the board than can a three man board, was read.

The City Clerk recommended that the public hearing before the Council be set for May 9, 1956, at 8:00 P.M.

RESOLUTION NO. 56-149

A RESOLUTION SETTING TIME AND PLACE FOR PUBLIC HEARING ON AMENDMENT TO SECTION 10-2.1901 OF THE MODESTO MUNICIPAL CODE FOR INCREASING THE MEMBERSHIP OF THE BOARD OF ZONING ADJUSTMENT FROM THREE TO FIVE

Introduced by Arata Seconded by Robinson

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

Noes: None Absent: None

AUTHORIZE REMOVAL OF STOP SIGNS ON COLLEGE AVENUE AT STODDARD AVENUE

A staff report recommending the removal of stop signs on College Avenue at Stoddard Avenue was considered by the Council.

RESOLUTION NO. 56-150

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

Introduced by Adams

Seconded by Arata

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

Noes: None

Absent: None

Traffic Engineer Carmody reported that he had made arrangements with the Junior College staff to encourage the students and staff, who were approaching the College from the South, to travel by way of Tully and 99 Highway to avoid the left hand turn movement off of College Avenue. He asked the press to also publicize this recommendation to the general public.

CONSIDER DESIGNATION OF VICE MAYOR

Councilman Robinson introduced a resolution, which was seconded by Councilman Adams, that Councilman Hammond be named Vice Mayor. Before the vote was taken on this resolution, Councilman Anderson moved that the resolution be amended to provide that the policy be established that the Councilman who received the largest number of votes be offered the appointment as Vice Mayor for a term of one year, but if he is unable to accept the appointment that the person with the next highest votes be offered the appointment and so on down the list until the appointment is accepted by a Councilman. This motion was seconded by Councilman Arata.

The City Attorney left the meeting at this time.

Mayor Marks reported that Councilman Arata, who was next in line on this policy basis, had rejected the appointment. Councilman Merrill stated that he did not wish to accept the appointment.

Mayor Marks stated that he wished to go on record that he would refuse to attend another personnel meeting to discuss appointments, etc., unless a member of the press and/or radio was present. There was a brief discussion on the decision made by the Council members on this appointment at a personnel meeting which had recently been held.

Councilman Robinson asked for permission to withdraw his resolution on the basis that Councilman Arata be offered the appointment of Vice Mayor and if he did not accept the appointment that Councilman Hammond be so designated. The second to this resolution was not withdrawn. Councilman Anderson asked for permission to withdraw his motion for an amendment to the resolution. The second was not withdrawn.

MOTION

That the appointment of Vice Mayor be delayed for a week until an official policy on the appointment could be formalized.

Moved by Hammond

Seconded by Arata

Unanimously carried

APPOINT COUNCILMAN HAMMOND AS COUNCIL REPRESENTATIVE ON INDUSTRY COMMITTEE

Mayor Marks pointed out the importance for all the people in the community of securing industries to locate in the area. He recommended that Councilman Hammond be appointed to represent the Council and to work with the Chamber of Commerce to formulate a program and that Councilman Arata work with Councilman Hammond. He stated that he would also assist them.

RESOLUTION NO. 56-152

A RESOLUTION APPOINTING COUNCILMAN HAMMOND AS THE COUNCIL

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REPRESENTATIVE TO WORK WITH THE CHAMBER OF COMMERCE ON A PROGRAM TO SECURE INDUSTRIES TO LOCATE IN THE CITY OF MODESTO

Introduced by Mayor Marks Seconded by Arata

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

Noes: None Absent: None

CITY MANAGER REPORT ON CONFERENCE ON "COMMUNITY ACTION TO FOSTER INDUSTRIAL GROWTH"

The City Manager reported on the statewide conference held in Los Angeles, April 17, on "Importance of Industrial Expansion; Community Needs for Long Range Land Use Planning and Zoning; and Methods of Industrial Site Development". He stated that copies of the speeches made at the conference would be sent to the Council members for their information if they wish. He urged that the Council give its immediate attention to this matter. He suggested that he be authorized to travel if necessary to check with industries on the possibility of locating in this community without waiting for Council approval on specified trips.

MOTION

That City Manager Miller be authorized to, at the discretion of Councilman Hammond, follow up on any lead which might bring any new industries to this community.

Moved by Anderson Seconded by Merrill Unanimously carried

Councilman Arata urged that the Council members take a tour around the city and inspect the various industrial sites available.

Councilman Anderson reported on discussions held at the conference which he had also attended along with the City Manager. He pointed out the value of each one of the Council members in knowing where the sites were located and what industries could be located in them. Mayor Marks pointed out that contrary to the public belief, the industries worked closely with governmental agencies on selecting a site.

CONSIDER MATTER OF ADDITIONAL T HANGARS AT AIRPORT

The City Manager introduced James Sorenson and Charles Warner to the Council and stated they wished to build four T Hangars at the Modesto City-County Airport on about the same basis as the original ones were constructed and as the building now under construction by the Grange Company---they have the use of the building for a period of 12 years after completion of construction and that the hangars become the property of the City of Modesto after this period. Since the city does not have funds available for the construction of these hangars and there is a need for them, the City Manager stated, that he would recommend that the Council consider this offer favorably. He stated that an agreement based substantially on the same arrangements as the previous agreements could be prepared for Council consideration by the next meeting.

MOTION

That the City Attorney prepare for Council consideration at the next Council meeting, agreements for the construction of T Hangars at the Modesto City-County Airport on the basis outlined.

Moved by Arata Seconded by Robinson Unanimously carried

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ACCEPT BID OF OSTERBERG-CARROLL FOR DRILLING OF DEEP WELLS AT PUMP STATION NO. 3 AND PUMP STATION NO. 18

Director of Public Works Ray recommended that the bid of Osterberg and Carroll, the only bid received, on the drilling of two deep wells (Pump Station No. 3 and No. 18) be accepted, since the bidder was a responsible bidder and the bid submitted was reasonable.

RESOLUTION NO. 56-151

A RESOLUTION ACCEPTING THE BID OF OSTERBERG AND CARROLL FOR THE DRILLING OF TWO DEEP WELLS AT PUMP STATIONS NO. 3 AND NO. 18, AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE COMPLETION OF THE WORK

Introduced by Merrill

Seconded by Arata

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

Noes: None

Absent: None

REQUEST BY STEWART MEADER THAT HIS PROPERTY BE INCLUDED IN IMPROVEMENT DISTRICT NO. 5

Stewart Meader, residing at 2114 Miller Avenue, requested that his property, which is located within the city limits, be included in Improvement District No. 5.

The Director of Public Works reported on the reasons why this one-half block had been deleted from the district and the method by which the area could be included in the proceedings.

The City Manager recommended, to which the Council concurred, that Mr. Meader confer with him and the Public Works Department personnel to work out the action to be taken and present it for Council consideration.

LETTER FROM ARNIE'S DRIVE-IN RE: CONDITION OF STREET IN FRONT OF PLACE OF BUSINESS ON LALOMA AVENUE

The request of Arnold Zurilgen, operating Arnie's Drive-In, 1312 LaLoma Avenue, asking for permission to black top a low area in front of the Drive-In and to install a dry well to drain off the water, was read. The City Manager pointed out that the installation of black top over the area would be in violation to the provisions of the Municipal Code unless special permission was granted by the Council.

Mayor Marks asked that the request be investigated by the staff and a report submitted for Council consideration next week.

FINAL CONSIDERATION TO REPORT SUBMITTED BY THE CITY CLERK'S DEPARTMENT

Final consideration was given by the Council to the report submitted on the City Clerk's Department. No questions were raised by the Council.

PRELIMINARY REPORT BY THE CITY ATTORNEY

Copies of the report on the City Attorney's Department were distributed to members of the Council for study.

REPORT ON PROGRESS ON "ALL AMERICAN YOUTH CONTEST"

The City Manager reported that the All American Youth Contest

was progressing satisfactorily, and that many letters had been received indicating interest in the contest.

NOTICE OF HEARING BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA FOR GENERAL INCREASE IN GAS RATES

A notice of a further hearing to be held before the Public Utilities Commission of the State of California on the application of various companies (Pacific Gas & Electric Company and Southern Counties Gas Company, et al) for an increase in gas rates in San Francisco, April 26, 1956, at 10:00 A.M., in the Commission Courtroom, State Building, was noted.

ADJOURNMENT

MOTION

That this Council meeting now in session be adjourned.

Moved by Arata Seconded by Adams Unanimously carried

The meeting was adjourned at 8:00 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.

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. J. S. McMullen, pastor of the Assembly of God Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular meeting of April 4, 1956, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM MODESTO CITY SCHOOLS RE: APPRECIATION TO COUNCIL FOR ADOPTION OF RESOLUTION RECOMMENDING THE ESTABLISHMENT OF A FOUR YEAR STATE COLLEGE IN THE MODESTO AREA

A letter received from James H. Corson, Superintendent of Modesto City Schools, expressing appreciation to the Council on behalf of the Board of Education, for the adoption of Resolution No. 56-94, recommending the establishment of a four year state college in the Modesto area, was read and ordered filed.

LETTER FROM MAYOR OF TURLOCK RE: SALES TAX AND REPORT BY MAYOR ON CITY-COUNTY COMMITTEE MEETING ON SALES TAX

A copy of a letter which had been sent to E. W. Hane, County Administrator, by Mayor E. S. Christffersen, Mayor of Turlock, relating to the City of Turlock's position on share of sales tax collected in its city limits to be allocated to the County of Stanislaus, was read.

Mayor Marks reported on the City-County Committee meeting which had been held on Monday, April 23. The meeting reached an impasse, with the county insisting that its portion of the sales tax collected in the cities in the county should be 10% of the 1% city sales tax collected, instead of the 5% generally agreed by all the cities within the county.

The City of Turlock considers that if it should approve the county's request that it will be collecting less money.

Mayor Marks pointed out that the problem would have to be solved at the next committee meeting in May in order to become effective in July. He stated that he had been selected as spokesman for the cities and that he was contacting the mayors of the various cities and would work with them to arrive at some satisfactory solution.

LETTER FROM STATE COMPENSATION INSURANCE FUND RE: DIVIDEND CHECK

A letter from the State Compensation Insurance Fund enclosing a dividend refund of \$7,197.52 for the policy year ending July 1, 1955, was read. The State Fund pointed out that the refund was possible through a reduction of accidents. Mayor Marks commended the staff and employees on the safety record achieved during the past years.

NOTICE FROM PUBLIC UTILITIES COMMISSION ON PUBLIC HEARING ON APPLICATION TO INCREASE GAS RATE

A notice received from the Public Utilities Commission that a public hearing would be held on the application of the Pacific Gas and Electric Company to increase gas rates, on April 26, in San Francisco, at the State Building, was read and ordered filed.

FURTHER CONSIDERATION OF BIDS RECEIVED FOR INSTALLATION OF STREET LIGHTING MATERIAL IN IMPROVEMENT DISTRICT NO. 3

Councilman Anderson, chairman of the committee appointed by Mayor Marks to check the estimate submitted by the city and the bid received from Collins Electrical Co. Inc., on the installation of street lighting materials in Improvement District No. 3, reported on the meeting held with the contractors, committee and staff members. He stated that the committee had agreed to revise the estimate submitted by the Public Works Department to the Council from \$14,716 to \$17,117. He stated that the committee considered that in all fairness to the contractors that all bids submitted should be rejected and the city readvertise for bids on a cost plus basis with a top maximum. There would be a ceiling that the bidders could not exceed which would remove the risk and better bids would be obtained, he stated.

Various questions were raised by the Council members and administrative staff:

- 1- Whether competitive bids could be obtained on a cost plus basis with a fixed amount;
- 2- How the bids could be compared to determine the low bidder;
- 3- That the engineering staff had not revised its estimate to do the work but that at the request of one of the Council members and a representative from the labor organizations the city's estimate had been refigured to take into account the cost of union scale labor.

Councilman Hammond, member of the Council committee to check the estimates, stated that the committee had determined that due to the unusual circumstances on the bid and estimate, that it would be advisable to reject the bids and put the work on the basis outlined by Councilman Anderson.

RESOLUTION NO. 56-165

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE INSTALLATION OF STREET LIGHT MATERIALS IN IMPROVEMENT DISTRICT NO. 3

Introduced by Anderson

Seconded by Merrill

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

Noes: None

Absent: None

MOTION

That the City Manager be instructed to work with the Council Committee, City Attorney, Department of Public Works to prepare a bid call which will accomplish the recommendation submitted by the committee.

Moved by Robinson

Seconded by Arata

Unanimously carried

HOLD OVER APPROVAL OF SPECIFICATIONS AND CALL FOR BIDS ON STREET LIGHTING MATERIALS

The approving of specifications and call for bids on street lighting materials was held over.

POLICY ON CITY SHARING IN COST OF IMPROVEMENTS IN IMPROVEMENT DISTRICTS AND SUBDIVISIONS

Mayor Marks recommended that the Council take its stand on participating in the costs of improvements in improvement districts and subdivision. He stated that it was not fitting, proper or normal that the rest of the taxpayers should contribute to the cost of improvements. This has been the policy in the past but it should be changed for new areas. The city's past commitments should be completed on the old basis but no new areas approved on this basis.

Councilman Anderson brought up the possibility of handling street lights in the older part of the city on the old basis of city participation.

Councilman Robinson asked if the city's policy on participating 20% in the street paving program would be changed.

Mayor Marks stated that the policy was for lighting only and that water and street improvement was different. He asked that the staff prepare a resolution for Council consideration along these lines bearing in mind that the older part of the city has not had their lights that they are to under the old policy.

City Attorney Grimes pointed out that it would not be legally possible to have one policy for one section and another to apply to another section of the city, that it should apply equally without discrimination. The City Manager pointed out that new areas could be annexed on a different basis.

MOTION

That the City Manager and City Attorney prepare for Council consideration the necessary documents to establish the policy of the Council on lighting improvements in improvement districts and subdivisions.

Moved by Mayor Marks Seconded by Anderson Unanimously carried

PUBLIC HEARING ON APPLICATION FOR UNCLASSIFIED USE PERMIT - LAWANDA K. MUNCY

Mayor Marks declared that the hour of 8:00 P.M. had arrived, the time set for the public hearing before the Council on the application of Lawanda K. Muncy for an unclassified use permit to operate a rest home at 914 Tuolumne Boulevard, in the City of Modesto.

The City Clerk reported that notice of the hearing was mailed to all property owners within 300 feet of this location. He stated that no written protests had been filed.

Mayor Marks asked if anyone wished to file an oral protest or make any comment on the matter.

Resolution No. 295 adopted by the Planning Commission on April 3, recommending to the Council that an unclassified use permit be granted to Mrs. Muncy for a rest home for six ambulatory patients, under certain conditions, was read. It was generally agreed by the Council that the permit be granted under the same conditions outlined by the Commission in its Resolution No. 295

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Mayor Marks declared the hearing closed.

RESOLUTION NO. 56-153

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO LAWANDA K. MUNCY FOR A REST HOME FOR SIX AMBULATORY PATIENTS AT 914 TUOLUMNE BOULEVARD, IN THE CITY OF MODESTO

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

Noes: None Absent: None

PUBLIC HEARING ON APPLICATION FOR UNCLASSIFIED USE PERMIT - RUTH DILLER

Mayor Marks declared that the hour of 8:05 P.M. had arrived, the time set for the public hearing before the Council on the application of Ruth Diller for an unclassified use permit for the day care of children at 1408 Del Mar Avenue in the City of Modesto.

The City Clerk reported that notice of the public hearing had been mailed to all property owners within 300 feet of this location and that no written protests had been filed.

Mayor Marks asked if anyone wished to file an oral protest or make any comments on the matter.

Resolution No. 294, adopted by the Modesto City Planning Commission on April 3, after its public hearing, recommending to the Council the granting of an unclassified use permit to Ruth Diller for the day care of eight (8) children, under certain conditions, was read. It was generally agreed that the permit be approved on the same conditions outlined by the Commission.

RESOLUTION NO. 56-154

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO RUTH DILLER FOR THE DAY CARE OF EIGHT CHILDREN AT 1408 DEL MAR 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

INFORMATION ON APPLICATIONS FOR UNCLASSIFIED USE PERMITS TO BE SENT TO COUNCIL MEMBERS FOR STUDY SUBSEQUENT TO DATE SET FOR HEARING

It was generally agreed by the Council that the City Clerk should send copies of all available information and maps to the members immediately after a hearing date is set for an unclassified use permit so that the members may inspect the property if they so desire.

FURTHER CONSIDERATION OF CITY HALL SITE

The City Manager reported that Rev. G. A. Miller, pastor of the Foursquare Church, which is located in the civic center area, had requested that his letter regarding the city hall site be read to the Council. Letters from the Grace Lutheran Church and Mrs. A. A. Jungerman were also read. Both of the letters from the churches urged the Council to make its decision on the city hall site as soon as possible so that they could complete their plans for new churches. Mrs. Jungerman considered that the city hall should be located on the city's property on 15th Street.

Councilman Arata stated that he sympathized with the churches and pointed out that the Council had not voted on a site for a city hall--only a civic center site. Since this area was designated as a civic center, he stated, favorable consideration has been given by some of the members to the city's property on 15th Street as the proper site for the city hall. He pointed out that the Council had to do what it considered the best for the majority of the people in the city.

Councilman Merrill stated that the Council was still in the process of analyzing sites in the city, that the joint committee would be meeting April 26 to discuss the city hall site. He stated that these people had taken for granted that Site No. 1 in the civic center area would be chosen and were building new churches---that this was their problem and not the Council's. When the Council chooses a site, he stated, it must remember this site is chosen for all the people for all the time to come. This is a major step, he stated, and should not be made in a hurry.

Mayor Marks reviewed the action taken by the Council at the public hearing held on the city hall site at its meeting of April 11--the matter was referred back to the committee for further study. He stated that the committee had not yet submitted its further recommendations and the Council was waiting for the report before any further consideration was given to the matter. He suggested that the committee consider asking Architect Milton Fleuger to return to Modesto to discuss both sites, the 15th Street location and Area No. 1 in the Civic Center. He pointed out that the delay in building the city hall was costing the city materially each year, due to the fact the offices were scattered throughout the city.

At the request of the Council, the City Manager reported on the preliminary tentative allocation of capital improvement funds for 1956-57 as it related to the building of the city hall. He stated that as of March 31, 1956, \$107,085 remained in the 1955-56 budget for the city hall and he recommended consideration of an appropriation of \$100,000 for fiscal year 1956-57 and that there would be \$100,000 remaining in the unallocated reserve which might also be used for the city hall. He pointed out that if the 15th Street site was not used for a city hall for which it was purchased and its present value was credited to the city hall account, that enough money could be made available to buy any city hall site the Council had talked about in any place.

Councilmen Arata and Merrill objected to transferring the 15th Street site to another city department at the present market value and contended that the original cost price should be used.

Councilman Robinson stated he did not agree with this assumption.

Mayor Marks pointed out that this matter need not be cleared at this time---but the present problem was to take another look regardless of the fact the Council had approved the site for a civic center.

Mayor Marks asked for comments from the audience.

Mr. Tod Campbell pointed out that the city had already bought a parcel of land in the civic center area from the Moose Lodge and wondered if the property owners in this area would have to wait 15 years to find out the answer from the Council where the city hall was going, as was being done on the 15th Street lot which was purchased for a city hall site.

The Council assured Mr. Campbell that the construction of a city hall was vitally needed and that a site would be selected in the near future after due deliberation by the Council.

Mayor Marks issued an invitation to the members of the audience to be present at the meeting when Architect Fleuger would discuss the two sites.

DISCUSSION ON CITY'S PARTICIPATION IN THE DOWNEY HIGH SCHOOL SWIMMING POOL

The City Manager stated that \$25,000 had been placed in the preliminary tentative capital improvement budget for year 56-57 as the city's portion of the cost of the Downey Swimming pool. The schools have advised that the pool might cost more than originally anticipated and have asked that the city indicate its position as soon as possible so that it may prepare its plans accordingly. He suggested that the Council might offer to share in the cost of the pool to this extent only.

APPROVING LEASE OF AIRPORT PROPERTY TO JAMES C. SORENSEN AND CHARLES WARNER FOR THE ERECTION OF T HANGARS

Terms of an agreement between the City and James C. Sorensen and Charles Warner for the leasing of a portion of the Modesto City-County Airport for the construction of four T hangars, was briefed by the City Attorney for Council information.

ORDINANCE NO. 85-C.S., entitled

AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO JAMES C. SORENSEN AND CHARLES WARNER 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 Arata

Seconded by Robinson

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

Noes: None

Absent: None

APPROVE APPROPRIATION TRANSFER OF FUNDS FOR COMPLETION OF CONSTRUCTION AROUND HANGAR

The City Manager recommended the appropriation transfer of \$1475 from the Special Capital Outlay Reserve to Capital Improvement program--Airport improvements, so that the construction around The Grange Company's hangar, the Butler hangar now under construction and the proposed new T hangars could be completed.

RESOLUTION NO. 56-155

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1475 FROM THE SPECIAL CAPITAL OUTLAY RESERVE TO CAPITAL IMPROVEMENT PROGRAM--AIRPORT IMPROVEMENTS

Introduced by Merrill

Seconded by Robinson

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

Noes: None

Absent: None

FURTHER REPORT FROM PLANNING COMMISSION ON THE PROPOSED EXPANSION OF THE MASONIC CEMETERY TO BODEM STREET

At the request of Mayor Marks, City Attorney Grimes reviewed the present status of the application for an unclassified use permit of the Masonic Cemetery Association to extend its present cemetery to include

the North 560 feet of Block 595. Mr. Grimes stated that the Council had adopted Resolution No. 56-110 at the public hearing on March 28, denying the application, but had suspended this resolution until such time as the Council received and acted upon a further report from the Planning Commission, as required by Section 10-2.2114 of the Municipal Code.

The City Manager reported that notice had been sent to interested parties that the Council's action at the public hearing on March 28 would not be final until a further report had been submitted by the Planning Commission.

The City Clerk reported that a petition with 255 signatures approving the expansion of the cemetery, had been filed in his office at 4:00 P.M., April 25.

The City Attorney pointed out that although the public hearing had been declared closed that it would be in order for the chair to recognize anyone who desired to speak on the matter. The question before the Council, after considering the further report submitted by the Planning Commission is--Does Resolution No. 56-110, adopted March 28, denying application to expand the present cemetery, stand or shall it be rescinded, he stated.

Letters opposing the expansion received from Dorothea Maloney, 310 Bodem Street, and Mr. and Mrs. W. D. McGhee, 302 Bodem Street, were read. Resolution No. 305, adopted by the Modesto City Planning Commission on April 17, 1956, reaffirming its recommendation to the Council regarding the request of the Masonic Cemetery Association, including a copy of the reports from the majority and minority groups of the Commission, were read.

Ronald Bates asked that the record be cleared on two matters: 1) that his connection with the case was that of an Attorney, employed by the Association on a yearly employment basis for a number of years; and 2) that his answer to the question--why didn't the Association apply for an unclassified use permit before it purchased the property from the county---be explained further. The Association, he stated, and the public in general, has known for a number of years that it wished to buy the property for expansion when and if it was ever sold by the County. He considered that the question asked by a member of the Council at the public hearing was unfair and he wished it to be known that the Association was not on the spot and asking to be bailed out. As early as 1950, he stated, the Association Board agreed that in order to maintain the cemetery under perpetual care, it would be necessary to expand its present facilities. The Board of Supervisors was contacted to determine if and when the property under question would be sold. In 1952, a rumor reached the Association that the property was going to be sold and it started a petition in the neighborhood to obtain approval for the rezoning of the property which was required at that time under the old zoning ordinance. It was decided to delay the filing of a petition because of two rumors: 1) that a four lane street was planned by the state down Sunrise over to Scenic; and 2) that the city was in the process of modernizing its zoning ordinance which would only require an unclassified use permit to permit a cemetery in any type zoning. The answer given at the hearing, that there was not time to petition the Commission or Council between the time the County decided to sell the property and the Association purchased the property is technically true, he stated, however, it should not have been given and he asked that the record be cleared. In the past 10-15 years, he continued, there has been no secret of the fact that the Association wished to purchase the property and the delay in filing a petition was due to the delay in adopting the new ordinance which would provide for the more modern thinking on cemeteries. He reported that the original petition circulated by the Association in 1952, among

the property owners within 500 foot radius, had been lost.

Charles D. Lindsey, Director of the Association Board, L. D. Hudson, President of the Board and E. M. Welch, spoke briefly on the value to be gained by the community and the neighborhood if the cemetery was expanded; that it would increase rather than depreciate the value of the surrounding property; and that the expansion would permit sufficient income from the endowment fund to permanently maintain the cemetery in a satisfactory manner.

Richard Gelder, 246 Melrose, opposed the expansion of the cemetery and asked that the Council prohibit the filing of another application by the Association.

Dave Wellman contended that the improvement of the property by the Association would enhance the value of the surrounding area and would not be an "eyesore" to the neighborhood.

Mrs. George Kufis opposed the expansion and pointed out that the expansion would require that the property owners in the surrounding area walk by the cemetery. She also questioned whether the sale of the lots in the area would increase the endowment fund materially since the area would be small after the landscaping and the necessary roads had been completed.

The City Attorney stated that alternative courses of action which could be taken by the Council were 1) lift the suspension placed on Resolution No. 56-110, or 2) in light of the supplemental report received from the Planning Commission grant the unclassified use permit to the Association and rescind Resolution No. 56-110.

At the request of Councilman Adams, the section of the Planning Commission's majority report was re-read:

"While this area can be divided into residence lots, it cannot be done advantageously. The area fronts on Bodem Street, with a length on Bodem of 560 feet and depth extending back to the existing cemetery of 190 feet, with no alley. The required lot frontage is 60 feet with 70 feet on corner lots. Subdivision of the land in question would result in deep lots with nearly 12,000 square feet in area, practically twice the normal lot size in current subdivisions. The economical utilization of these lots for residences would require a special and limited design."

It was pointed out that this area was already zoned R-2 and that the area could be used for 9 duplex lots or 9 single family lots:

To a question from Councilman Robinson as to the estimated number of years the expanded area would serve the community, Attorney Bates replied that it would be approximately 8-9 years. However, he stated, this would not mean that the cemetery would go out of business at that time because many lots in the cemetery were bought by families. The sale of lots would be for 8-9 years, but graves would still be opened and funerals held. The Board would not discontinue after the sale of lots was completed but would continue as a care taking operation only. The money will not go anywhere else and when this unit is entirely sold all funds will be placed in an endowment fund for this area only. If a new cemetery is established some place else, he stated, it will stand on its own feet financially.

At the request of Councilman Hammond, Mr. Smeath reviewed the landscaping plans for the expanded area.

RESOLUTION NO. 56-156

A RESOLUTION REMOVING THE SUSPENSION OF RESOLUTION NO. 56-110 DENYING THE APPLICATION OF THE MASONIC CEMETERY ASSOCIATION FOR AN UNCLASSIFIED USE PERMIT TO EXPAND ITS CEMETERY AND MAKING SAID RESOLUTION EFFECTIVE IMMEDIATELY

Introduced by Mayor Marks Seconded by Anderson

Ayes: Anderson, Arata, Adams, Mayor Marks

Noes: Hammond, Merrill, and Robinson

Absent: None

Mr. Gelder again asked that the Council prohibit the Association from requesting an unclassified use permit to extend its boundaries to include the property.

The City Attorney stated that there was no way a person or organization could be denied the right to request a permit unless the Council amended the zoning regulations to provide that once a request is denied a certain period of time must elapse before another request could be submitted, as was provided in the annexation regulations. He pointed out that there were arguments for and against this regulation.

Mayor Marks stated that this matter was not under consideration at this time, but the matter of zoning was the decision made by the Council.

Attorney Bates pointed out that the question resolved by the Council was not zoning because the new ordinance permitted the expansion and operation of cemeteries in any zone when an unclassified use permit was granted.

It was pointed out that it was a matter of land use under the zoning ordinance.

Councilman Anderson stated that he would like to see the zoning ordinance amended with reference to the number of hearings to be held before the Council and the Planning Commission and that a limit of one hearing before each board be established.

Mr. Smeath stated that if this was the general opinion of the Council that the adoption of a resolution instructing the staff to request the Planning Commission to discuss this matter along with a number of other proposed amendments would be in order.

In the general Council discussion on the matter, the following points were brought out:

- 1- That the due processes of government were slow but on a matter of such importance as this was, it was better to take a second look;
- 2- That the requirement of referring matters back to the Planning Commission when the Council's action was against the recommendation of the Commission served as a safeguard although it did delay final action;
- 3- That the number of times which the Council would override the recommendation of the Planning Commission would be few;
- 4- That the decision of the Planning Commission was specifically based on planning point of view and the advice given to the Council would be along these lines;

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- 5- That the only time matters were referred back to the Commission was when the Council did not approve the Commission's recommendation;
- 6- That the overriding of the Commission's recommendation without referring the matter back would tend to alienate the Commission

AUTHORIZE INSTALLATION OF YIELD RIGHT OF WAY SIGNS ON SOUTH AVENUE AT COLORADO AVENUE

Traffic Engineer Carmody reported that traffic and accidents warranted the installation of yield right of way signs at the intersection of South Avenue at Colorado Avenue. Stanislaus County, he stated, has now approved the installation of yield signs, as a portion of this intersection is located in the county.

RESOLUTION NO. 56-157

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON SOUTH AVENUE AT ITS INTERSECTION WITH COLORADO AVENUE 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 REQUEST OF THE GREATER MODESTO SAFETY COUNCIL FOR THE ERECTION OF SIGN ON CITY PARKING LOT AT 12TH AND I STREETS

The City Manager reported that pursuant to the direction of the Council, the Traffic Engineer had met with Mr. Moorehead, Chairman of the Greater Modesto Safety Council and Mr. Giddings, regarding the installation of the safety sign above the Parking Lot sign on the 12th and I Street parking lot, to discuss the objections of Mr. Giddings that the sign would obstruct the view of the electrical sign on his building.

Mr. Warren Giddings stated that he was not opposed to the size of the parking lot sign as it presently existed but if the new safety sign was added that it would block the view of his sign.

Mr. Moorehead reported that the County had refused permit to place the sign on the courthouse park as it would detract from the aesthetic appearance of the courthouse property. The Safety Council, he stated, had considered since the parking lot was a semi-commercial operation that the sign could go there and would not be any more of a sight restriction for the Gidding's sign than the trees which are located on this corner would be during the summer season.

Mr. Giddings asked that the city consider removing the trees and planting shrubbery instead.

Mayor Marks outlined the city's policy on planting of smaller trees in the semi-commercial area.

Councilman Hammond suggested that the sign be placed in one of the islands in the center of the lot closer to I Street instead of over the parking lot sign in the corner. Mr. Carmody pointed out that this had been discussed at the meeting but it was considered that the sign should be in the foreground where it would be more visible by the general public. The Council generally agreed that a further investigation and report be made on a location for the sign.

MOTION

That the request of the Greater Modesto Safety Council for the erection of a sign at the location requested on the city parking lot at 12th and I Streets be denied.

Moved by Anderson Seconded by Adams Unanimously carried

APPOINTMENT OF COUNCILMAN DON D. HAMMOND AS VICE MAYOR OF THE COUNCIL

Councilman Merrill stated that in order to clear the confusion which occurred at the last Council meeting regarding the policy on the appointment of a vice mayor of the Council that he wished to take this opportunity to nominate Councilman Don D. Hammond as vice mayor.

The City Attorney stated it would be necessary to first remove from the floor the pending resolution and amendment thereto, to the resolution which were introduced at the last meeting.

Councilman Robinson stated he would withdraw his resolution and Councilman Adams stated he would withdraw his second to the resolution. Councilman Anderson stated he would withdraw his amendment to the resolution and Councilman Arata withdrew his second to the amendment. Councilman Anderson read an excerpt from the Council meeting minutes of April 20, 1955, at the time Councilman Merrill Adams was appointed Vice Mayor.

RESOLUTION NO. 56-158

A RESOLUTION APPOINTING COUNCILMAN DON D. HAMMOND AS VICE MAYOR OF THE COUNCIL OF THE CITY OF MODESTO

Introduced by Merrill

Seconded by Arata

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

Noes: Hammond

Absent: None

AUTHORIZE FILING OF ACTION AGAINST DALTON P. ELLIS FOR COLLECTION OF FEES FOR OILING ALLEYS

The City Manager reported that the agreement, dated January 14, 1953, between the city and Dalton P. Ellis, relating to improvements in College Village Subdivision No. 1, provided for the payments of \$232 by Mr. Ellis, for the cost of grading and oiling alleys. The city has tried in every way possible, short of legal action, the City Manager stated, to collect this money. It is the recommendation of the staff that legal action be instituted to collect the amount due the city.

RESOLUTION NO. 56-159

A RESOLUTION AUTHORIZING THE INSTITUTION OF LEGAL ACTION TO COLLECT AMOUNTS DUE THE CITY OF MODESTO FROM DALTON P. ELLIS

Introduced by Adams

Seconded by Merrill

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

Noes: None

Absent: None

DISCUSS APPOINTMENT OF RICHARD LING MEMBER OF PERSONNEL COMMISSION

Mayor Marks reported that Ray Jones had notified him he would be compelled to resign as member of the Personnel Commission in a short

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time. Richard Lyng has agreed to serve on this board, Mayor Marks stated. He recommended, to which the Council concurred, that Mr. Lyng be asked to attend the meetings of the board as an observer until he is formally appointed a member.

CLEAR PROPOSAL TO PROCEED WITH OILING OF ALLEYS IN COLLEGE VILLAGE SUB-DIVISION PENDING COLLECTION OF FEE FROM DALTON ELLIS

The City Manager suggested that the Council approve the grading and oiling of alleys by the city in the College Village Subdivision since it had authorized the institution of legal proceedings to collect the fees from Mr. Dalton Ellis.

A general Council discussion was held on whether the city should advance the cost for the work until it had collected the money since the property owners had bought their property in good faith from the subdivider and the city had entered into an agreement with Mr. Ellis.

MOTION

That the grading and oiling of the alleys in this subdivision be delayed until the fees are collected from Dalton P. Ellis, subdivider

(Councilman Merrill left the meeting at 10:30 P.M.)

Moved by Hammond

Seconded by Arata

Ayes: Anderson, Arata, Hammond, Mayor Marks

Noes: Adams and Robinson

Absent: Merrill

SET DATE OF HEARING ON PROPOSED AMENDMENT TO MUNICIPAL CODE (MAP 17) REZONE LOTS 1 THROUGH 10 BLOCK 6726 AND LOTS 1 AND 2 BLOCK 6731 FROM R-1 ZONE TO R-2 ZONE - MODESTO DEVELOPING ASSOCIATION

Resolution No. 300 adopted by the Planning Commission April 17, recommending to the Council an amendment to the Municipal Code-zoning map No. 17 changing the zoning from R-1, single family zone to R-2, two family zone, as requested by Elliot Navon, President of the Modesto Developing Association, on lots 1 through 10, Block 6726 and lots 1 and 2, Block 6731, was read.

The City Clerk suggested that the date of May 16, at 4:15 P.M. in the Council Chamber, be set as the time and place for the public hearing before the Council.

RESOLUTION NO. 56-160

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON THE REQUEST OF THE MODESTO DEVELOPING ASSOCIATION TO REZONE CERTAIN PROPERTY

Introduced by Anderson

Seconded by Arata

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

Noes: None

Absent: Merrill

SET DATE FOR HEARING ON APPLICATIONS FOR UNCLASSIFIED USE PERMITS

Catherine Montgomery - day care of children at 529 El Cajon Avenue

Resolution No. 301 adopted by the Modesto City Planning Commission recommending to the Council the granting of an unclassified use permit to Catherine Montgomery for the day care of three children, ages two to

five years, under certain conditions set forth in the resolution, at 529 El Cajon, was read.

The City Clerk recommended the date of May 16, at 4:30 P.M. at the Council Chamber, be set as the time and place for the public hearing of the Council on the request.

RESOLUTION NO. 56-161

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN APPLICATION BY CATHERINE MONTGOMERY FOR AN UNCLASSIFIED USE PERMIT TO CARE FOR CHILDREN AT 529 EL CAJON

Introduced by Adams

Seconded by Anderson

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

Noes: Nohe Absent: Merrill

Alice May for the day care of children at 222 Melrose Avenue

Resolution No. 299 adopted by the Modesto City Planning Commission recommending to the City Council the granting of an unclassified use permit to Alice May for the day care of three children at 222 Melrose, was read.

The City Clerk recommended that the date of May 16 at 4:35 P.M. in the Council Chamber be set as the time and place for the public hearing before the Council.

RESOLUTION NO. 56-162

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN APPLICATION BY ALICE MAY FOR DAY CARE OF THREE CHILDREN AT 222 MELROSE AVENUE

Introduced by Anderson

Seconded by Arata

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

Noes: None Absent: Merrill

REQUEST FOR CONSENT TO COMMENCE PROCEEDINGS TO ANNEX THE WESTVIEW GARDENS TO THE CITY OF MODESTO REFERRED TO THE MODESTO CITY PLANNING COMMISSION

A request dated April 16, 1956, was filed with the Council by qualified electors of the County of Stanislaus residing in the Westview Gardens Addition for consent to commence proceedings to annex the inhabited territory to the city.

The City Manager reported that this was the Stanislaus County Housing Authority area and contained approximately 150 families and would require an election to approve the annexation.

RESOLUTION NO. 56-163

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 WESTVIEW GARDENS ADDITION

Introduced by Anderson

Seconded by Arata

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

Noes: None Absent: Merrill

ACCEPT GRANT DEED FROM JOHN S. BOSIA, ET UX, FOR WIDENING OF ROSEBURG AVENUE

The City Attorney presented for Council consideration, a grant deed from John S. Bosia and Dorothy Bosia, husband and wife, as joint tenants, covering property to be used in the widening of Roseburg Avenue.

RESOLUTION NO. 56-164

A RESOLUTION ACCEPT GRANT DEED FROM JOHN S. BOSIA AND DOROTHY BOSIA (WIDENING OF ROSEBURG AVENUE)

Introduced by Arata

Seconded by Anderson

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

Noes: None Absent: Merrill

(Councilman Merrill returned to the meeting at 10:40 P.M.)

HOLD OVER CONSIDERATION OF PROPOSAL FOR CHANGE IN PERSONNEL RULES RELATING TO HEARINGS

Copies of a proposed revision of the City of Modesto Personnel Rules and Regulations relating to Rule 12--Appeals and Hearings, were distributed to the Council members.

Since this was new business it was agreed that the matter be held over for further study.

FINAL REPORT ON CITY ATTORNEY'S DEPARTMENT

No questions were raised on the report submitted by City Attorney Grimes on the Attorney's Department and he was complimented on his excellent report.

ADJOURNMENT

MOTION

That the Council meeting now in session adjourn.

Moved by Merrill Seconded by Anderson Unanimously carried

The meeting was adjourned at 10:45 P.M.

ATTEST: 
 REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., 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. A few moments of silent prayer were observed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular meeting of March 28, 1956, and the same being available for public inspection and there being no objections, the minutes were approved.

HEARING BEFORE CIVIL AERONAUTICS BOARD RE: APPLICATION OF WEST COAST AIRLINES INC.

A copy of the answer of the United Air Lines, Inc. to "motion for immediate hearing in the matter of the application of the West Coast Airlines, Inc. for amendment of its certificate of public convenience and necessity, to be held before the Civil Aeronautics Board", was considered by the Council.

Whether the city should, as a matter of policy, take a position on the matter on the basis that it would mean more service in this community, was discussed briefly.

MOTION

That the matter be referred to the City Manager for investigation and further report to the Council.

Moved by Robinson, seconded by Arata, unanimously carried

MAYOR MARKS GRANTED REQUEST TO CONSIDER CERTAIN MATTERS NOT ON AGENDA

With the consent of the Council, Mayor Marks brought up the following matters for Council consideration which were not on the agenda for the meeting:

Request of Stanislaus County Jersey Breeders' Association to use loud speaker on city streets

John B. Merritt, spoke on behalf of the Stanislaus County Jersey Breeders' Association, requesting that the Association be permitted to operate a sound truck in the commercial areas to advertise its Spring Show being held in the McHenry Village, May 4-5.

City Attorney Grimes reviewed the provision of the Municipal code regulating the use of a loud speaker on city streets. He pointed out that the Council had the authority to grant this permit in the commercial areas, subject to certain restrictions:

- (a) The only sounds permitted to be music and human speech;
- (b) Such sound advertising shall be permitted only between the hours of 9:00 A.M. and 5:00 P.M.;
- (c) Such sound advertising shall not be permitted on Sundays;
- (d) The volume of sound shall be controlled.

MOTION

That permit be granted to the Association to use a sound truck in the commercial areas subject to the restrictions outlined in the Municipal Code.

Moved by Hammond, seconded by Robinson, unanimously carried

City Manager Miller asked Mr. Merritt to keep the volume of the loud speaker at the Village as low as possible during the show, to avoid complaints from the surrounding residents.

Letter from Dan Mellis re: site for city hall

A letter received from Dan Mellis, former Councilman, relating to the site for the city hall, was read. Mr. Mellis suggested that in view of the recent discussions on the selection of a site for the city hall, that this matter, as well as the Civic Center matter, be submitted to the voters for a decision on the November ballot. He also suggested that in order to eliminate any further confusion in these matters that complete details be made available so that every citizen could be fully informed and in position to reach an intelligent decision at the time he casts his ballot in November.

Mayor Marks pointed out that two elections would be necessary, one on the site and one on the financing of the building.

Councilman Anderson pointed out that this matter had been referred back to the committee by the Council for further study and until this report was submitted to the Council any further action should be delayed. He reported on the recent meeting held by the committee with various groups and Architect Fleuger which had resulted in an order to him to prepare a sketch of a city hall building which would be located on the 15th Street property.

Mayor Marks stated that he believed that this matter had reached the point where the people of the city should have an opportunity to decide. He suggested that due to the confusion on the sites that the committee also consider the feasibility of placing the matter on the ballot as another alternative.

Councilman Merritt concurred with Councilman Anderson's recommendation, that the Council delay action until the committee had submitted its report.

Councilman Robinson pointed out that it would be necessary to select the site before any measure for financing the city hall was presented to the public on the ballot.

Mayor Marks pointed out that the delay in building the city hall was costing the city approximately \$4,000 monthly. He called attention to Mr. Mellis' suggestion that information be given the general public well in advance of an election. If a special election was held, he stated, which would cost approximately \$1,000, then the bond measure could be placed on the ballot of the General State election to be held in November.

Councilman Anderson pointed out that there might be a number of persons who would favor a bond election on the 15th St. site who would not favor a bond election for the Spaulding Drive site. It was agreed generally that no further action be taken by the Council until a report was submitted by the committee and that Mayor Marks acknowledge receipt of Mr. Mellis' letter.

HEARINGS ON IMPROVEMENT DISTRICT NO. 5 - LALOMA AREA

The City Attorney suggested that the hearing be held for 4:20 P.M. on objections to the proposed work in Improvement District No. 5 be held prior to the hearing scheduled at 4:15 P.M. on the public

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convenience and necessity of the construction in the district.

Mayor Marks declared that the hour of 4:20 P.M., had arrived, the time set for the public hearing on objections to the proposed work in Improvement District No. 5--sewer laterals and street light materials in the LaLoma area.

The City Attorney reviewed the status of the district up to date.

The City Clerk filed affidavits of mailing copies of Resolution No. 252; Posting Notice on Council Chamber Door; Publication of Resolution of Intention No. 248; and Posting Notice of Improvement on all the open streets within the assessment district.

Mayor Marks asked if there were any written protests filed. The City Clerk read letters from the following property owners protesting on the proposed work:

ASSESSMENT NO.	OWNER	REASON
260-10 and 264-11	Mabel S. Thompson	Protest installation of sewers and lights
2062-1	Pete Ruffino	Protest installation of sewers and lights
2018-6	Edith Matson	Question of where street lights are to be located
2052-2; 2053-3; and 2170-2	Robert Blewett, Attorney for Petroleum Products Company	Protest grades, work and boundaries

Mayor Marks then asked if there were any oral objections or any other statements to be made by any person with relation to the project.

Molee Crews, 321 Severin Avenue and Chester Spearing, 149 Covena Avenue, asked questions regarding methods available for the payment of the assessments, which were cleared by City Attorney Grimes, Director of Public Works Ray, and Director of Finance Lawrence.

Pete Ruffino, 815 Sysamore Avenue asked if he would be permitted to hire his own contractor to construct the sewer lateral which would serve his property in the district. The City Attorney informed him that once the district was formed it would be impossible for him to construct the lateral by private contract.

Neil Cecil, 512 Helen Avenue, owner of lot 10 in Block 2125A, asked that the sewer line proposed in the alley in this block be extended an additional 122 feet so that his property could be served from the alley lateral rather than the lateral in Yosemite Boulevard.

The Director of Public Works pointed out that the plans for the District provided for property fronting on Yosemite Boulevard to be served from the Boulevard instead of the alley. He stated that this was a matter for the Council to consider and determine and that the staff had no recommendation. He pointed out that the owner of lot 11 in this block, H.B. Wilkinson, had also requested that the line be extended 140 feet to serve his property. If this line is extended 140 feet, Mr. Ray reported, the extra cost to the District would be approximately \$460.

Mr. Cecil stated that he objected to connecting to the Boulevard lateral because it would be more costly and more difficult, since it was a state highway.

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Mrs. Wilkinson objected to having her house, located across the alley from the Cecil property in Block 2125A, served from the Boulevard because; 1) additional cost involved since this street is a state highway, 2) it would disturb the park and landscaping on her property, and 3) if a commercial building was constructed in front of her house, facing on Yosemite Boulevard, the sewer lateral which would serve her house would be under the commercial building. She stated that if she was compelled to connect to the alley sewer lateral, as the lateral was presently planned, her cost would be prohibitive due to the long distance and because the alley is black-topped. She asked that the sewer lateral in Block 2125A be extended an additional distance of 140 feet.

Al Kreuth, Associate Civil Engineer, explained the difficulties involved in preparing plans and specifications for improvement districts. He listed the properties along Yosemite Boulevard which would be served from this street. The lines were planned, he stated, in such a manner as to serve the most people at the shortest distance. Some of laterals, on Yosemite had been located on the north side of the street and some on the south side, depending upon the buildings to be served, because it was impossible to locate a line in the middle of a state highway.

N. Martino, Rt 1, Box 706, asked questions relating to methods of payment for the assessment. The City Attorney reviewed provisions of the Municipal Code relating to payment of cash fees for sewer service and pointed out that there was no trunk sewer available in most of this area to connect with, which would have permitted the construction of sewer laterals by private contractors. He listed the other methods available under the district proceedings.

Mr. Samuelson asked about the approximate cost of connection to the sewer laterals. Mr. Ray suggested that he contact a plumber to determine the cost because conditions varied in each case.

Mr. Ruffino objected to the amount of his assessment since the 8" sewer lateral which would serve his property was only 130 feet in length. Mr. Ray explained that the assessment was based on the area to be served.

Mr. Ray reported that in the preparation of the plans for the District the surveying crew did not pick the correct point for service for the Donald L. Curtice property, located in Block 2168 on Encina Avenue. In this case the line is a sub-trunk line planned for extension easterly later as the area develops and which the city will pay a good share of the cost. He stated the reason this was brought to the Council's attention was that it was similar, to some extent, to the requests filed by Mr. Cecil and Mrs. Wilkinson. However in this case the staff recommends that the line be extended 80 feet since it will not be a dead-end sewer, as is true in the other case, and it will have to be extended at a later date. At the request of Mayor Marks, Mr. Ray reported that the citizens of the city were advancing approximately \$11,325, based on the district, as it is presently planned.

The City Clerk reported that petitions had been filed by property owners of the west half of Blocks 2258, 2260 and 2262 and by property owners of the north half of Block 2224 and 2263 for inclusion in the District.

Mr. Ray reported that if this area was included in the District that it would be necessary for the city to advance additional funds, as it would require the construction of perimeter sewers. He estimated the additional cost to the city to be approximately \$15,000, and if the other two extension requested (Curtice and Cecil-Wilkinson) to be approximately \$1,000 additional which would still be under the 10% increase allowed by the state law. He reported on the amount which would

be recovered by the city when the area surrounding the perimeter sewers was developed.

MOTION

That the staff be authorized to prepare the necessary documents to amend Resolution of Intention No. 252 to include the west half of Blocks 2258, 2260, 2262 and the north half of Blocks 2224 and 2263 in Improvement District No. 5

Moved by Robinson, seconded by Anderson, unanimously carried

MOTION

That the staff be instructed to prepare the necessary documents to extend the sewer lateral serving Block 2168 a distance of 80 feet and to extend the sewer lateral in the alley serving Block 2125A a distance of 120 feet.

Moved by Robinson, seconded by Anderson, unanimously carried.

Mayor Marks declared the hearing closed.

Mayor Marks declared the hearing open on the public convenience and necessity of the construction of improvements in Improvement District No. 5.

The City Clerk reported that no written protests had been filed.

Mayor Marks asked if there were any oral protests or comments or any other statements to be made by any person. No comments were made. Mayor Marks declared the hearing closed.

RESOLUTION NO. 876- S.P.

RESOLUTION FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE CONSTRUCTION OF SANITARY SEWER LATERALS AND FURNISHING OF STREET LIGHTING MATERIALS, SUPPLIES, APPLIANCES AND APPURTENANCES IN IMPROVEMENT DISTRICT NO. 5, 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 Anderson
 Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson,
 and Mayor Marks
 Noes: none, Absents: None

RESOLUTION NO. 877-S.P.

RESOLUTION OVERRULING PROTESTS

Introduced by Merrill, seconded by Adams
 Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and
 Mayor Marks
 Noes: None, Absents: None

RESOLUTION NO. 878-S.P.

RESOLUTION ADOPTING SCALE OF PREVAILING WAGE RATES

Introduced by Anderson, Seconded by Arata

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

RESOLUTION NO. 879-S.P.

RESOLUTION ORDERING THE WORK

Introduced by Anderson, seconded by Robinscn

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

At the suggestion of Mr. Ray the date was set for the opening of the bids as 3:00 P.M., June 4, 1956.

Bond Counsel Eugene Sturgis commended the staff on its excellent job of public relations in connection with the District.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR CONSTRUCTION OF TRUNK SEWER ON MILLER AVENUE

Plans and specifications for the construction of Miller Avenue trunk sewer in Improvement District No. 5 area were presented for Council inspection by Director of Public Works Ray, who explained that the cost would be defrayed from the bond funds. He reported that two sets of plans had been prepared, one as the district was originally proposed, and the other which included the extension of the line to include the half block area approved by the Council, (between blocks 2263 and 2262). He suggested that the bids be opened at 2:00 P.M., May 21.

RESOLUTION NO. 56-166

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF MILLER AVENUE SANITARY TRUNK SEWER

Introduced by Arata

Seconded by Hammond

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

Noes: None Absent: None

ACCEPT BID OF SWINFORD AND RASMUSSEN FOR THE CONSTRUCTION OF SANITARY SEWER ON TULLY ROAD FROM BRIGGSMORE AVENUE TO BOWEN AVENUE

A tabulation of the bids received for the construction of sanitary sewer on Tully Road, from Briggsmore Avenue to Bowen Avenue, which had been opened at 3:00 P.M., April 30, was considered by the Council.

Director of Public Works Ray recommended that the bid of Swinford and Rasmussen of \$5,880, be accepted, as it was the lowest responsible bid submitted.

Councilman Anderson asked that a check be made with the bidder to be certain that the co-owners had a state contractors license since the bid submitted was on the basis of a "joint venture". Assistant Director of Public Works Fredricksen contacted the bidder by phone and advised the Council that the bidder stated that they had a joint state contractors license.

RESOLUTION NO. 56-167

A RESOLUTION ACCEPTING THE BID OF SWINFORD AND RASMUSSEN FOR THE CONSTRUCTION OF SANITARY SEWER ON TULLY ROAD FROM BRIGGS-MORE AVENUE TO BOWEN AVENUE

Introduced by Anderson

Seconded by Arata

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

Noes: None Absent: None

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN GREGORY GARDENS ADDITION

Plans and specifications for the installation of water lines in Gregory Gardens Addition were presented for Council consideration. Mr. Ray pointed out that the bid call was for installation only and that the materials would be furnished by the city with the exception of some minor items, such as joining compound. This is in line with the recent opinion rendered by the City Attorney, he stated, that both the cost of the pipe and cost of the installation of the pipe should be taken into consideration in computing the cost of the project. He recommended that the date of May 21 at 3:00 P.M. be set as the time for the opening of the bids.

RESOLUTION NO. 56-168

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER LINES IN GREGORY GARDENS

Introduced by Merrill

Seconded by Hammond

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

Noes: None Absent: None

INVITATION FROM STANISLAUS COUNTY HORSEMEN'S ASSOCIATION FOR THE COUNCIL MEMBERS TO PARTICIPATE IN THE PARADE SUNDAY, MAY 6, 1956

An invitation from the Stanislaus County Horsemen's Association to the Council members to participate in the parade which would be held on Sunday, May 6. preceding its annual rodeo was read. Members were asked to notify Assistant City Manager Masonheimer if they wished to participate.

ADOPTION OF ORDINANCE NO. 84-C.S. LEASE OF SOUTHERN PACIFIC PROPERTY FOR PARKING PURPOSES

ORDINANCE NO. 84-C.S., entitled:

AN ORDINANCE APPROVING THE LEASING OF CERTAIN REAL PROPERTY FROM THE SOUTHERN PACIFIC COMPANY FOR PARKING PURPOSES AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH,

introduced on April 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 Anderson

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

Noes: None Absent: None

RESOLUTION CONSENTING TO COMMENCEMENT OF PROCEEDINGS FOR ANNEXATION
OF THE MARK TWAIN ADDITION

Resolution No. 307 adopted by the Modesto City Planning Commission April 24, 1956, was read, recommending to the Council the commencement of annexation proceedings of the Mark Twain Addition which had been filed by Paradise Homes, Inc. and referred to the Commission by the Council.

A discussion was held on the requirements for street lights in this subdivision. The City Manager pointed out that the change of policy had been discussed by the Council but no formal "breaking point" had been established.

Paul V. Birmingham, representing the subdivider, stated he had been informed that the Council was considering changing its policy but this policy had not been changed--no cut off date set and the plans were proceeding under the present laws as they exist.

Mayor Marks pointed out that Mr. Birmingham should know that the Council was changing its policy on the city's contribution to install street light materials in subdivisions and unless this subdivision was one where the city had a prior commitment that it would be required to not only furnish materials for street lights, but also to install the materials.

Councilman Hammond pointed out that the city did not have any contract with the subdividers on this addition and there would be no prior commitment.

The City Manager pointed out that the matter under consideration at this time was only the commencement of proceedings on annexation but it should be made a matter of record so that the subdividers of this addition were aware that the Council was proposing a change on its policy for contributing funds for the installation of street light materials in newly annexed areas and was also considering increasing requirements for street paving in subdivisions.

The City Attorney pointed out that it would be necessary to amend the Municipal Code in order to require that subdividers install street lights in subdivisions. He suggested that the Council ask the Planning Commission to make a study of this suggestion with the idea of amending the Code along this line.

Mr. Birmingham stated that this policy change would affect the Mark Twain Addition since it was a large area and a large amount of money would be involved. To a question from the City Manager if the consideration of the proceedings could be held over for one week, Mr. Birmingham urged that no further delay in the proceedings be imposed due to the fact so many delays had already occurred. Mr. Birmingham stated that at such a time as the city would pass an ordinance changing its policies, they would be interested in knowing what the cut-off date would be because he might want to protest at that time, but they would proceed on the basis of the existing law.

The City Attorney stated that there was nothing in the law at the present time to require the city to participate in installing of street lights in improvement districts and that a change of policy in this regard could be established by a resolution. He stated an indication of the Council's change in the policy of participation could be forwarded to the Planning Commission for study and report, since it would be within the province of the Commission to recommend changes on subdivisions.

MOTION

That the matter of amending the subdivision regulations to require subdividers to furnish materials and to install street light facilities be referred to the Planning Commission for full study and report to the Council.

Moved by Anderson Seconded by Mayor Marks Unanimously Carried

The City Manager suggested that the proceedings be delayed for a week until the Council was clear on the basis for the proceedings.

Mr. Birmingham pointed out that the matter for Council consideration was setting a date for hearing and urged that no further delay be considered. The City Attorney confirmed that the matter under consideration was the setting of a hearing date not the approval of the annexation itself. The City Manager stated to Mr. Birmingham: "You do understand both of these matters, street requirements and installing of street lights are not finally determined until determined by the Council."

Mr. Birmingham stated that the company would file this area in units and not file the complete area all at once.

The City Clerk recommended that the hearing on the proposed annexation be set for June 13, at 8:00 P.M. in the Council Chamber.

RESOLUTION NO. 56-169

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

Introduced by Arata

Seconded by Robinson

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

Noes: None Absent: None

The City Attorney stated that the city is under no legal compulsion to make a contribution toward street light construction. It has been a policy of the city to do so, but no law of the city requires the city to contribute.

Councilman Anderson stated that the problem will be eliminated as far as subdivision requirements - that the subdivider be required to put in the street lights complete but there would still be the other area improvement district. There might be no legal compulsion on this, he stated.

REQUEST OF ARNIE'S DRIVE-IN FOR IMPROVEMENT OF STREET IN FRONT OF HIS BUSINESS AT SANTA CRUZ AND LALOMA AVENUE

The City Manager reported that the request of Arnold Zurilgen, operating Arnie's Drive-In on Santa Cruz and LaLoma Avenue, for permission to black-top the area surrounding the Drive-In had been worked out satisfactorily and no Council action would be necessary.

CONSIDERATION OF PROPOSAL FOR CHANGE IN PERSONNEL RULES RELATING TO HEARINGS

Councilman Anderson recommended that certain changes be made in the proposed revision of personnel rules and regulations relating to appeals and hearings, copies of which had been distributed to Council members for study at the meeting of April 25. He pointed out that the

power of both the city and the employee to subpoena witnesses and documents had not been included in the proposed revision.

The City Attorney stated that the Charter provided this power for the Council and that he questioned whether or not this power should be delegated to a commission.

Councilman Anderson stated that many of the provisions in the State of California Government Code relating to appeals and hearings would be adaptable to the city regulations. He suggested that the proposed revision be referred back to the City Attorney for further study with the thought that some of the state's provisions be embodied in the city's regulations.

The City Manager pointed out that since the Commission had recommended its adoption to the Council that the proper procedure would be to refer it back to the Commission and staff.

Councilman Anderson asked that the proposed revision be sent back to the Personnel Commission with a suggestion that it be revised along the lines of the state code. The City Manager stated he hoped the procedure wouldn't be as complicated as the State.

The City Attorney reported that the revised rule had been prepared along the lines worked out by the Commission, which had approved and recommended it to the Council. Personnel rules of various cities were studied before this revision was prepared. It was generally agreed by the Commission that this rule should not be on a detailed basis but should be kept on an informal basis.

MOTION

That the matter be referred back to the Personnel Commission and staff so that Councilman Anderson could present his suggestions to the Commission for consideration.

Moved by Hammond Seconded by Arata Unanimously carried

ACCEPT CONSTRUCTION OF COFFEE ROAD TRUNK SEWER FROM STOCKTON CONSTRUCTION COMPANY

The City Manager filed a report that the construction of the Coffee Road Trunk Sewer had been completed by the contractor, Stockton Construction Company and recommended its acceptance by the Council; filing of Notice of Completion by the City Clerk with the County Recorder; and authorization of payments due the contractor.

RESOLUTION NO. 56-170

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE COFFEE ROAD TRUNK SEWER FROM THE STOCKTON CONSTRUCTION COMPANY, DIRECTING THE FILING OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER AND PAYMENTS DUE THE CONTRACTOR

Introduced by Robinson

Seconded by Anderson

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

Noes: None

Absent: None

ACCEPT CONSTRUCTION OF BUTLER TYPE HANGAR AT THE AIRPORT FROM CONTRACTOR, JAMES C. SORENSON

The City Manager reported that the construction of the Butler type hangar at the Modesto City-County Airport had been completed by the con-

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tractor, James C. Sorenson. He recommended its acceptance by the Council, the City Clerk be authorized to file Notice of Completion and payment of amounts due the contractor be authorized.

RESOLUTION NO. 56-171

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE HANGAR AT THE MODESTO CITY-COUNTY AIRPORT FROM CONTRACTOR, JAMES C. SORENSON, AUTHORIZING THE FILING OF NOTICE OF COMPLETION, AND PAYMENT OF AMOUNTS DUE TO THE CONTRACTOR

Introduced by Arata

Seconded by Anderson

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

Noes: None

Absent: None

CONSIDER EMERGENCY FLOOD REPAIRS AT SEWAGE TREATMENT PLANT

The Director of Public Works reported that the city had received authorization for expenditure of federal funds for emergency flood repairs at the Sewage Treatment Plant. Much of the work has been done at the sewage plant with city forces but some of the work remaining, could be done best by earth movers available in the area. Under the terms of this grant, he stated, all expenditures must be completed and filed with the State by June 4. It would not be possible to call for formal bids; receive the bids; and have the work done; and comply with that requirement. He reported that he had suggested to the City Manager and was now suggesting to the Council that the staff be permitted to receive informal bids for this emergency work and that these bids be on the basis of furnishing of equipment to do the work, complete with operating personnel. These informal bids would be presented to the Council at the next meeting for consideration of the contract, he stated.

MOTION

That the calling for informal bids by the staff for the emergency repairs necessary at the Sewage plant due to the flood damage be authorized.

Moved by Anderson Seconded by Adams Unanimously carried

FURTHER CONSIDERATION OF USE OF CITY OWNED AUTOMOBILES

The City Manager reminded the Council that at the time the report on "Use of City-owned Automobiles" was submitted to the Council members in January, 1956, it was agreed that this matter be reviewed later to determine if there were any additional questions which the members wished to raise.

Councilman Arata asked if the city would be liable if an employee transporting his children to school in a city car was involved in an accident and the children were injured.

The City Attorney stated that the city would not be liable unless the trip was authorized as part of the employee's official duties, that it would be his own personal responsibility if he varied from his official duties.

FURTHER CONSIDERATION OF ALLOCATION OF FUNDS FOR DOWNEY SWIMMING POOL

The City Manager stated that it would be helpful to the schools if there were formal assurance that the city intends to place funds in its budget to pay one half of the cost of constructing a swimming pool

at Downey High School, (cost of pool not to exceed \$50,000) so that they can proceed with plans.

MOTION

That the City Manager advise the School Board that the city intends to place an amount of \$25,000 in its 1956-57 budget for the Downey High School swimming pool.

Moved by Anderson Seconded by Arata Unanimously carried

Councilman Robinson suggested that a time limit be set for the schools to decide on the pool so that the city would not have the funds allocated for this project for the whole year.

SET DATE FOR HEARING ON RECOMMENDED CHANGE OF SECTION 20 OF THE ZONING MAP-CITY OF MODESTO BY PLANNING COMMISSION

Resolution No. 306 adopted by the Planning Commission on April 24, recommending to the Council that Section 20 of the Zoning Map be amended to reclassify lot 19 in Block 6117 from One-Family Residential Zone (R-1) to Neighborhood Commercial Zone (C-1), was considered by the Council.

The City Clerk recommended that the public hearing before the Council be set for 8:00 P.M., May 23.

RESOLUTION NO. 56-172

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROCEEDINGS INITIATED BY THE PLANNING COMMISSION TO AMEND SECTION 20 OF THE ZONING MAP

Introduced by Robinson

Seconded by Anderson

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

Noes: None

Absent: None

MODESTO SAFETY COUNCIL RE: SIGN ADVISING THE PUBLIC OF HAZARDOUS SWIMMING AREAS

A letter from the Greater Modesto Safety Council asking for permission to erect signs on public property, advising the public of hazardous swimming areas, was read.

The letter was referred to the City Manager for further investigation and report.

CONSIDER MATTER OF OPERATION OF COMMUNITY AMBULANCES IN THE CITY

Councilman Merrill reported that Councilman Arata, City Attorney Grimes and he had met with a representative from the Ambulance Companies and drafted an amendment to the Municipal Code, for Council and staff consideration, providing for the regulation of ambulances in the city. This amendment, he stated, includes provisions similar to those of other cities.

MOTION

That copies of the proposed amendment to the code regulating ambulances be referred to the Council and staff for study and report.

Moved by Merrill Seconded by Arata Unanimously carried.

It was generally agreed that along with copies of the proposed amendment, the City Manager would send a report to each Councilman.

The City Manager reported that a meeting had been held with the people who are responsible for the operation of ambulances, police and fire department emergency cars. All of the discussion was directed toward the fact it was better to take a little more time answering a call to avoid accidents.

REPORT FROM CITY MANAGER ON CHANGES IN CONTRACT WITH STATE EMPLOYEE'S RETIREMENT SYSTEM

A report on "Changes in the City of Modesto contract with the State Employee's Retirement System" was filed by the City Manager. Copies were distributed to the members for their study and consideration at the next Council meeting.

The City Manager asked the Council members to contact him during the week in regard to any questions they might have after reading the report.

ADJOURNMENT

MOTION

That the Council meeting now in session adjourn.

Moved by Hammond Seconded by Arata Unanimously carried.

ATTEST: 
 REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 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, Arata, Merrill, Robinson and
Mayor Pro Tempore Hammond

Absent: Mayor Marks

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

Rev. Wm. P. Kennedy, pastor of the Our Lady of Fatima Church gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular Council meetings of April 11 and 18 and adjourned meeting of April 12, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM STANISLAUS COUNTY PLANNING COMMISSION RE: FOURTH ANNUAL CONFERENCE

A letter received from the Stanislaus County Planning Commission inviting the Council members to attend the University of California's Fourth Annual Conference on City and Regional Planning to be held at Richmond, Friday, May 11, was read.

City Manager Miller asked that any members planning to attend contact his office so that arrangements could be made.

REQUEST OF THE STANDARD OIL COMPANY FOR VARIANCE IN CURB CUT REGULATION FOR NEW SERVICE STATION

Director of Public Works Ray reported on the request filed by the Standard Oil Company for a variance from the Municipal Code requirements for curb cuts for its new service station under construction at the corner of Camellia Way and Yosemite Boulevard. He reported that the request for two 30 foot curb cuts on Camellia Way conformed to the maximum permit for driveways but the space would be over the 40% limitation of the property. The Company proposes two driveways on Yosemite, one 36 feet wide and one 33 feet wide.

Mr. Ray stated that the staff recommended that the Council approve the two 30 foot curb cuts on Camellia Way since they would be 39 feet apart and would permit the parking of two cars between, and approve one 35 foot curb cut and one 32 foot curb cut on Yosemite. Since Yosemite is a state highway, he stated, the city will also have to issue, in the name of the state, an encroachment permit for construction on the state highway. He reported that the company plans to construct curb and gutter on both streets. Sketches prepared by the company of the proposed construction were displayed to the Council for study, by Mr. Ray. Mr. Ray stated that there would be limited off-street parking provided but parking was not a problem in this area. He stated that the staff's recommendation was on the basis that the required permit fee for the replacement of the curbs be paid by the company.

RESOLUTION NO. 56-173

A RESOLUTION GRANTING REQUEST OF THE STANDARD OIL COMPANY FOR VARIANCE FROM PROVISIONS OF MUNICIPAL CODE RELATING TO CURB CUTS FOR ITS NEW SERVICE STATION UNDER CONSTRUCTION ON CAMELLIA WAY AND YOSEMITE BOULEVARD ON THE CONDITIONS OUTLINED BY THE DIRECTOR OF PUBLIC WORKS

Introduced by Merrill

Seconded by Robinson

Ayes: Adams, Anderson, Merrill, Robinson, Mayor Pro Tempore Hammond

Noes: None

Absent: Arata and Mayor Marks

REQUEST OF STATE FOR CONSIDERATION OF PROPOSED RELOCATION OF HIGHWAY SIGN ROUTE 132 - MAZE BOULEVARD

The City Manager reported that a summary of the action taken and a report made by the staff on the proposed relocation of Highway Sign Route 132 - Maze Boulevard had been sent to the Council members for their information. Public hearings had been held by the state on December 5 and April 12, he reported. Staff reports on the public hearings and studies made on this matter were brought to the attention of the Planning Commission but no action was taken on this by the Commission. The State Highway Commission meets on this matter on May 15, he stated, and a representative of the Division of Highways is present to answer any questions which the Council might wish to ask.

(Councilman Arata arrived at the meeting at 7:43 P.M.)

Frank Paradis, representing the Northern California-Yosemite Highway Association, Inc., "organized for a short, low-level road to Yosemite via Highway 132," reviewed the efforts of the Association during the past years, beginning in 1930, to secure financial backing for the construction of a toll road from Modesto east to Yosemite, via Coulterville. He stated that the State's survey indicated that the maximum elevation of the road would be 1500 feet; would be snow free all year round and would be a direct line from the Bay region which would mean a savings of 68 miles a round trip for the people living in Northern California, plus the fact that it would be an all-year road. He pointed to the fact that this road would mean additional revenue and bring new business growth to the city. He outlined the new plans which the Association was launching to secure support for the road. Since the proposed road ties in with the Park, costs would be shared by the United States Government and the State. He stated that if the Council desired the Association would submit a written report on the project and the plans for carrying on the promotion program. He pointed out that since Congress had already passed the \$50,000,000,000 federal highway program, the city would be vitally interested in this new highway. He stated that there was no question but that the Senate would approve the bill and since California is one of the biggest states that it would receive funds for improvement of its federal highways. He pointed out that Route 132 no doubt would be one of the highways improved.

Mayor Pro Tempore Hammond assured Mr. Paradis that the Council would be happy to receive a written report on the proposed program.

Mr. Paradis stated that in connection with Highway 132 that the Association had discussed the proposed state plan and considered that the City and County Engineers had made a complete study of the matter and the Association relied on their judgment in the matter. He pointed out that the proposed plan would tie in with the proposed Yosemite Highway. The Association, he stated, is in favor of the proposed action in connection with Highway 132.

The City Manager displayed a copy of a map entitled: "Routes to be followed by National Interstate Highway System", prepared by Kiplinger Reports and noted that similar maps had been published in other national magazines. He pointed out that Modesto is on two major federal routes in California and that the federal expenditures would be made on these two routes. He pointed out that Modesto was one of the few California towns shown on this map and that both highways passed through Modesto. He displayed a map showing the two routes considered by the state on the relocation of Highway 132. The staff's study of the routes proposed by the state, he stated, indicates that Route A would be the best route and the staff recommends it for Council consideration.

Councilman Arata reported that he had inspected the proposed all-year highway through Coulterville into the Yosemite Park and agreed that it was a direct route which would save the motorists many miles. He suggested that after the Association filed its written report with the Council that it be endorsed, since Modesto would be a gate-way to Yosemite Valley.

Jim Rice, member of the Association, invited the Council members to attend a barbecue to be held on Sunday, May 27, at Bowers Cave, 13 miles east of Coulterville, at 1:00 P.M.

The City Manager pointed out that there was no agreement with the city involved in the relocation of the State Route 132 since it was located outside the city limits, that this was simply an expression on the part of the city, if the Council wished to make one. The County has gone on record as favoring the route proposed by the state and it would be the one to enter into an agreement with the state. He stated that the details of the "tying-in" of Route 132 with the relocated Route 99 had not been finally determined but there will be an interchange at the intersection of the two highways.

Councilman Arata asked if there was a possibility the state would construct an overpass or underpass at the intersection of 99 Highway, Needham and the railroad tracks.

Bob Datel, representing the Division of Highways, stated that it would be possible with the state's present plans for interchanges. Several possibilities can result, he stated, for Route 110 to the east on tying this street system into the interchange. With the adoption of this route it is still flexible enough to provide any service into Needham Avenue. He stated the state was studying this possibility.

The City Manager stated that no action was necessary at this time but it would be helpful to the Commission if the city would indicate its position. The matter will be before the Commission on May 15, he reported. It is the staff's recommendation that Route A proposed by the State is the best route and it ties in with the proposed 99 Highway in good shape.

RESOLUTION NO. 56-174

A RESOLUTION EXPRESSING THE APPROVAL OF THE COUNCIL OF THE CITY OF MODESTO ON PROPOSED ROUTE A FOR THE RELOCATION OF STATE HIGHWAY SIGN ROUTE 132 - MAZE BOULEVARD

Introduced by Arata

Seconded by Robinson

Ayes: Adams, Anderson, Arata, Merrill, Robinson, Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

AWARD BID FOR EMERGENCY FLOOD REPAIRS AT DISPOSAL PLANT

Copies of the tabulation of the informal bids received on "labor and equipment for emergency levee repair at Sewage Plant" were distributed to the Council members for consideration.

The City Attorney pointed out that the city charter provided that competitive bids be requested when the estimated cost would exceed \$1500. However, last week the Council indicated that it wished the Department of Public Works to request informal bids on an emergency basis for its consideration. In order to award a bid on an emergency basis the Council should follow the procedure in the city charter--declare that it is necessary to let this contract without advertising for bids in order to preserve the life, health and property of the City of Modesto. He presented and read a resolution for Council consideration which would place it in a position to consider this matter--the award of contract without bids.

Mr. Ray reported that it was the staff's recommendation that the Council proceed on this basis.

RESOLUTION NO. 56-175

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR EMERGENCY REPAIRS AT THE SEWAGE TREATMENT PLANT WITHOUT ADVERTISING FOR BIDS

Introduced by Adams

Seconded by Robinson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

The Director of Public Works reported on the three informal bids received which were based on the basis of the company supplying each of the items on the informal bid call and a price per hour, including all costs of operation. He stated that it had been very difficult to analyze the bids because the city had no estimate of the time involved in doing this work with any piece of equipment due to the nature of the project. He compared the item prices submitted by Standard Materials Inc. and M.J. Ruddy & Son. After the most careful analysis, he stated, it is the staff's recommendation that the bid of M. J. Ruddy & Son be accepted.

RESOLUTION NO. 56-176

A RESOLUTION AWARING A CONTRACT FOR MAKING OF EMERGENCY REPAIRS AT THE SEWAGE TREATMENT PLANT

Introduced by Anderson

Seconded by Merrill

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

REPORT ON STATUS OF PLANS ON RECONSTRUCTION OF DENNETT DAM

County Engineer Oliver Deatsch reported on the status of the plans for the reconstruction of Dennett Dam. He reported that a number of conferences had been held with various state departments to iron out minor differences in the plans. The City Engineer had been kept advised of the progress on the plans, he stated. The final plans were sent to the Division of Water Resources and Fish and Game Department for approval on May 8, and one more meeting has been scheduled with the Department. He displayed the proposed plans for the dam to the Council members, and outlined the proposed construction. A preliminary estimate of the approxi-

mate cost of the dam is \$105,000. He stated that the county was proceeding with the specifications and would have them completed in a month or so, ready to go to bid. He recommended that in the program for the reconstruction of the dam that some thought be given to cleaning up the river. He stated that the county would, as soon as possible, proceed, with the Board's approval, to file an application with the state for permit to impound water behind the dam. This has never been done, he stated, and if difficulties arise in the future, the city and county would have the right to impound water settled.

PUBLIC HEARING ON PROPOSED AMENDMENT TO ZONING REGULATIONS INCREASING MEMBERS ON BOARD OF ZONING ADJUSTMENT

Mayor Pro Tempore Hammond announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the proceedings initiated by the Modesto City Planning Commission to amend Section 10-2.1901 of the Modesto Municipal Code to increase the membership of the Board of Zoning Adjustment from a three man board to a five man board.

The City Clerk reported that the notice of the public hearing had been published in the official newspaper of the City of Modesto, the Modesto Journal, on April 26th, and that no written protests to the proposed amendment had been filed with his office.

Mayor Pro Tempore Hammond asked if there were any oral protests or if anyone wished to make any comment on the matter.

Resolution No. 302 adopted by the Planning Commission recommended the proposed amendment. The City Attorney read the proposed ordinance for Council consideration which would amend the code and increase the membership to five.

Mayor Pro Tempore Hammond declared the hearing closed.

ORDINANCE NO. 86-C.S., entitled

AN ORDINANCE AMENDING SECTION 10-2.1901 OF ARTICLE 19, TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE CREATION OF THE BOARD OF ZONING ADJUSTMENT

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

Moved by Arata

Seconded by Merrill

Ayes: Adams, Anderson, Arata, Merrill, Robinson, Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

ADOPTION OF ORDINANCE NO. 85-C.S. LEASING PORTION OF AIRPORT PROPERTY TO JAMES C. SORENSON AND CHARLES WARNER

ORDINANCE NO. 85-C.S., entitled

AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO JAMES C. SORENSON AND CHARLES WARNER AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH

was introduced on April 25, 1956, and having been printed and published and coming on for final consideration was moved and adopted.

Moved by Arata

Seconded by Anderson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

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APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR WATER PIPE INSTALLATION IN BEL AIR ADDITION

Plans and specifications for the installation of water pipe in Bel Air Addition were presented for Council consideration.

The City Manager recommended that the time for opening of bids be set for 2:00 P.M., June 4.

RESOLUTION NO. 56-177

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALLING FOR BIDS FOR THE INSTALLATION OF WATER LINES IN BEL-AIR NO. 1 SUBDIVISION

Introduced by Robinson

Seconded by Anderson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Adams

Noes: None Absent: Mayor Marks

RESOLUTION AMENDING PROCEEDINGS IN IMPROVEMENT DISTRICT NO. 5

The City Attorney reviewed the provisions of a resolution which would amend Resolution of Intention No. 252 providing for sewer laterals and street light materials in Improvement District No. 5 - LaLoma Area.

Director of Public Works Ray reviewed the changes which had been informally proposed by the Council at the public hearing held on the District on May 2, and which were included in the resolution.

The City Attorney suggested that the public hearing before the Council on the proposed changes in the work and boundaries be set for 4:15 P.M., June 6.

RESOLUTION NO. 880-S.P.
RESOLUTION OF INTENTION NO. 253

RESOLUTION OF INTENTION TO AMEND THE WORK PROPOSED TO BE DONE IN IMPROVEMENT DISTRICT NO. 5 OF THE CITY OF MODESTO AND OF INTENTION TO CHANGE THE BOUNDARIES OF THE DISTRICT TO BE ASSESSED TO PAY FOR THE COST AND EXPENSES OF SAID WORK

Introduced by Merrill

Seconded by Robinson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks

AUTHORIZE PURCHASE OF RESERVE POLICE OFFICER UNIFORMS

The City Manager reported that the Council had previously authorized the purchase of uniforms for the Reserve Police Officers but it would be necessary to adopt a specific resolution authorizing the purchase from the Hub Clothing Company of Oakland, California, the lowest of several informal bids received, the cost of the 35 uniforms to be \$1,935.89.

RESOLUTION NO. 56-178

A RESOLUTION AUTHORIZING THE PURCHASE OF UNIFORMS FOR THE CITY OF MODESTO RESERVE POLICE OFFICERS FROM HUB CLOTHING COMPANY OF OAKLAND, CALIFORNIA

Introduced by Anderson

Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor
Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

RESOLUTION DETERMINING POLICY FOR INSTALLING STREET LIGHTS IN AREAS TO
BE ANNEXED TO THE CITY

The City Manager reported that pursuant to the request of the Council for the preparation of a resolution which would set forth the policy that in all areas annexed to the city hereafter that the city make no contribution to street lights, the City Attorney had such a resolution for its consideration. He stated that a number of other matters relating to this street light installation within the city would be cleared shortly but if the Council wished to consolidate them all in one resolution that this resolution could be delayed until later.

The City attorney pointed out that this resolution would not affect the subdivision regulations, which would have to be considered later. The resolution merely states the policy of the Council that it will not expend general tax payer's funds to install street lights in areas hereafter annexed to the city. The matter of subdivision regulations was referred last week to the Planning Commission and will be considered by the Council afterwards.

RESOLUTION NO. 56-179

A RESOLUTION ESTABLISHING THE POLICY OF THE CITY RELATING
TO STREET LIGHTING FACILITIES IN AREAS HEREAFTER ANNEXED
TO THE CITY

Introduced by Anderson

Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor
Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

The Director of Public Works reported that a meeting had been held May 8 with subdividers, engineers and several other people involved in subdivisions in the community. At that time the matter of street light installation was discussed and it was mentioned that the Council would consider at this meeting a resolution changing its policy. Mr. Paul V. Birmingham who is involved in the Mark Twain Addition annexation was present, he stated. Mayor Pro Tempore Hammond pointed out that the Council had expressed its position on this matter at the Council meeting of May 2 when Mr. Birmingham was present and that this change of policy would not be a surprise to him.

RESOLUTION EXTENDING CONTRACT WITH STANDARD OIL COMPANY - AIRPORT OPERATION

The City Attorney presented for Council consideration an agreement covering the extension of the Standard Oil Company's present lease for facilities at the City-County airport for an additional term of one year, beginning May 11.

The City Manager pointed out that the renewal lease provided for the payment by the company, as provided by the code, of 2¢ a gallon basis instead of 1¢ under the previous agreement. The company has been paying 2¢ on a voluntary basis.

Councilman Robinson asked if there was anything in the agreement which would set the retail prices on commodities sold and if there was room for another operator, if there was a demand. The City Manager stated

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right approach to the intersection. He pointed out that the parking demand in this area is limited.

RESOLUTION NO. 56-183

A RESOLUTION ESTABLISHING A NO PARKING ZONE ON THE EAST SIDE OF COLLEGE AVENUE SOUTH OF ITS INTERSECTION WITH STODDARD AVENUE AND ON THE WEST SIDE OF COLLEGE AVENUE NORTH OF ITS INTERSECTION WITH STODDARD AVENUE IN THE CITY OF MODESTO

Introduced by Merrill

Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor
Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

RESOLUTION ESTABLISHING TWO HOUR PARKING LIMITS ON FOURTEENTH STREET BETWEEN D AND E STREETS

Traffic Engineer Carmody reported that the property owners along the west side of 14th Street, between D and E Streets, had requested the establishment of limited parking to keep out the cannery workers who monopolize the spaces all day.

RESOLUTION NO. 56-184

A RESOLUTION ESTABLISHING A TWO HOUR PARKING ZONE ON THE WEST SIDE OF 14TH STREET BETWEEN D AND E STREETS IN THE CITY OF MODESTO

Introduced by Robinson

Seconded by Merrill

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor
Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

CLEAR PLANTING OF TREES IN ZLAB SUBDIVISION

The City Manager reported that the subdivision agreement between the city and Joe E. Zlab for the Zlab Subdivision provided for the planting of street trees by the city on the condition that the area be annexed prior to December 1, 1955. Due to a delay in the completion of annexation proceedings, not the fault of the subdivider, the area was not technically annexed by this date. He stated that it is the staff's belief that it was the intention of both the city and the subdivider that the area be annexed by this date and recommended that the city proceed with the planting of the trees, at its own expense. He stated that this only involved 30 trees, since the subdivision was small.

MOTION

That the city proceed with the planting of the street trees in the Zlab Subdivision and that the cost of the planting be assumed by the city.

Moved by Anderson

Seconded by Merrill

Unanimously carried

REFER PETITION FOR ANNEXATION OF CAMPUS EDGE ADDITION TO THE MODESTO CITY PLANNING COMMISSION

RESOLUTION NO. 56-185

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO

THE CITY OF MODESTO (CAMPUS EDGE ADDITION)

Introduced by Merrill

Seconded by Adams

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor
Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

SET DATE FOR HEARING ON APPLICATION FOR UNCLASSIFIED USE PERMIT - NELL ROWLAND FOR DAY CARE OF CHILDREN

Resolution No. 308 adopted by the Modesto City Planning Commission recommending to the Council the granting of an unclassified use permit to Nell Rowland for the day care of 8 children, ages 1 to 10 years at 1215 Wellesley Avenue, was considered by the Council.

The City Clerk recommended that the date of May 23, at 7:45 P.M. be set as the time for the public hearing before the Council.

RESOLUTION NO. 56-186

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT FOR THE DAY CARE OF CHILDREN BY MRS. NELL ROWLAND AT 1215 WELLESLEY AVENUE

Introduced by Adams

Seconded by Robinson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro
Tempore Hammond

Noes: None

Absent: Mayor Marks

REPORT ON PROPOSAL TO BUILD NEW ARMORY FOR ARMY RESERVE PROGRAM

Captain John McClare, Regular Army Advisor for the District and Major Jim Alexander of the Army Reserve appeared before the Council to discuss the proposed construction of an Army Reserve Armory in the City. The proposed tentative location of the Armory adjoins the James Marshall Elementary School on the north and facing on Sutter Street, Captain McClare stated. He reported that a sum of \$79,000 had been set aside for the purchase of the land and construction of the building. He displayed a sketch of the proposed type of construction and outlined the uses to be made of the armory by the Army Reserve. He reported that there was Department of Army approval on the tentative site on Sutter Street but no negotiations have been entered into. The site could change, he continued, but any other site would be first approved by the city. The building will be constructed under the bidding procedure and usually in these cases the local contractors are awarded the bid. Before construction can be started, he stated, at least 50 men must be assigned to the unit.

REPORT ON PROPOSED CHANGES IN THE CITY OF MODESTO'S CONTRACT WITH THE STATE EMPLOYEES' RETIREMENT SYSTEM

Further consideration was given by the Council to the report submitted by the City Manager to the Council members on "Changes in the City of Modesto's contract with the State Employees' Retirement System" which would provide for 1) increase the death benefits for retired persons from \$300 to \$400; 2) retirement benefits based on the average of the three highest consecutive years of compensation, instead of the highest five; 3) reduced optional minimum retirement for safety members from age 55 years to 50 years, with proportionately reduced benefits; 4) place safety members on the "fixed formula" basis for computing retirement benefits in lieu of the "money value" basis.

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The City Manager reported that these changes had been requested by the Modesto City Employees' Association, the Modesto Police Association and the Uniformed Firemens Association and approved by the Personnel Commission.

Bill Masonheimer, Assistant City Manager briefly explained the proposed amendments and stated that the action to be taken by the Council at this time, if they approved the proposal, was to direct the staff to present a resolution of intention for its consideration at the next Council meeting.

Councilman Anderson asked for additional information on the proposed amendment relating to the retirement of the safety member at age 50 which was cleared by Mr. Masonheimer and the City Manager.

MOTION

That the staff be directed to present a resolution of intention to amend the city's contract with the State Employees' Retirement System for Council consideration to include the above mentioned amendments.

Moved by Merrill Seconded by Robinson Unanimously carried.

PROGRESS REPORT ON ALL AMERICAN YOUTH CONTEST

The City Manager reported that the All American Youth Contest is an outstanding success. He distributed notices of the Youth in Government Day to be held next Wednesday to the Council members at which time the prizes will be awarded to the winners of the contest. He reported that there was nation-wide interest in the contest and a number of national magazines had indicated they would carry articles.

REPORT ON PETITION REQUESTING IMPROVEMENT OF DE HARRO STREET

The City Manager reported that the petition filed by a number of people residing on De Harro Street for the improvement of the street had been checked by the staff but it had been impossible to follow through with the request. The rights-of-way are not cleared. If the property owners could get together on a program on some basis the city will be glad to work with them, he stated, but under the present conditions this seems impossible.

MOTION

That the City Manager be authorized to inform the signers on the petition that it will be impossible to work out the problems for the improvement of De Harro Street at the present time.

Moved by Merrill Seconded by Arata Unanimously carried

The City Clerk was requested to so advise the petitioners.

FILE REPORT FOR MONTH OF APRIL

Financial report for the month of April, 1956, was filed by the City Manager.

NOTICE FROM FORMER ASSISTANT CITY MANAGER, BOB SHELTON

The City Manager read a notice which he had received from former Assistant City Manager Bob Shelton, now Chief Administrative Official

of the City of Santa Barbara, that he was accepting a new position shortly as City Manager of Newport Beach.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Anderson Seconded by Merrill Unanimously carried

The meeting was adjourned at 9:20 P.M.

ATTEST:



REX E. GALLFUS, City Clerk

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

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

Mr. Leb Gessell, Director of Administration of the Methodist Church gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of April 25 and May 2, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM CASPER ZWIERLEIN, JR. RE: YOUTH NAME CONTEST

A letter received from Casper Zwierlein, Jr. regarding the Youth Name Contest was read and ordered filed.

REPORT ON ALL AMERICAN YOUTH CONTEST

The City Manager reported that the awards of the All American Youth Contest had been made at the luncheon held today in connection with the Youth in Government day and that the program was an outstanding success.

REQUEST BY ADLAI STEVENSON COMMITTEE FOR USE OF DEL WEBB FIELD ON THURSDAY, MAY 17

The City Manager reported due to the fact the Adlai Stevenson Committee had been unable to use Del Webb Field on the previous arranged date, it was now requesting permission to use the Field on Thursday, May 17, on the same basis--that the Modesto Community Athletic Association, lessees of the Field, grant a clearance and the field be cleaned by the Committee after the meeting. The Association has granted permission to the Committee to use the field, he stated.

MOTION

That the Adlai Stevenson Committee be granted permission to use Del Webb Field, Thursday, May 17, on the basis outlined by the City Manager.

Moved by Anderson Seconded by Arata Unanimously carried

LETTERS REGARDING THE CIVIC CENTER AREA

Letters from Margaret Enz and Richard Penny relating to the Civic Center and City Hall Building were read.

Councilman Anderson reported that the Joint Council-Planning Commission Committee had met on Tuesday, May 15. Councilman Robinson and Planning Commissioner May, members of the committee were absent. As a result of this meeting, Mr. Anderson stated, it was the unanimous decision to recommend to the Council:

1. That the Council rescind the previous action recommending that the Scenic-LaLoma area be designated as a Civic Center area;
2. The committee unanimously recommends the 15th Street site for a City Hall, including the purchase of the other half block. The committee also recommends a future study of the 15th Street area for Civic Center purposes.

He stated that the city was interested at the moment in building a city hall. An extensive study over the past 18 months by the present Council and many years by the previous Council leads this committee to recommend this site. A study of the city hall site by a committee of previous councilmen, Dan Mellis, Bob Adams and Cliff Annan, unanimously recommended the 15th Street site for a city hall. The Council previous to them purchased this site for a city hall. This committee, after analyzing the extensive study of this Council, of 18 months and many years study of previous Councils and the fact that every month delay is costing the taxpayers of this city \$3,000 or more per month, has come to the conclusion that now is the time of decision. The Joint Committee urgently recommends the following action:

1. That the Council rescind the previous action recommending the Scenic-LaLoma area as the Civic Center;
2. That the Council adopt the 15th and I Streets site as the City Hall site;

Councilman Robinson asked that before any action was taken on these recommendations that he would like to make a statement, with the Council's permission.

"When this matter was first referred back to the Committee following the public hearing some several weeks ago, we have held one meeting only, prior to the meeting yesterday. At that one meeting the Committee reviewed the work that had been done in the past and unanimously requested reports; 1) that the Traffic Engineer give study and give us a report regarding the comparative traffic problem at the LaLoma area as compared to the 15th Street site, 2) that the Traffic Engineer give us a comparative parking report of the LaLoma area compared to the 15th Street site, including a study relative to what disposition, if any, we should make of the current apparent parking demand in existence on the 15th Street lot; 3) the architect conduct a study relative to the comparative value of each lot of the city hall site and what changes in design of construction would be necessary if we were to consider the 15th Street site and what difference in cost per square foot would be involved if we decided on the smaller acreage."

He stated that he had asked that the Joint Committee meeting not be held last Tuesday because he would be out of town on business and since the reports had not been filed. He considered that until the reports had been filed, the Council should not make its decision. He asked and was granted permission to file data, which the Council could consider as a minority report, if action is to be taken tonight or the reason why the Council may wish to refer Councilman Anderson's recommendation back for study in the light of the information these reports might shed.

Councilman Anderson pointed out that it was the committee's recommendation and not his. Councilman Robinson stated he would correct his statement in this regard.

Councilman Robinson continued, "All of the information has not been made available to the Joint Committee to make possible a proper recommenda-

tion, in my judgment. To review, the Committee at its meeting of May 1, which is the only meeting we held prior to yesterday, requested further reports from the staff as I outlined a moment ago. Detailed studies by the staff, including the architect's were previously made of the LaLoma-Scenic Drive area and not of the 15th Street site. Because with the information available, the Joint Committee and City Council have already voted unanimously to have a civic center and the city hall at the LaLoma site and to work out the details for the city hall in that area and have not reversed that decision. The architect has stated publicly that the LaLoma site offers wonderful opportunities for both the city hall and the civic center but the 15th and I Street site would create serious limitation on the kind of city hall and the kind of civic center development that would be possible and to date we have had no information from the architect reversing his position. Information made available in recent weeks has been in my judgment in several respects incorrect or misunderstood. First it has been stated publicly that the city can save money and that it would be cheaper to build a city hall on 15th and I Street area than it would be on the LaLoma area. In my judgment, this is incorrect. The city owns 1.35 acres, which it is agreed would be too small to use for a city hall. The minimum proposal of anyone in this area and on the committee is to buy the other one-half block, which it is estimated would cost the city approximately \$175,000. If the cost of the city owned property is added to our initial cost, which was approximately \$33,000, we would have a total cost for 2.75 acres, in the neighborhood of \$208,000. In my judgment, we should in all fairness use the current market value of the property which is estimated at \$144,000 and this makes a total cost to the taxpayers for the 15th Street site of \$319,000. Now in the LaLoma area there are any one of several parcels of 2.75 acres, the identical acreage of the 15th Street site, any one of which could be acquired for slightly more than one-third of this cost. Site No. 1 in the LaLoma area which includes commercial structures is appraised at approximately \$325,000, but this is for 4.7 acres or approximately \$66,000 per acre, or on the basis of 2.75 acres approximately \$180,000. This would be a savings, and the generally regarded most desirable location in the LaLoma, of approximately \$139,000 if we went to 2.75 acres, the same acreage involved at the site at 15th and I Streets. Discussion favoring the 15th and I Street site have assumed that an adequate desirable city hall can be built on 2.75 acres, which is the maximum amount available in the 15th Street site. The architect has stated several times and it has been our staff's recommendation, based on experience in many other cities in the Modesto size category, while 2.75 acres can be used as a site for the city hall, the proper space would be between 4-5 acres. For this point not to be made clear before we make our decision, would in my judgment be a serious mistake. Palo Alto City Hall was placed on a six acre tract, the Richmond Civic Center was placed on 17 acres which has since proved to be too small. Other experiences indicate a serious lack of foresight for public buildings to be located on sites that are too small for future expansion, adequate parking and proper landscaping. To date, we have had no opinions from authoritative people who make studies refuting these statements that have been more or less accepted by the Council committee. The average citizen who has expressed preference for the 15th Street site has been very likely thinking in terms of the present size of the city and of the central business district. A likelihood that the central business district will expand clear to the LaLoma area within 15-20 years has not been clearly explained to the public and if you graph or chart our past growth for 15-20 years it clearly indicates that the business district will expand to that point. The repeated statement that I Street cannot be used for business property does not appear to be based on careful analysis in my judgment. While retail and shopping services may not and possibly will not expand south-eastward from I Street, commercial services of many kinds can be expected to properly use this area. These may include among others, professional offices, hotel, motel developments, beauty parlors, barber shops, real estate offices, etc. To further encroach upon this area with public buildings and dam it or block it would be highly undesirable unless most careful planning had proceeded this decision and.

we have not planned this problem if we proceed on the 15th Street site in the light of the future growth of the business district. It has been repeatedly stated that there is already a civic center partially existing on the I Street area due to the location there of various churches, Modesto Bee Building, the County Courthouse, and city and county Library. Most of these buildings are not those which can be properly integrated into a serviceable and efficient civic center and would tend to make a true civic center development impossible rather than more economical. While the library and county buildings can well be portioned to the civic center the churches and other buildings in the area have little if any relationship in public activities and would block off good relationship and ready accessibility from one public group to another. To date we have had no study that indicates a refutation of that position. It has been stated that the 15th Street site is closer to the people who live on the west side of Modesto. Certainly very few people will walk to the city hall, more than a block or two and the number who would walk on the west side to the 15th Street site would be negligible. Either busses or private automobiles will be the principal means of access to the city hall regardless of its location. The placing of the city hall in LaLoma area instead of the 15th Street site would mean, I estimate, and I have travelled it several times, less than two minutes extra driving or perhaps bus time to those people whose homes would be closer to 15th Street than LaLoma. The final over-all consideration which the Council should give to this matter, in my judgment, relates to the question of whether the city desires to do a first rate job of planning for the future for a city of 100,000 people, 75,000 within the foreseeable future or second-rate job, only solving our problems as they exist today for only a few years hence. The study indicates that a first rate job can be done on the 15th and I Street area and if the question of future interference with commercial expansion and the higher costs which will be involved are deemed proper then this location should be chosen, but I haven't seen studies yet that indicate that. All studies to date indicate that a much better solution to this problem, in keeping with the high standards the city is working toward and in harmony with the principle of saving the tax payer's dollar, call for development of a city hall of the City of Modesto in the LaLoma area and the encouragement of other public agencies to construct their future buildings in this same vicinity in the future. Because a few public buildings have already been constructed in the City of Modesto there can be no possible support for the thought we are too late now to develop a civic center, as this community grows, and it will grow perhaps indefinitely for dozen of years more, new buildings must be erected and it is never too late to begin to do the job properly. I would like the Council, as I indicated earlier, to view this statement as either a minority report, if action is requested today, or secondly, and I would prefer this, as reasons why this whole subject should be referred back to the committee for completion of the reports before coming to a decision."

Mayor Marks pointed out to the audience and participants of the Youth in Government Day that all organizations have generally found in the history of our country that if men of good will, although of opposing opinions, would sit down around a table in complete good faith and good will and with complete intellectual honesty, the right answers ultimately come out. He pointed out that before the Council, now, there were two different opinions to be considered. He stated that his personal opinion, which he had voiced before, as an individual, was that the city hall belonged on the 15th Street site, but as also previously stated to the Council, he considered that the people should decide this matter and suggested that it be put on the ballot, so there were three opposing points of view so far. He read a letter from Commissioner May which stated that because of the importance of the question--Civic Center-City Hall, that no action should have been taken by the Joint Committee without a vote of the entire committee. He requested that the Council refer this back to the committee so that all of its members could participate. He stated it was his belief that the committee's decision of May 15th was not made in the best interest of all concerned.

Mayor Marks pointed out that although the committee had made its decision with two of its members absent that it was legally perfectly in order.

Councilman Robinson stated further that if the joint committee comes to an opinion that the 15th Street site is proper, that he would support it 100%. He stated that his argument was not that the meeting was held improperly because he was unable to attend and did not have an opportunity to participate, but that his position was--reports had been asked for and that he was unable to agree with the opinion until he had seen the reports and had an opportunity to analyze them and to view whatever light they may shed on the subject as a whole. He contended that the committee's work was not complete, that the reports were needed for a careful and thorough-going analysis to be made.

Councilman Hammond stated that when the Council designated a civic center area it was on the basis that it was talking about an area with the city hall to be the first building. He stated that before the Council makes this change that he would like to have it more explicitly stated the reasons for now changing from a civic center area to that of just a city hall. If the Council is going to just consider the 15th Street site, it needs to examine its thinking to make sure that it is not thinking in terms of a civic center area at that location. He considered that it would be out of the question for a civic center area at 15th Street. If the Council is going to talk about a city hall at 15th Street "let's do it", but that he would like to think a little bit more whether or not the city wants a civic center area or just a city hall site.

Mayor Marks pointed out that Mr. Anderson's suggestion had been "that a further study of the 15th Street area for civic center purposes be made."

Councilman Anderson stated that there might be some future development which would come up, that might very well fit into the picture from 12th Street to 19th Street.

Councilman Hammond stated that his point was that previous Councils had considered that due to the high cost of land near the 15th Street site that it would be prohibitive to establish a civic center area at this location.

Councilman Anderson stated, "We were considering at that time the matter that the city would purchase that--now in my opinion that the city would not buy the sites for state buildings nor for federal buildings. All the city has to concern itself with at the present time and for quite a number of years is how to economically select a site for a city hall and not for a state and federal buildings. I think we already have a civic center area. You have the area between 12th and 19th Street that comprises permanent buildings, the county courthouse, jail, administration building, as one core, the post office building is another, the Modesto Bee one-half block is another; library is another and the future city hall on the 15th Street site which would be in addition. Within the next foreseeable future I cannot see the city, other than some type of police building, any other buildings being constructed by the city. You have to realize we only have so much money--that's the basis of my thinking. We have a champagne appetite but we only have a beer income. We must live within our means."

Councilman Hammond stated the thing he had to reconcile in his mind was--if we drop our thinking as far as the civic center area is concerned, it would be far easier for him to consider 15th Street area a city hall site but if the Council was going to talk about a civic center area then it would be more difficult for him to imagine the 15th

Street site as being the center of a civic center area.

Councilman Anderson stated that it would not be the center of a civic center area but it would be part of a civic center area that is already established.

Mayor Marks pointed out that Councilman Robinson's point was that the Council wait until it hears from the architect as to the safe requirement for the city hall as such.

Councilman Robinson pointed out that there were three reports which have not as yet been made, which in his judgment were very pertinent and vital to further consideration of this problem and they may prove one way or other and to date they have not been made and he considered that the committee was not in a position at this time to come up with a valid recommendation.

Councilman Anderson pointed out that the architect was only asked to draw up a site plot of the 15th Street area and a comparative analysis between a multi-story and a one story structure. The Traffic Department was asked to give a study of the 15th Street site which would have nothing to do with the LaLoma site, since this study has already been made.

There seemed to be some difference of opinion between Councilman Anderson's and Councilman Robinson's understanding of the various studies ordered by the Joint Committee.

Councilman Robinson contended that the Traffic Engineer's study would give a comparative analysis of the traffic problem for the future and the solution for the 15th Street site as opposed to the LaLoma site, giving costs, detailed traffic count so that the Council could intelligently sit down and see what the traffic problem is. The Council needs to compare and not see just one side of the picture and the Traffic Engineer's analysis was to give a comparison and also encompass a study of what the parking problem would be. "The parking requirements, first of all, for the traffic which the city hall would generate; second, what kind of recognition we should give to the current parking requirements in the area which would be forced off of the city hall plot if the city built on the plot at 15th Street; what that would do to the parking requirement in the area and if the architect would give us comparative architectural analysis as to cost of multi-story which would probably be necessary on the 15th Street site as opposed to single construction which would be possible on a large site; what our square foot cost would be. Because if we are talking costs, values and what it is going to cost the tax payers, we need to know also how the designation of one plot as opposed to the other one, would effect our building costs."

Councilman Merrill stated the Council had struggled with this problem for many years, that it had studies, survey, etc. Property owners want to know what to expect from the city in relationship to putting buildings, which are located in the designated civic center area, in a rentable condition. He stated that this present Council has had this matter under consideration for 18 months, the previous Council had worked on the problem for many years, the 15th Street site was originally purchased for a city hall site and he could not see why the Council had to wait for more and more reports. He stated "that the more reports we get the more we are going to be ham-strung and the more the taxpayer would be paying." He stated he could not see the LaLoma area--that if the city was going to start out from scratch and build, other public agency buildings than "we would be in the swim, but we are 10-15 years too late." Other governmental agencies are all here and all established. "We may have some state or federal buildings but when, where and if are they going to be. The way they are going today, they are leasing and they are not going to build buildings. We can designate a civic center

area and say we wish you would put your building here, but they will come into a community and say where can we get the best deal and that is where they are going to build. We have no assurance they they are going to build any place and I think we have considered this long enough and we should take action. I thoroughly recommend that this Council take an absolute stand and action on this and come to a vote today and go one way or another because if they are going to put this to the people, we are going to forestall this at least a year and we have had enough studies and surveys and reports." He pointed out that it was regrettable that Mr. Robinson and Mr. May were not at the committee meeting but it was the policy of this Council that whenever it met that they are bound by the majority of the vote:

A further discussion was held by Councilman Robinson and Councilman Merrill on the vote of the Joint Committee to ask for reports at its May 1 meeting. Councilman Robinson pointed out that he was arguing the point that it had been the unanimous decision of all members at the May 1 meeting that these reports were fundamental and basic to a final decision and that the consideration of May 15 was made without benefit of those reports and in his judgment the reports were most vital.

Mayor Marks asked the staff when the reports would be ready. Before he received his answer, he stated, "I remember a conversation that the City Council had with a man 2½ years ago in Mr. Miller's office, a man who really understands the business of public buildings, who said when we brought out the point about letting the architect help us pick out the site, he said 'what do architects know about sites'." He pointed out that Councilman Robinson's statement did not go to sites but he stated he wanted to make it clear that sites should be chosen from the social wisdom represented here on the Council or of the people directly by a vote, one way or another, not by an architect or technician or even administrative officials.

Mayor Marks asked the staff when the reports would be ready. Before an answer could be given, Councilman Merrill urged that action be taken without delay and without the reports. Councilman Arata stated, "We have been waiting for reports and it is costing us at the rate of \$3,000 per month and if we are going to get more reports, thinking about the LaLoma center, I do not think you will have a city hall for 3-5 years. I believe the people will not vote for it. How are you going to finance it?"

The City Manager stated that a report could be made today but he did not believe that it would be what the Council had asked for.

Councilman Hammond stated that it was very fortunate that the Council had held a public hearing on the selection of a city hall site within the civic center area. At that public hearing, the Council learned that perhaps it had better examine its thinking. He suggested with that thought in mind, that next week the report be presented to the Council as a body, the following week a public hearing on the questions under discussion at this time and follow the same procedure when the Council was talking about the site in the civic center area. "I think it would be advisable because it was an eye-opener to me when we asked for a public hearing and we were sitting there to talk about a site in the civic center area, which had already been selected, and as a result of that hearing, we are now talking about this at a later date," he stated. He stated that he would make this recommendation in a form of a motion, "that next week the Council as a body hear the reports that we have asked for and the following week we hold a public hearing on the question".

City Manager Miller recommended that it all be cleared at one meeting, to which the Council concurred. It was agreed that since the hearing would be informal that a notice would not have to be published in the official newspaper. Mayor Marks seconded Councilman Hammond's motion at this time.

~~Councilman Hammond changed his motion and Mayor Marks his second~~
on the motion to read:

MOTION

That a hearing on the reports and an informal public hearing be held next week.

Moved by Hammond Seconded by Mayor Marks Unanimously carried

Councilman Hammond asked that an indication of the size of the ground area be given in the report.

The City Manager asked the Council what should be included in Mr. Carmody's reports. Mr. Carmody pointed out that the minutes of the Joint Committee of May 1 were not very clear and that it would be difficult to prepare a report on the basis of the discussion held at the meeting and that it would be better if the Council could come to some conclusion on what it wanted in the report and with that agreement, he could prepare the report.

The City Manager asked 1) it is my understanding that the Council wanted first of all an analysis of the traffic situation which would be created around that area if the 15th Street site was used as a city hall. He asked if the Council wanted a comparison between that and the situation which would be created at the other location; 2) that some consideration of the parking problem which would be generated there both by the city hall being there and the fact that we would not have the space presently used for parking.

Councilman Anderson stated that the parking problem would be there in any event.

The City Manager asked the Council if they wanted that considered.

Councilman Robinson stated that the Council could not close its eyes to a portion of the problem if it was going to resolve this thing that it would need the whole picture, that includes the problem at 15th Street and in the other area.

Mayor Marks stated, "Let's not get involved in an off-street parking program for the whole city."

Councilman Arata stated, "We also want the cost of taking care of the traffic on LaLoma--widening of the street and what it is going to cost us."

Mr. Carmody stated to a question from Mayor Marks whether the matters were cleared, that the parking was still not clear. Mayor Marks stated the Council was talking about what we are going to do to take care of the parking that is going to be displaced off of that lot, plus the cost of the parking spaces that are going to be necessary.

Councilman Robinson pointed out that the parking provisions of the Zoning Ordinance which would be effective this June, sets the standard of parking for city buildings as well as commercial and the Council needed to know just how that would effect our available land area.

Mayor Marks stated the Council would like to know what is going to happen to the automobiles that are parked on the 15th Street lot now, and how will they be taken care of.

Councilman Anderson stated when this was discussed the last time, there is a sign on this lot that says temporary parking and that is exactly what it means. It was purchased for a site of a city hall and if people want to take advantage of the parking there at the present time, they are

welcome to do it, but they know that there is going to be some type of use of that area other than parking so they will have to find some place else to park.

Councilman Hammond stated that he thought the committee could come up with the right question to ask for these reports.

The City Manager stated that the staff's problem is that we are going to have this report one week from today in final form and we want to answer the questions the Council wants answered as nearly as possible. He pointed out that Mr. Arata had raised a question which fits into another field.

Councilman Arata stated that gets into a lot of money that would cost more than the city hall.

City Manager stated in our judgment that there was no doubt about it you are going to have to do that anyhow regardless of where you put the city hall.

Councilman Hammond pointed out that these reports did not have to be to a fine point.

The City Manager stated they would do the best they could and if they thought of anything else that might help, it would be added.

Councilman Anderson asked if the reports should be submitted to the Committee and then it could make its recommendation to the Council.

Mayor Marks stated that this was one the Council should sit in on and if it was not possible to have the reports ahead of time it should be considered along with the people at the informal hearing.

The City Manager asked if there were any points the members of the committee wanted cleared.

The City Manager asked if this was first priority for this week since the staff had a lot of other things to do---should they take second place? It was unanimously agreed that the matter be given priority by the staff.

PUBLIC HEARING ON PROPOSED CHANGE IN ZONING MAP, SECTION 17

Mayor Marks announced that the hour of 4:15 P.M. had arrived, the time set for the public hearing on the proposed change in Zoning Map, Section 17, changing the classification of Lots 1 through 10, inclusive, Block 6726, and Lots 1 and 2, Block 6731, of Bel Air Subdivision No. 1 from the Single Family Zone (R-1) to the Two-Family Zone (R-2) as requested by Elliot Navon, President of the Modesto Developing Association.

The City Clerk stated that notice of the public hearing relating to the proposed change in the zoning map had been published in the official newspaper as required by law and that no written protests had been filed.

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

Resolution No. 300 adopted by the Modesto City Planning Commission on April 17, recommending to the Council that Section 17 of the Zoning Map of the City of Modesto be amended as requested, was considered by the Council.

Mayor Marks declared the hearing closed.

AN ORDINANCE AMENDING SECTION MAP 17 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 Hammond

Seconded by Robinson

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

Noes: None Absent: Adams

PUBLIC HEARING ON APPLICATION FOR UNCLASSIFIED USE PERMIT BY CATHERINE MONTGOMERY FOR THE DAY CARE OF CHILDREN AT 529 EL CAJON

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the application of Catherine Montgomery for an unclassified use permit to operate a day care nursery for three children, ages two to five years, at 529 El Cajon.

The City Clerk reported that notices had been sent to the property owners as required by the Municipal Code and that no protests had been filed.

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

Resolution No. 301 adopted by the Planning Commission on April 17 recommending to the City Council the granting of the permit, was considered by the Council.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 56-186

A. RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO CATHERINE MONTGOMERY FOR THE DAY CARE OF THREE CHILDREN AT 529 EL CAJON, CITY OF MODESTO

Introduced by Anderson

Seconded by Merrill

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

Noes: None Absent: Adams

HEARING ON APPLICATION OF ALICE MAY FOR AN UNCLASSIFIED USE PERMIT FOR THE DAY CARE OF THREE CHILDREN AT 222 MELROSE

Mayor Marks announced that the hour of 4:35 P.M. had arrived, the time set for the public hearing on the application of Alice May for the day care of three children at 222 Melrose Avenue.

The City Clerk reported that notices had been mailed to all the property owners within a 300 foot radius, as required by the Municipal Code and that no oral protests had been filed.

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

Resolution No. 299 adopted by the Modesto City Planning Commission on April 17, recommending to the Council the granting of the permit to Mrs. May under certain conditions, was considered by the Council.

Mayor Marks declared the hearing closed.

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO ALICE MAY FOR THE DAY CARE OF THREE CHILDREN AT 222 MELROSE AVENUE, CITY OF MODESTO

Introduced by Hammond

Seconded by Arata

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

Noes: None

Absent: Adams

Mayor Marks declared a recess of a few moments so that the officials of the Youth in Government Day could conduct their meeting.

YOUTH IN GOVERNMENT DAY MEETING

Mayor Marks introduced Red Blanchard, one of the judges of the All American Youth Contest to the audience and asked him to sit on the rostrum with the Youth in Government officials.

Mayor Reggie Gaarde called the meeting to order at 5:10 P.M.

The City Clerk called the roll and there were

Present: Councilmen: Banfill, Kapusansky, Murphy, Hilgeman, Locey, Kline and Mayor Gaarde

Absent: None

City Manager John Bernard and City Attorney Mark Dunker were also present.

Mayor Gaarde stated that the theme of the Youth in Government Day was inter-governmental relations. Reports would be submitted by committees on the various city departments concerned with inter-governmental relations primarily, he stated.

City Manager Bernard called on Noel Bradley, chairman of the committee on the Police Department. Mr. Bradley reported on the operations of the department and recommended the establishment of a joint county-city rehabilitation camp, as a necessary part of a program to effect a solution of the alcoholic problem. It was moved, seconded, and unanimously carried that the report be accepted and that the recommendation for the rehabilitation camp be referred to the City Manager for study and recommendation at the next meeting.

Gilbert Nessler, chairman of the committee on the Fire Department, reported on the operation of the department and pointed to the close cooperation with the various city departments and other governmental agencies. He stated that the committee did not have any recommendation to offer on this department. It was moved, seconded, and unanimously carried that the report be accepted.

Lothar Burchardt, chairman on the Public Works Committee, reported on the operations of the department and recommended that the master plan for the community now under way be "speeded up". It was moved, seconded and unanimously carried that the report be accepted and that the recommendation be considered later in the meeting when other recommendations were discussed.

Eddie Hurton, chairman of the Health Department committee recommended that 1) county and city relations continue in the interest of public health; and 2) additional nursing personnel is needed due to increase in school enrollment for the coming year. It was moved, seconded and carried that the report be rejected until such time the committee

would have a more detailed report.

Bob Meanza, chairman of the Finance Committee, recommended that 1) the financing and maintenance of the Downey High School be financed by the three agencies, city, schools and county; 2) that the M.I.D. canals be used by the city as a storm drainage facility; 3) adoption of uniform sales tax by county and city. It was moved, seconded and unanimously carried that the report be accepted and the recommendations be referred to the proper committees for further study.

Michael Cicinati, Chairman of the Parks and Recreation Committee, stated that this committee believed the present level of relationship with other departments was satisfactory. It was moved, seconded and unanimously carried that the report be accepted.

Jim Reed, chairman of the Planning Department Committee, filed a report on this department and recommended as the Public Works Committee had, that the master plan now underway be completed as rapidly as possible. It was moved, seconded and unanimously carried that the report be accepted and the recommendation be accepted.

Mayor Gaarde pointed out that the acceptance of this recommendation would clear the only remaining recommendation of the various committees before the Council for consideration.

It was moved, seconded and unanimously carried that the members of the Key Clubs express their appreciation to all the city officials and everyone else who had helped in the Youth in Government Day.

It was moved, seconded and unanimously carried that the meeting now in session adjourn. The meeting was adjourned at 5:40 P.M.

RECONVENE COUNCIL MEETING

Mayor Marks reconvened the Council meeting at 5:48 P.M. following the adjournment of the Youth in Government Day activities.

(Councilman Merrill left the meeting at this time.)

REQUEST OF JUNIOR CHAMBER OF COMMERCE FOR COUNCIL TO ENDORSE ITS BID TO THE STATE JUNIOR CHAMBER OF COMMERCE TO LOCATE ITS HEADQUARTERS IN MODESTO

John Totoyan, representing the Modesto Junior Chamber of Commerce reported that an invitation had been extended by the local Chamber to the State Chamber of Commerce to locate its new headquarters in Modesto. He asked that the Council endorse this bid by adopting a resolution to this effect and that the Mayor and City Manager also send letters inviting the State Chamber to locate in Modesto. He stated that Modesto was bidding against six other California cities and that it would be an honor to the city to secure the State headquarters. He reported that the Board of Supervisors had already gone on record inviting and welcoming the State J.C. to Modesto.

RESOLUTION NO. 56-188

A RESOLUTION ENDORSING THE BID OF THE MODESTO JUNIOR CHAMBER OF COMMERCE FOR THE LOCATION OF THE STATE JUNIOR CHAMBER OF COMMERCE HEADQUARTERS IN MODESTO

Introduced by Robinson

Seconded by Arata

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

Noes: None

Absent: Adams and Merrill

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INVITATION FROM NORTHERN CALIFORNIA-YOSEMITE HIGHWAY ASSOCIATION, INC. TO ATTEND CELEBRATION AT BOWERS CAVE

An invitation from the Northern California-Yosemite Highway Association, Inc. to attend a celebration being held at Bowers Cave Sunday, May 27, was read and ordered filed. The City Manager stated if any members would like transportation to contact his office.

LETTER FROM PUBLIC UTILITIES COMMISSION RE: STUDIES RELATING TO TAXES OF UTILITIES

A letter received from the Public Utilities Commission relating to its studies on the effect of the Board of Equalization's orders upon the taxes of utilities in the presently 13 counties affected, was ordered duplicated and copies sent to the Council members for their information.

LETTER FROM JOHN C. FREMONT P.T.A. REGARDING SAFETY LOADING ZONE AT FREMONT SCHOOL

A letter received from Mrs. Dorothy H. Romano, President of the John C. Fremont P.T.A. urging the Council's approval to the safety-loading zone proposed by the Fremont Dad's Club in front of the school on Orangeburg Avenue, was read. The City Manager reported that the staff had been working on this request and that a precise proposal would be cleared shortly for Council consideration.

LETTER FROM CALIFORNIA FRYER FESTIVAL COMMITTEE RE: ANNUAL FESTIVAL

A request from the California Fryer Festival Committee, Inc. was read asking for permission to use Legion Park on June 15-16 for the annual festival, on the same basis as was granted last year. The City Manager stated that the city would assist the organization in the same manner as last year if the Council would so authorize.

MOTION

That the staff be authorized to proceed on the same basis as last year with assistance to the California Fryer Festival Committee, Inc. for its annual festival to be held on June 15-16.

Moved by Anderson Seconded by Hammond Unanimously carried

LETTER FROM CHIEF OBSERVER MRS. GLENN CAHILL OF THE GROUND OBSERVER CORPS

A letter from the Chief Observer of the Ground Observer Corps, Mrs. Glenn Cahill regarding the Corps Conference in Monterey was read and ordered filed.

LETTER FROM NATIONAL AUTOMOBILE CLUB RE: CONTEST

Mayor Marks reported receipt of a letter from the National Automobile Club asking the city to enter its contest. The letter was referred to the Traffic Engineer.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS ON TRAFFIC SIGNALS - 14TH AND J STREETS AND 19TH AND H STREETS

Plans and specifications for the construction of Traffic Signals at 14th and J Streets and 19th and H Streets were presented for Council consideration. Traffic Engineer Carmody suggested that the date for opening of bids be set for June 4, 1956 at 2:00 P.M. in the City Clerk's office. He stated that the completion date had been set for on or before August 24, 1956, and that the estimate of the total job for 19th and H

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of 4:00 P.M. and 6:00 P.M. He recommended three alternatives for Council consideration:

- 1- Off center lane movement giving three lanes going west bound and one lane east bound;
- 2- One way street which would increase the capacity going across Ninth Street Highway at these intersections;
- 3- Create another lane artificially by prohibiting traffic on the north side of the street.

He recommended alternative No. 3--that parking be prohibited on the north side of G and H Streets, between Eighth and Tenth Streets between the hours of 4:00 P.M. and 6:00 P.M. He stated that experience might indicate that this should be extended to Eleventh Street later.

Mr. Carmody pointed out that he had not yet contacted the property owners in the four block area and suggested that the Council might want to consider this before any regulation was established.

MOTION

That the Traffic Engineer be instructed to contact all of the people affected in the area.

Moved by Arata Seconded by Hammond Unanimously carried

RESOLUTION CHANGING LOCATION OF MAIL BOX ZONE ON TWELFTH STREET NEAR I STREET

The Traffic Engineer reported that the Post Office had requested that the mail box on the corner of Twelfth and I Streets be moved north on 12th Street about 100' to place it just south of the Post Office driveway to give greater access to the box and minimize potential hazard to pedestrians crossing 12th Street along the north side of I Street. He stated that he would recommend this change also.

RESOLUTION NO. 56-195

A RESOLUTION REGULATING PARKING ON TWELFTH STREET BETWEEN I STREET AND J STREET IN THE CITY OF MODESTO

Moved by Robinson

Seconded by Arata

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

Noes: None Absent: Adams and Merrill

AUTHORIZING STOP SIGNS ON CARVER ROAD AT ITS INTERSECTION WITH ORANGEBURG AVENUE IN THE CITY OF MODESTO

RESOLUTION NO. 56-196

A RESOLUTION ESTABLISHING STOP SIGNS ON CARVER ROAD AT ITS INTERSECTION WITH ORANGEBURG AVENUE IN THE CITY OF MODESTO

Moved by Arata

Seconded by Robinson

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

Noes: None Absent: Adams and Merrill

LETTER FROM MODESTO CITY SCHOOLS RE: INSTALLATION OF TRAFFIC SIGNALS AT LALOMA AND SANTA ANA AVENUES

A letter was read from Modesto City Schools regarding the decision
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of the Board of Education to reaffirm its previous position that it did not wish to participate in the cost of the installation of traffic signals at LaLoma and Santa Ana Avenue. The letter stated that the Board would be willing to consider participating in a developmental or correctional program, if and when a suitable plan can be developed, for the regulations of pedestrian and vehicular traffic on H Street at Modesto High School.

Traffic Engineer Carmody pointed out that if Wilson School was not at this location, it would operate very well as a three way stop. The only reason the city is proposing traffic signals is to provide a break in the traffic to allow the school children to go across. The reason the school was asked to participate is that there is a section in the vehicle code which allows the schools to pay for traffic signals adjacent to schools. He stated that although the school was not located on the intersection the Schools had been asked to participate on the basis that it was a joint problem.

LETTER FROM CHESTER D. NATTINGER & CO. RE: INTERIM EXAMINATION OF CITY ACCOUNTING RECORDS

A letter from Chester D. Nattinger & Co. relating to their interim examination of the accounting records of the City for year ending June 30, 1956, was read and ordered filed.

LETTER FROM CITY PLANNING COMMISSION RE: SIX YEAR CAPITAL IMPROVEMENT PROGRAM

A letter from E. J. Boundey, Chairman of the Modesto City Planning Commission advising that the Planning Department had been unable to complete its work with the various departments on the six year capital improvement program which must be filed with the Council by May 1, as provided by the Municipal Code.

The City Manager stated that the Department hoped to have the report by June 20 to present to the Council.

REPORT BY DIRECTOR OF PLANNING SMEATH ON PROPOSED ANNEXATION OF CAMPUS EDGE SUBDIVISION

Planning Director Smeath reported that at the Planning Commission Meeting held on May 15, the petition for annexation of Campus Edge Addition, which had been referred to the Commission by the Council, was considered, at the same time as the request for approval of the final map. The Commission, after discussing the Council's interest in having the street lighting problem solved, and improved streets, which is being considered for recommendation to the Council, approved the proposed annexation to the city and the tentative map for the area subject to the two conditions: 1) that the subdivider not only purchase the street light materials, but install them; and 2) that the streets be constructed to the standard specifications in effect on the date the final map is presented for approval.

REPORT ON CLEARING OF LOCATION OF TRAFFIC COUNCIL SAFETY SIGN

The City Manager reported that the staff had located a place for the erection of the Traffic Council safety sign on private property.

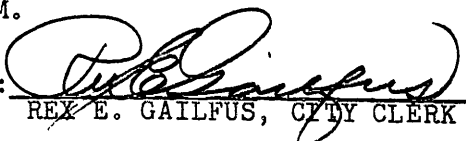
ADJOURNMENT

MOTION

That the Council meeting now in session adjourn.

Moved by Hammond Seconded by Anderson Unanimously carried

The meeting was adjourned at 6:45 P.M.

ATTEST: 
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council 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. Magnus B. Anderson, pastor of the Calvary Lutheran Church gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of May 9, 1956, and the same being available for public inspection and there being no objections, the minutes were approved.

DELETE CERTAIN ITEMS FROM AGENDA

Mayor Marks suggested that in view of the length of the agenda that the following personal letters he had received be deleted from the agenda for this meeting and placed on the agenda for the next Council meeting:

Item 7, letter from Mrs. Robert Crabb re: Forward Modesto Committee
Item 8, letter from George Hansen

The Council indicated its approval of this recommendation.

LETTER FROM E. GRAHAM MAY RE: RESIGNATION FROM MODESTO CITY PLANNING COMMISSION

A letter was received from E. Graham May submitting his resignation as a member of the Modesto City Planning Commission.

RESOLUTION NO. 56-197

A RESOLUTION ACCEPTING THE RESIGNATION OF E. GRAHAM MAY FROM THE
MODESTO CITY PLANNING COMMISSION

Introduced by Arata

Seconded by Robinson

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

Noes: None Absent: Adams

Mayor Marks was authorized to write a letter on behalf of the Council to accompany the resolution expressing the regret of the Council on Mr. May's resignation and commending him for the outstanding job he had done while a member of the Commission.

DISCUSS HOLDING PRE-COUNCIL MEETINGS TO DISCUSS APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Marks suggested that the Council, as vacancies occurred on various boards and commissions, hold a pre-council meeting in the Council Chamber, as the City of Sacramento was doing, to discuss appointments and that the press and public consider themselves invited.

City Attorney Grimes stated that this procedure would not be consistent with the requirements of the charter, procedural ordinance and state law. He stated that the recent opinion relating to the City of San Diego indicated that all matters of official business should be taken up and discussed at an official meeting of the Council, called at the regular time, or at a special meeting.

It was agreed by the Council that the appointment of a member to replace Mr. May should be the first item of business for the next Council meeting on June 6, at 4:00 P.M. and that the members be considering, during the two weeks period, persons to be recommended for the appointment.

LETTER FROM FOURTH OF JULY COMMITTEE RE: APPROPRIATION FOR CELEBRATION OF THE ANNIVERSARY OF THE INDEPENDENCE OF THE UNITED STATES

A letter from the Stanislaus County Fourth of July Celebration at Modesto, requesting financial support for the annual celebration of the anniversary of the independence of the United States, was read.

City Manager Miller pointed out that the appropriation for the proposed 1956-57 budget was the same as last year and this request could be considered at the time the budget was discussed.

LETTER FROM MRS. EUGENE LELUCH RE: BURNING OF TRASH

A letter from Mrs. Eugene Leluch asking that the burning of trash in the city be limited to four days a week, was referred to the staff for study and report.

TELEGRAM FROM G. T. McCOY, STATE HIGHWAY ENGINEER RE: LOCATION OF FREEWAY ROUTE 132

A telegram received from G. T. McCoy, State Highway Engineer, notifying that the State Highway Commission would consider the location of the freeway routing 132 (Maze Road) at its June meeting or some subsequent meeting, was read and ordered filed.

NOTICE OF CITY-COUNTY COMMITTEE MEETING

A notice that the regular meeting of the Stanislaus City-County Committee was scheduled for May 28 at 12:00 noon in the Map Room of Hotel Covell was noted by the Council.

Mayor Marks reported that he had checked with the various cities in the county and they were still adamant on their stand that the counties share of the sales tax collected within the city limits should be five percent of the one percent collected by the cities.

LETTER FROM CALIFORNIA RELAYS RE: ALLOCATION FOR 1957 RELAYS

A letter from the California Relays requesting that the Council allocate \$1500 to the Relays budget for 1957 was read.

The City Manager stated that this could be considered when the 1956-57 budget was discussed by the Council.

REQUEST FROM NORTHERN CALIFORNIA-YOSEMITE HIGHWAY ASSOCIATION, INC. TO ENDORSE PROPOSED DIRECT ROUTE TO YOSEMITE THROUGH MODESTO

A letter received from the Northern California-Yosemite Highway Association, Inc., asking that the Council "go on record as favoring the re-establishment of a principal route to Yosemite through the cities of Modesto, Empire, Waterford, LaGrange and thence on to Yosemite by such

route as may be found to be best by modern engineering standards" was read.

Stanley Baker, member of the Association, spoke briefly on the benefits of the proposed route for the people in this area and asked that the Council members plan to attend the barbecue to be held at Bower's Cave, May 27.

The City Manager reported that a report on the project had been filed by the Association, copies of which would be available to the Council members.

RESOLUTION NO. 56-198

A RESOLUTION ENDORSING AND RECOMMENDING A SHORT LOW LEVEL ROAD TO YOSEMITE NATIONAL PARK THROUGH MODESTO, CALIFORNIA

Introduced by Arata

Seconded by Anderson

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

Noes: None Absent: Adams

HEARING ON REQUEST OF NELL ROWLAND FOR UNCLASSIFIED USE PERMIT FOR DAY CARE OF CHILDREN AT 1215 WELLESLEY AVENUE

Mayor Marks announced that the hour of 7:45 P.M. had arrived, the time set for the public hearing on the request of Nell Rowland for an unclassified use permit for the day care of eight children, ages 1 to 10 years, at 1215 Wellesley Avenue.

The City Clerk reported that notices of the public hearing had been mailed to all property owners within 300 feet radius, as provided by the Municipal Code, and that no written protests had been filed.

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

Resolution No. 308 adopted by the Modesto City Planning Commission on May 1, recommending to the Council the granting of the permit to Mrs. Rowland, was read.

RESOLUTION NO. 56-199

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO NELL ROWLAND FOR THE DAY CARE OF 8 CHILDREN, AGES 1 TO 10 YEARS, AT 1215 WELLESLEY AVENUE.

Introduced by Robinson

Seconded by Hammond

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

Noes: None Absent: Adams

ORDINANCE AMENDING SECTION 20 OF ZONING MAP

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the proposed amending of Section 20 of the Zoning Map, which had been initiated by the Modesto City Planning Commission.

The City Clerk reported that the notice of the hearing had been published in the official newspaper of the city, the Modesto Journal, as provided by the Municipal Code and that no written protests had been filed.

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

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Resolution No. 306, adopted by the Commission on April 24, recommending to the Council the proposed amendment, was considered by the Council.

ORDINANCE NO. 88-C.S., entitled

AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON

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

Moved by Hammond

Seconded by Robinson

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

Noes: None

Absent: Adams

AWARD BID FOR MILLER AVENUE TRUNK SEWER LINE - WM. H. SCHALLOCK

A tabulation of the bids received for the construction of the Miller Avenue Trunk Sewer, which had been opened in the office of the City Clerk at 2:00 P.M., Monday, May 21, was considered by the Council. Director of Public Works Ray recommended that the bid of \$65,382 submitted by William H. Shallock of Bakersfield be accepted as it was the lowest of the 11 bids submitted.

RESOLUTION NO. 56-200

A RESOLUTION ACCEPTING THE BID OF WILLIAM H. SHALLOCK FOR THE CONSTRUCTION OF THE MILLER AVENUE TRUNK SEWER

Introduced by Arata

Seconded by Robinson

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

Noes: None

Absent: Adams

AWARD BID ON WATER LINE IN GREGORY GARDENS ADDITION

Tabulation of the seven bids received for the installation of water line materials in Gregory Gardens Addition which had been opened in the office of the City Clerk at 3:00 P.M. Monday, May 21, were presented for Council consideration. Director of Public Works Ray pointed out that the low bid of \$5,173.70 had been submitted by W. M. Lyles Company. This bid, he stated, was below the engineer's estimate of \$5,375; if the work was to be done under contract. The estimate for this work, if done by city forces, he stated, is \$4,153.58, a difference between the low bid of \$1,020 or 24.5%. He recommended that the bids be rejected and the work done by city forces. He stated that this proposal was made because:

- (a) The Department of Public Works feels that there may be some inclination to challenge estimates of cost for work done by city forces;
- (b) The Department of Public Works feels that it would be to the distinct advantage of the city to have a project of this nature performed by city forces under rigid control and checking of the costs. The Department feels that when this is done and the costs of the work, when done by this manner, determined to everyone's satisfaction, it will then be able to report to the City Manager, with reasonable accuracy, any additional finances required for the fiscal year 1956-57 if water line installations are to be done under contract. This matter is of prime importance since the budget is now being prepared for consideration and insofar as water line installations are concerned, it has been prepared on the basis of past practices.

(c) It will save the taxpayers of this community \$1,000.

Regardless of which course is taken, it is most essential that this project be begun and completed at the earliest date possible. The builder who is developing homes in the Gregory Gardens Tract is in urgent need of water.

(Councilman Adams arrived at the meeting at this time.)

Mr. Ray suggested that if the work was done by city forces, that a rigid control be kept of the job and that representatives from both the contractors and labor unions be invited to be present throughout the entire job. Under this control, it would be possible for the city to prove to everyone's satisfaction that there is this 24.5% difference.

Councilman Hammond stated that the Council had indicated on numerous occasions that it was not interested in setting up a competing agency; that the city could not gain anything by doing the work with its own crew; that the bid was in order and reasonable and he recommended that the Council proceed to award the bid to the low bidder.

The City Manager stated that two things should be made clear before the Council acted, 1) that there was no way the Council could ever find out whether the city's estimate of what the costs would be to do this by city forces was correct, except to do a job; 2) that later in the meeting a preliminary budget would be submitted for Council consideration, which has been prepared on the existing practice of installing water mains. At this time he read the section of the budget message entitled, "Installation of Street Lights and Water Lines", Page F.

He stated that he wished the Council to know that if the water line installation is to be done on the basis that it will cost more money, that more money will have to be provided, than is proposed in this budget. He pointed out that this would be a matter of policy but if increased costs resulted from a change in the method of installation they must be financed by one of the following alternatives: 1) increase in the property tax rate; 2) increase in water rates; 3) increase in revenue from other sources, or 4) a reduction in existing level of services by deleting items already proposed.

Councilman Hammond remarked that he could not see the principle of running a check and that if this was done in this type of work that it might extend to other types, such as streets and that he was opposed to this trend of thinking.

Councilman Arata questioned whether the proposed job was big enough to conduct a check, that perhaps more could be gained if a larger job was used as an example.

Mr. Ray stated that most of the water line installations were of the same size as this one proposed or even smaller and that this was one of the problems. The only way to get a larger job would be to hold up some of the installations until 3 or 4 subdivisions could be combined into one job. He pointed out that the connection fee only paid for 40% of the cost of installation of water mains and that the balance came from water service charges. He stated that it was usually several years before the costs of water line installations were amortized in any subdivision. He pointed out that this subdivision was a simple one, only one paved street to cross and would be much simpler than one involving a highway or railroad. He stated that the proposal for doing the work by city forces was based on obtaining figures which would be accepted by everyone which could be submitted to the City Manager to be used in budget consideration.

Councilman Anderson stated that if the city continued turning

down these contractors that it would be in a position where it would not receive any bids.

At the request of Councilman Robinson, Mr. Ray explained the difficulties involved in the installation of water mains. He pointed out that in connecting the water mains to existing mains under pressure the water service must be cut off, at this time the city employees contact the people who will be effected, explaining the reason and length of time the service will be discontinued. Many times the work is done after midnight when the water use is lower. The people who do the work of installing lines are also the ones who have to repair them and they are most careful that the work is done properly, and free from leaks. He asked if the Council members would like copies of a memo which he had prepared, covering various factors in either way of installation. He pointed out that the city had never installed any water lines by contract procedure but only by city forces.

The City Manager stated that in many cities it is common procedure to call for bids and if the work can be done more economical by city forces that the bids be rejected.

Councilman Hammond stated that it was going to be difficult to set a policy in this case since, as Mr. Ray had stated, each case would have different conditions. Mayor Marks pointed out that if there were many similar cases as this that it would increase the city's operation costs materially.

Councilman Hammond recommended that the Council not attempt to set a policy--that it remain in a flexible position, that each problem and case be considered separately.

The City Manager stated that even in open-going cases it will cost the city more to do the work on this basis. A basis must be established so that the budget can be revised. What the Council's policy is going to be will alter the budget.

Dan Chaddock, speaking on behalf of Labor organizations, stated that in a meeting with the Engineering staff that he had been led to believe that the city had kept an accurate cost account on installation of water mains. He stated that there was no question but that a proper qualified workman could compete anytime with the city crew.

Mr. Ray stated that the city did have this record but it was not acceptable to the unions and that he had proposed this as a test case which could be checked by the labor union.

RESOLUTION NO. 56-201

A RESOLUTION ACCEPTING THE BID OF WM. L. LYLES COMPANY FOR THE INSTALLATION OF WATER MAINS IN THE GREGORY GARDENS ADDITION

Introduced by Hammond

Seconded by Anderson

Ayes: Anderson, Arata, Hammond, Merrill, Robinson

Noes: Adams and Mayor Marks Absent: None

Councilman Adams stated that he believed that this should be a test case which the city should conduct.

Mayor Marks stated the reason he had voted "no" was for the sake of labor, contractors and city tax payers--that the city should have a test case. Councilman Hammond stated he would be willing to go along with a test case on it but not call for bids.

The City Manager stated, "You would have no comparison. We know what it costs but no one is willing to accept it."

Councilman Robinson stated that this matter was something on which the Council should set a policy. Whether a Council Committee should study the matter or the Council as a whole--it merited a policy decision to clear the matter for the future. It was generally agreed that the Council as a whole should consider the matter. The City Manager stated that he would make a report to the Council on the basis that the budget be revised on the water line installation on the basis of the 24.5% difference in the cost. He stated that in fairness to both labor and contractors it should be cleared.

CALL FOR BIDS FOR INSTALLATION OF STREET LIGHT MATERIALS IN IMPROVEMENT DISTRICT NO. 3

Specifications for the installation of street light materials in Improvement District No. 3, which had been revised at the Council's request, to provide for the bids on a cost plus basis were presented for Council consideration. Director of Public Works Ray explained the new provisions and recommended that the date for filing of bids in the City Clerk's office be set for 2:00 P.M., June 11.

RESOLUTION NO. 56-202

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR THE INSTALLATION OF STREET LIGHTING MATERIALS IN IMPROVEMENT DISTRICT NO. 3.

Introduced by Hammond

Seconded by Anderson

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

Noes: None

Absent: None

INFORMAL HEARING ON CIVIC CENTER AND CITY HALL SITE

Mayor Marks declared the informal hearing on the Civic Center and City Hall site opened at 8:48 P.M.

He stated that the purpose of this hearing was:

1. To determine whether or not the City Council desired to rescind Resolution No. 55-409, adopted September 14, 1955, establishing that area bounded by LaLoma, Burney and Downey, as a civic center, and
2. Should an area be designated by the City Council as a site for the location and ultimate development of a community civic center to include such buildings as a city hall, a multiple-purpose auditorium, and other public buildings, with the city purchasing at this time, land for a city hall only? If such an area is designated, should it be LaLoma Area or 15th Street area. If the city is to proceed with the construction of a city hall without reference to a civic center, should it be located at either of these areas.

He stated that the hearing would be divided into six sections, 1) report of the Planning Director; 2) report of the architect; 3) report of the Traffic Engineer, 4) statement by petitioners in audience-row by row (each speech limited to 3 minutes); 5) questions and discussions by the Council, 6) final disposition.

Councilman Anderson, chairman of the joint Council- Commission Committee on the civic center-city hall, reported on a meeting of the Committee held on May 22. He gave a resume of the studies made by the joint committee, previous Council committee, and Forward Modesto Committee

on the subject of a city hall site and civic center area. He stated that since the studies on the cost of acquisition of each site were made new information had been received that the original estimate of area 1 in the LaLoma area made by the city's appraiser and private appraiser had been changed from \$232,000 to \$325,000. Appraisal was also made on the one-half block to be acquired by the city on the 15th Street site. He stated that as a result of these studies it seemed to be fairly clear to the Joint Committee that it resolved down to one of two things; 1) whether the city wants to build a city hall in a large civic center area or on an area close to the down-town area and, 2) would it take 4.75 acres for a city hall or 2.75 acres. He stated the Joint Committee came up with the final analysis that the problem to be resolved is that the city is primarily interested in a city hall and they unanimously recommended the 15th Street site (meeting of May 15). At the meeting held May 22, reports from the Architect and Traffic Engineer were read and as a result of that meeting, the Joint Committee did not change its opinion. The Committee, he stated, is still for the 15th Street site and so recommends it to the Council.

The City Manager asked that one point be made clear--the original estimate on site No. 1 in the Civic Center Area did not include the Market Basket property located on Scenic Drive and LaLoma, that it had been the recommendation of the Joint Committee that it be included in area No. 1.

Mayor Marks pointed out that although he had asked the Director of Planning to assemble a schedule report of what has happened in this matter, that it is recognized that the staff has no part in the policy decision of the Council and this matter was a Council decision.

(1) Report by Planning Director

Planning Director Smeath read his report dated May 22, 1956, entitled, "Location of City Hall and Civic Center", a copy of which is on file in the records of this meeting.

(2) Report by Architect

Reports prepared by Timothy L. Pflueger, dated March 23 and May 17, on the subject - Modesto Civic Center, were read. A copy of each report is on file with the records of this meeting.

(3) Report by Traffic Engineer

A report, dated May 18, on the subject "City Hall Sites", prepared by Traffic Engineer Carmody, was read, a copy of which is on file with the records of this meeting.

Mayor Marks declared a five minute recess at 9:55 P.M.

The Council meeting was reconvened at 10:00 P.M.

(4) Statements by petitioners in audience

Tod Campbell, 514 Scenic Drive, stated as a citizen of Modesto he considered that if Modesto was to be a forward looking city, the Council should vote for a civic center.

Newton Nash, 314 Poplar Avenue, owner of property in the civic center area, stated that looking at the problem from all angles, for accessibility to down town district, he favored the 15th Street site.

Dick Penney, 11th & J Streets, representing the Modesto Merchants, reported that a telephone poll of the Directors conducted this date,

resulted as follows: 8 for the 15th Street site, one not called because he would be put in an embarrassing position, 4 members were unable to be contacted. The majority wanted the city hall and civic center on the I Street area. Due to the type of structures on I Street, post office, Bee Building, churches and Courthouse, this street has no value as a business street. Traffic would be easier to handle on I Street because of width.

Dr. George Feher, 709 18th Street, stated that he would be guided by the decision of the experts who had studied this problem carefully for many months, and from what he could read the LaLoma Area was the best site for a civic center and city hall.

Mrs. G. E. Campbell, 15th and G Streets, favored the 15th Street site because of its easy accessibility to pay bills.

Mrs. H. G. Schmidt, 619 13th Street favored the 15th Street site. She pointed to the fact that there were many vacant store buildings presently in the down town area and she was speaking on behalf of the merchants. She stated that the city already had a civic center area.

W. E. Grant, 1202 13th Street, stated the civic center should be located on the LaLoma area because there would be adequate provisions for parking in the future and the site was ideal for this type of construction.

E. B. Griswold, 509 15th Street, favored the 15th Street location because it was closer to the courthouse.

Fred Rose, 310 Sycamore, favored the 15th Street site since he considered a civic center had already been started in this area.

Mel Harris, 230 Sycamore, stated that the matter should be limited to a city hall since the M.I.D. had already built its new office building and the courthouse is already established. He contended that the main issue was a city hall as opposed to a civic center. The city hall should be located where it would give the maximum amount of good to the maximum amount of people, where it is easily accessible, where it could be within walking distance from the center of the downtown area. He stated he favored the 15th Street site.

Pete Ruffino, 815 Sycamore Avenue, favored the 15th Street site.

Chester Spearing, 149 Covena, considered that the LaLoma Area would be more adequate for a civic center. That when the El Vista bridge was completed, it would afford traffic relief--that it should be up to the people to decide whether they wanted that center.

Frank C. Andrews, 1111 F Street, stated that it should be up to the vote of the people--the American Way and let the people decide.

W. R. Mitchell, 231 Buena Vista, former member of the Forward Modesto Committee, stated all the members had been in support of the recommendation that the city should have a civic center, including not only a city hall but other public buildings. The decision this Council must make, he stated, is most important and will have an effect for many generations. If the Council decides the city should have a city hall site only, and on the 15th Street site, it has pretty well spoiled any opportunity for this community to have a civic center. If the Council follows the recommendation of the staff--that there is greater opportunity for a well designed beautiful civic center at the LaLoma site, it will be doing honor to itself. He urged the Council not to rescind its previous action in selecting the LaLoma area as the civic center and to pro-

ceed with plans to place the city hall building in this area.

Stanley Baker, 549 El Cajon, spoke in favor of the LaLoma site, calling attention to the future increase in population and to the need for a large available area for public buildings and parking facilities.

Mrs. S. E. Carroll, 706 Downey Avenue, favored the LaLoma area as it would furnish more room for future expansion of the city buildings.

H. W. Huls, 136 College, stated the Council should rescind its action on the civic center area and build on its 15th and I Street property, since I Street was a dead-end street on both ends and traffic conditions more favorable.

Amos Bomberger, 309 N. Santa Rosa, stated that the city needed a city hall badly and not a civic center since the other governmental agencies had already built their buildings. He approved the 15th Street site also because it would not create the traffic problems that the LaLoma site would--where two main arterial street converge. He urged the Council to refute its plan for a civic center, and to use the 15th Street property for the city hall and acquire other property later on.

M. M. Shelly, 321 N. Santa Ana, considered that the city hall should be on the 15th Street site, closer to the courthouse. He recommended that the other one-half block be purchased.

Mrs. Ray Shearn, 215 State Street, recommended that the LaLoma civic center site be used for the city hall. She urged that the Council not rescind its previous action on the civic center.

Mrs. Robert Bienvenu, 1214 Cecil Way, spoke in favor of the LaLoma civic center site for the city hall.

Charles Allen, 702 High Street, stated the city should build its city hall on the 15th Street site and later on consider a civic center area.

Mr. Wilkins, Woodland Avenue, considered that the type of city hall building which could be built on the 15th Street would not be a warm and friendly type as could be built on the LaLoma area. He recommended that the selection of a site be left to the people of the city at a general election.

Carl Smith, 825 16th Street, urged the Council to make its decision at once so that the property owners in both sites could repair or dispose of their property.

Don Curtice, 1519 Encina Avenue, recommended that the Council retain the civic center site at LaLoma.

R. L. Watson, 714 Third Street, recommended that the city hall be built on the Crow property, formerly Hotel Modesto, on 11th and H Streets.

Mrs. Barney Shulman, 117 Maze Boulevard, stated she had to walk to pay her bills and objected to the LaLoma Area on this basis.

V. L. Matteson, 910 Elm Street, spoke in favor of the LaLoma site for the city hall.

Mayor Marks pointed out that there was some confusion in the financing of the city hall. This is to be done with funds collected from the one-half sales for capital improvement program, which the city levied sometime ago, and which is being set aside. However, it will ultimately require an election.

(5) Questions and discussions by the Council and the petitioners in the audience

Councilman Robinson stated that there were a number of points raised tonight which he wished to discuss later but at this time, he wished to clear one point before the Council proceeded on the comparison of costs. Costs is one of the big items which needed comparison, he stated, acre per acre, or foot per foot. He pointed out that at the Joint Committee meeting held on May 22, the statement was made by him that there seemed to be a basic disagreement. Certain members of the committee have proceeded in their reasoning on the basis that the 15th Street one-half block, owned by the city, should be evaluated for comparison purposes at its original purchase price, that price being approximately \$31,000. Using this figure, he stated, you come up with a comparison on a square footage basis of value for the whole 15th Street block somewhat in excess of value in the LaLoma area. If you use the current market value, the figure for which it could be sold today, based on independent current appraisal you come up with another figure which is very much different. As a matter of illustration, using the figure of \$31,000, he stated, the value of the whole one-half block, based on appraisals for both pieces of \$1.80 per square foot. Using the current market appraised figure of \$144,000, the figure per square foot would be \$2.65; for comparison purposes the value of about \$1.08 per square foot in the LaLoma area. He asked that the Council discuss this particular question and to initiate the discussion he introduced.

MOTION

That for the purpose of future discussion and for clarity in comparison with the LaLoma site that the Council proceed on the basis, as a person would in any business, of evaluating the one-half block owned by the city on 15th Street according to its present market value as established by current, fair appraisal.

Moved by Robinson

Mayor Marks stated he would second the motion with the understanding that this does not imply any choice of location. Councilman Robinson stated that this was correct but that there were some important cost comparisons to be made later. Mayor Marks stated that this should be based on "where does the city hall belong". Councilman Robinson agreed.

Councilman Anderson moved that the motion be tabled, seconded by Councilman Arata.

At the request of Mayor Marks, the City Attorney stated that the motion to table was not subject to debate and that it would be in order to call for the question.

Roll call on the motion to table the motion introduced by Robinson and seconded by Mayor Marks was as follows:

Ayes: Anderson, Arata, Merrill

Noes: Adams, Hammond, Robinson and Mayor Marks

Mayor Marks declared that the motion to table did not carry.

Councilman Anderson stated that if the Council made a policy of establishing whether it is right or wrong, a price on the 15th Street site, that prevents the Council from exercising its due rights in coming to a conclusion based on their own individual ideas and that is what the Council is up here for. The Council is supposed to express its ideas.

The members are elected for that purpose. The Council, as a whole on this particular problem should be bound by such a motion.

Mayor Marks stated that the motion was - that we take the customary business practice of assessing the value of the property which was purchased for \$31,000 in 1941 and base it on its value today.

Councilman Anderson contended that he did not agree with the premise. If the property was to be sold, the city would sell it at the current market value to a purchaser who would pay for it but unless a purchaser could be found it could not be sold. The city paid \$31,000, whether it was in 1940 or 1950, it does not make much difference, if it is to be used for a city hall then the city is going to use the \$31,000 basis for that city hall. If the city is not going to use it for a city hall then as suggested by Councilman Robinson, the city can put it on the open market. If the city was going to sell it, the city must have a buyer for it. He pointed out that the city had several other basic needs for the property and one of those was parking---if the city did not use it for a city hall. If the Council is going to use a \$144,000 comparison, plus \$175,000 for the other one-half block it will find that has an inflated value of \$319,000, which is the wrong basis to use as a comparison.

Councilman Robinson pointed out that this would be the fair market value, established by independent appraisal, not an inflated value.

Councilman Anderson contended that it was inflated if the city did not have a purchaser to buy it.

Councilman Hammond considered that too much time was being spent on an item that was not too important to the main issue at hand.

Councilman Anderson stated that it was a matter of whether you buy a piece of property for \$31,000 or you buy it for \$144,000--it makes a difference there.

Mayor Marks asked Councilman Anderson if he would sell anything he had purchased in 1940 for \$31,000 today.

Councilman Anderson stated "no", if he had to sell it, but that if he was going to use it for a building, that he would not turn around and sell it.

Councilman Merrill stated that he concurred with Councilman Anderson on the purchase price and evaluation as of today. If the city was going to sell the property for a private sale the city should get its "top dollar". The city is not in the real estate business, he stated, and to be fair to the people of the city is to set the valuation at the cost figure if the property is to be used for a city hall.

Councilman Anderson stated that Mr. Mitchell had brought up the matter of parking on 15th Street. If this property was sold, as suggested by Councilman Robinson, there would be no more parking; it would be eliminated from the parking area and other places would have to be found.

Don Curtice questioned the basis of value being placed on the 15th Street area by some of the Council members. If a person had a parcel of property worth \$144,000 and try to compare it to another parcel of property that is to be purchased, that the higher figure should be used.

Councilman Anderson pointed out that the Council was not discussing the sale of the 15th Street property. Councilman Arata stated that the 15th Street site had been purchased for a city hall site at a cost of \$31,000.

Mayor Marks called for a vote on the motion introduced by Councilman Robinson.

Ayes: Adams, Hammond, Robinson and Mayor Marks

Noes: Anderson, Arata, Merrill Absent: None

Mayor Marks declared the motion carried.

Councilman Robinson stated that the argument used by some persons---"we are too late, that this city has already reached its maximum growth, that it has no future ahead of it, all of its public buildings have already been built", is not correct. He cited the projected increase in population for the state in the next 20 years and contended that Modesto would share in that growth. In 20 years, he stated, this community will be serving a population at least double the present number. He stated that he did not agree that the city was too late in selecting a civic center area. The argument brought forth that Modesto already has a civic center adjacent to the 15th Street site is not correct since many of the buildings, such as churches, etc., cannot be properly integrated into a civic center. He stated that the argument that the LaLoma area would be too far for the west side people was also brought up. He pointed out that the LaLoma site would only be a few hundred feet farther. He called attention to the fact that site No. 1 in the LaLoma area was approximately the geographical center of the community and would adequately serve all the people of the community, not just the downtown area. On the traffic problem in the LaLoma area, he stated, that stands on its own feet. The city already has plans drawn to solve that problem--one way streets and relocation of streets, at a minimum cost which will be completed before the city hall could be constructed.

He made a comparison of the cost of the land on the square footage basis which indicated that the LaLoma site (leaving the Market Basket property out of the purchase) would be cheaper.

One of the most important issues, he stated, is this; if the city hall is built at the 15th Street site, it will be in a high assessed area, 2-3 times higher than the LaLoma area. If the city wishes other buildings to be built near the city hall it will be too costly, while in the LaLoma area there will be available 27 acres of low value R-1 property.

He stated that he considered the question to be resolved was of so much importance that the seven men sitting on the Council, where there is such sharp difference of opinion, should not settle this for the future population of this community but it should be up to the people to tell the Council their wishes in the matter.

Councilman Anderson pointed out the traffic difficulties involved in the closing of the street if the Market Basket was not included in the purchase of the city hall area No. 1 in the LaLoma Civic Center, as proposed in Mr. Robinson's quotation of per square foot costs for the city hall area.

Councilman Merrill called attention to the existing confusion for the property owners, both in the civic center area and the 15th Street area. It is time for the Council to act on what it thinks is the proper thing. He stated that he originally was of the firm opinion that Site No. 1 in the Civic Center area was the proper place to construct the city hall. After making a personal tour around the four recommended sites in the civic center area and after trying to cross Scenic Drive at 5:00 P.M., he changed materially and came back and recommended to the committee that it take a strong look at the 15th Street property. The 15th Street property, in his analysis, he stated, is the fitting and proper place for the city hall because 1) it is on the widest street in town, 2) it is

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practically a civic center area and in the not too distant future, the city will have available the Lincoln School site, when the Board abandons it. If we have money enough, he stated, other public buildings can be constructed. He cited the unsuccessful experience of the city in trying to obtain groups to use the John Muir School building. One statement which was made tonight--that the Council is not progressive--he stated, he wished to challenge. If the Council was not progressive, Modesto would not be an All America City, he stated. He stated this decision on the 15th Street site was not a hasty decision but five years of investigation and study had been made. There is a difference of opinion in the Council, he stated, that he thought the Council should pick up the 15th Street site and start construction on a city hall.

Mayor Marks stated that in order to get the program underway that he wished to go back for a few years in the history of the civic center-city hall matter.

He listed the various sites which had been considered by various Councils for a city hall site during the past years: Elks Building, 13th and I Street; Capitol School, 14th and I Streets; the 15th and I Street site; Roosevelt School site, 12th and L Streets; Modesto Hotel Site, 11th and H Street; John Muir School site, Morris Avenue; and finally the LaLoma and Burney site. He pointed out that when the Elks Building had been sold for \$33,000, that a lot of people criticized the Council for not buying and remodeling this building for a city hall site. The people in this community have been ashamed for a long time of the fact that this city has been operating out of an abandoned firehouse. The dignity of its structures, he pointed out, determines what kind of city you will have. If the people cannot point with pride to their public buildings, they do not have anything to be proud of.

The old Council were criticized very gravely for not purchasing the Capitol School site and for letting it go to the Modesto Bee. After that the Council previous to this one, had the foresight to buy the property on 15th and I Street for a city hall. All of these people thought these were the right places for a city hall to go. The Council on which Councilman Merrill and he had previously served, Mayor Marks stated, had a big hassle with the School Board over Roosevelt School site and considered that it was a tragedy that the property should leave public ownership. He stated that the Council had been absolutely sold on the Roosevelt School site, that it could be remodeled and used for a city hall. From there it was proposed and agreed unanimously by the entire present City Council of Modesto that it had the logical place for the city hall--the Modesto Hotel building. Preliminary plans were drawn and the Council was in favor of this site---that this is the logical place, because it was across from the courthouse. The costs were prohibitive and this plan was abandoned. Then the John Muir School site was purchased with the idea some city functions could be transferred out there and use it perhaps for a city hall. The primary reason this was purchased was to keep a promise the Council had made to the people in that area that they would have a small neighborhood park. A Council Committee was appointed to study the possibility of using this school building for a city hall. Then along came the LaLoma civic center site, with all of this study by thousands of man-hour of people and the Council approved this site. There are seven different alternatives within a period of 11 years, all of these, sections of the public and Council, if not all of them, were sold on at least five of them. It is his proposal, Mayor Marks stated, to introduce a resolution tonight. He stated, "I am merely pointing out that we are not confused but I sometimes find myself bewildered that what is right today, can conceivably not be right six months or six years or 16 years from now. I have always made my position clear on this thing so that everybody would know just where I stood. I have always said that if we are going to consider the city hall, that I think that the logical, sensible, intelligent place to put it was on the corner of 15th and I Streets between H and I--the entire block. If we are going to consider a civic center than we had better

pick out the LaLoma site--it is just as simple as that. I have been thinking lately along these lines. I wonder if I am wrong in this civic center concept. Certainly I know that I was wrong on the freeway concept because when they first told me about the submerged freeway going between 5th and 6th Street, I thought they were crazy, but after I examined it and pulled myself together and said the whole face of America is changed maybe I had better change too, then I started to get the feeling that America has changed, and I wonder if America has not changed a little bit with the concept of bunching these public buildings together. Speaking frankly, I am still having difficulty in my mind reconciling what difference the propinquity of an auditorium has to a city hall, other than the provision for parking facilities for city employees. What has a little theater got to offer, by being next door or close to a city hall and I wonder with the advent of television maybe the use for a very large auditorium, at least for the present interest of the community, is not perhaps right or wrong. I do not know, I will be honest with you. I know this that auditoriums are not a money making proposition and they are usually promulgated by the Chamber of Commerce for use as conventions. I notice that the Chamber of Commerce has not been represented here and have not asked for it on LaLoma and Burney Streets. In my opinion, this town needs an auditorium, whether we can afford it now or not is something else again. Ultimately, we are going to need one but why is there a reasonable reason because 50 years ago they were next door to city halls. They are not that way in all towns, is that any reason they should be that way now. I am bewildered and confused too, so I would propose this---I have a great deal of faith in the American people, if the American people get the facts, and I would propose a resolution."

(6) Final disposition.

Mayor Marks read the following resolution:

RESOLUTION NO. 56-203

A RESOLUTION RELATING TO THE SUBMISSION OF CERTAIN QUESTIONS PERTAINING TO THE SELECTION OF A CIVIC CENTER AND/OR CITY HALL SITE TO THE VOTERS AT A SPECIAL ELECTION

Introduced by Mayor Marks

Seconded by Robinson

Councilman Anderson stated he appreciated the position but he thought the predicament was here. However, he did not know whether this was the proper way to settle it. He stated that his own concept of submitting items to the people for vote was those of very large nature, such as the change of the charter, etc. He cited various instances where the Council had bought properties without a vote of the people. Mayor Marks pointed out that the Council had been in agreement on these issues.

Councilman Anderson pointed out that the Council members were the elected representatives of the people, supposed to be making up their minds, and coming up with an answer. He believed that if the Council did submit this to a vote of the people that they would be returning to the ancient type of representation.

Councilman Robinson stated since there was such a sharp difference of opinion and since it was a subject of such importance that the people should be given an opportunity to decide it.

Councilman Hammond considered that it would be a form of "passing the buck--shirking some of our responsibility and not meeting it head on."

Councilman Merrill stated he did not like the resolution; that elections would cost the city \$3,000 and delaying the construction was costing the city many thousands of dollars because of the scattering of the various offices throughout the city. He stated that as a Councilman

he did not wish to dodge this issue and he was ready to go ahead with it and that he was sold on the 15th Street location.

Councilman Arata stated the vote should be taken on the location tonight and not be voted by the people at an election because of the delay which would be incurred in holding an election.

Councilman Hammond considered that all the Council members should be aware in their thinking that they were just considering a city hall and that the civic center was another matter. In order to make a decision, he stated, it should be made clear "either we have a city hall or a civic center."

Mayor Marks called for the vote on the resolution at this time.

Ayes: Adams, Robinson and Mayor Marks

Noes: Anderson, Arata, Hammond, Merrill

Absent: None

Mayor Marks declared that the resolution did not carry.

Councilman Robinson introduced a resolution reaffirming the establishment of the LaLoma Area for a civic center and locating the city hall as soon as practicable within Site No. 1, designated by the committee in its studies. This resolution was seconded by Councilman Adams.

Mr. Nash, member of the audience asked if the city wanted to place the city hall on 15th Street that the civic center at the LaLoma site be left out since the property would still be there if needed later.

Councilman Anderson asked what disposition would be made of the joint committee report he submitted earlier in the evening. He asked that some action be taken by the Council on the report at this time.

The City Attorney pointed out that the matter pending before the Council was the resolution introduced by Councilman Robinson. He stated that there is nothing to require the Council to take any action to dispose of the report submitted by the Committee. Technically, the report is not pending, report was made, action could have been taken to affirm it or not, it has been received as such. So, he stated, it would be his feeling this resolution is still in order at the present time, and is properly pending before the Council. A vote was asked for on the resolution proposed by Councilman Robinson.

RESOLUTION NO. 56-204

A RESOLUTION REAFFIRMING THE DECISION OF THE COUNCIL THAT IT MADE IN RESOLUTION NO. 55-409 SELECTING THE LALOMA AREA AS THE AREA FOR THE ULTIMATE DEVELOPMENT OF THE MODESTO COMMUNITY CIVIC CENTER AND DESIGNATING SITE NO. ONE AS RECOMMENDED BY THE JOINT COMMITTEE AS THE SITE WITHIN WHICH THE NEW CITY HALL WAS TO BE CONSIDERED.

Introduced by Robinson

Seconded by Adams

Mayor Marks asked where this would leave people like him who believed that there is just going to be a city hall built alone that it ought to be on 15th and I Streets.

Councilman Robinson asked Mayor Marks if he believed that this community was stopped right now--that there will not be any further public buildings in Modesto.

Mayor Marks stated, "No, I don't", but that he could not yet see the connection of balancing up the proximity of buildings. "I do not want anyone to get the idea that I believe that Modesto operates from the 10th Street and J Street axis because I do not. I think that 10th Street and J Streets lives off Modesto, not Modesto off 10th and J Street, believe me. I want to make that very clear. I am thinking of service to the people in this community. I am thinking that there were only two people from the west side here tonight--that have had no voice in it. If I lived over there and came downtown and wanted to park my car, how do I get to the city hall. I would have to ride out H Street in all that traffic, and I don't care what they do--one-way streets or not---there is still going to be a lot of traffic."

Councilman Robinson stated, "I agreed with you and I supported you on your resolution to extend this to the public for a vote and I would like to see that done but this Council has taken action otherwise on the premise that we want action tonight."

Mayor Marks asked the City Clerk to call the roll on the resolution introduced by Councilman Robinson.

Ayes: Adams, Robinson

Noes: Anderson, Arata, Hammond, Merrill, Mayor Marks

Absent: None

RESOLUTION NO. 56-205

A RESOLUTION DESIGNATING THE SITE FOR THE CONSTRUCTION OF A NEW CITY HALL FOR THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 55-409

Introduced by Anderson

Seconded by Merrill

Councilman Hammond proposed an amendment to this resolution to provide that the city hall be built on the property owned by the city at present--one-half of the block. There was no second to the proposed amendment and Mayor Marks declared that the amendment died for a lack of a second.

Mayor Marks stated, "I believe this community should make provisions for a civic center and the type of buildings - cultural, recreational--should be put down in areas three and four of the Laloma area after due study by the Council. I am merely discarding the cultural area as far as a city hall is concerned. I cannot see that it is so important that a county health office be located next to a city hall, neither should, as a matter of fact, a little theater go there or some of the other cultural things or municipal swimming pool. I think because those things can logically go within that scope that Mr. Smeath pointed out as the cultural and recreational group, should be in there (Civic Center). When they will come I will not know--that depends upon this council and succeeding councils."

Mayor Marks recommended that the studies for a civic center go forward since the community needed one. He stated that in his opinion the 15th and I Street site was the best place for the city hall.

Councilman Robinson stated that if the city did not begin now on the civic center--if the city hall was not located in the civic center and by action tonight, the 15th Street site was selected by the Council as the site for the city hall, that the Council would be disposing of the civic center concept for sometime to come.

Mayor Marks introduced an amendment to Councilman Anderson's resolution to read, which was seconded by Councilman Merrill:

That the entire block be used as a city hall site and that the acquisition of the other one-half block be approved.

Before the vote was taken on the amendment to the resolution, Chester Spearing, W. R. Mitchel and Don Curtice spoke again urging that the Council build the city hall in the civic center area. Tod Campbell urged that the Council give up the idea of designating the LaLoma area as a civic center area unless the city hall was built in this area, as it would work a hardship on the property owners in the area.

Mayor Marks asked the City Clerk to call the roll on the amendment to the resolution.

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

Noes: Adams, Hammond Absent: None

- Mayor Marks declared the amendment carried.

The City Clerk called the vote on the resolution as amended.

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

Noes: Adams and Robinson

Absent: None

Mayor Marks declared the resolution carried.

Mayor Marks declared a recess at 12:45 A.M.

Mayor Marks reconvened the meeting at 12:50 A.M.

FINAL ADOPTION OF ORDINANCE NO. 86-C.S. (FIVE MEMBERS FOR BOARD OF ZONING ADJUSTMENT

ORDINANCE NO. 86-C.S., entitled

AN ORDINANCE AMENDING SECTION 10-2.1901 OF ARTICLE 19, TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE CREATION OF BOARD OF ZONING ADJUSTMENT"

introduced on May 9 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

PRELIMINARY REPORT ON TREE REMOVAL ON ACHOR COURT TO PERMIT RECONSTRUCTION OF CURBS AND GUTTERS TO EFFECT BETTER DRAINAGE OF SURFACE WATER

The City Manager reported that a written report would be sent to each Council member on the proposal for reconstruction of curbs and gutters on Achor Court to afford better drainage of surface water.

RESOLUTION APPROVING AND ACCEPTING THE FINAL MAP AND AGREEMENT ON COLLEGE DEVILLE SUBDIVISION

The City Attorney presented for Council consideration a resolution approving the final map of the College DeVille Subdivision and agreement for the development of the subdivision, as provided by Section 4-4.604 (c) of the Modesto Municipal Code.

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RESOLUTION NO. 56-206

A RESOLUTION APPROVING THE FINAL MAP OF THE COLLEGE DEVILLE SUBDIVISION OF THE CITY OF MODESTO

Introduced by Arata

Seconded by Anderson

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

Noes: None Absent: None

RESOLUTION AUTHORIZING PEAK HOUR PARKING RESTRICTION ON G AND H STREETS BETWEEN NINTH AND TENTH STREETS

As directed by the Council, Traffic Engineer Carmody reported that he had contacted the merchants, in the area between 8th and 10th Streets and G and H Streets, who would be affected by the proposed limited parking on the north side of G and H Streets, during the hours of 4:00 P.M. and 6:00 P.M., and that everyone but two were in favor of the proposal. He outlined his proposal for putting the resolution in effect immediately.

RESOLUTION NO. 56-207

A RESOLUTION ESTABLISHING NO PARKING ZONES ON THE NORTH SIDE OF G STREET AND H STREET BETWEEN EIGHTH STREET AND TENTH STREET IN THE CITY OF MODESTO

Introduced by Hammond

Seconded by Robinson

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

Noes: None Absent: None

AUTHORIZE PARKING IN FRONT OF COVELL THEATER EXCEPT DURING PERFORMANCE

RESOLUTION NO. 56-208

A RESOLUTION ESTABLISHING A NO PARKING ZONE ON THE NORTH SIDE OF J STREET BETWEEN TENTH STREET AND ELEVENTH STREET DURING PERFORMANCES AT THE COVELL THEATER AND RESCINDING RESOLUTION NO. 10,303-N.S.

Introduced by Anderson

Seconded by Hammond

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

Noes: None Absent: None

AUTHORIZE ERECTION OF YIELD RIGHT OF WAY SIGNS ON SIXTH STREET AT ITS INTERSECTION WITH G STREET IN THE CITY OF MODESTO

RESOLUTION NO. 56-209

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON SIXTH STREET AT ITS INTERSECTION WITH G 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 ERECTION OF YIELD RIGHT OF WAY SIGNS ON MYRTLE AVENUE AT ITS INTERSECTION WITH STODDARD AVENUE IN THE CITY

RESOLUTION NO. 56-210

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON MYRTLE AVENUE AT ITS INTERSECTION WITH STODDARD AVENUE 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

AUTHORIZE NO PARKING ZONES IN FRONT OF DRIVEWAYS AT J. S. WEST COMPANY ON NINTH STREET

RESOLUTION NO. 56-211

A RESOLUTION ESTABLISHING NO PARKING ZONES ON THE SOUTH SIDE OF NINTH STREET BETWEEN G STREET AND H 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

RESCIND BUS LOADING ZONE ON I STREET BETWEEN NINTH AND TENTH STREETS

RESOLUTION NO. 56-212

A RESOLUTION RESCINDING A PORTION OF RESOLUTION NO. 6782-N.S. ENTITLED 'A RESOLUTION ESTABLISHING BUS STOPS AT TENTH AND I STREETS AND ON I STREET BETWEEN NINTH AND TENTH STREETS'

Introduced by Robinson

Seconded by Arata

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

Noes: None Absent: None

SET TIME AND PLACE FOR HEARING ON PROPOSED ANNEXATION OF CAMPUS EDGE ADDITION TO THE CITY OF MODESTO

Pursuant to referring the petition of Joe Nunes, Jr. and Kathryn Nunes for the annexation of the Campus Edge Addition to the City of Modesto to the Modesto City Planning Commission for report and recommendation, Resolution No. 312 adopted by the Commission on May 15, recommending the commencement of annexation proceedings, was read. The City Attorney recommended 8:00 P.M., July 11 be set as the time for the public hearing.

RESOLUTION NO. 56-213

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

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

Noes: None Absent: None 5-23-56 Page 20

SET DATE AND TIME FOR PUBLIC HEARING FOR UNCLASSIFIED USE PERMITS

Resolutions No. 309, 310 and 311 adopted by the Modesto City Planning Commission on May 15, recommending to the Council the granting of an unclassified use permit to

Viola Johnson for the day care of five children, 718 First Street
Maxine Graham for the day care of three children, 326 N. Santa Ana
Joan Wadsworth for the day care of five children at 1024 Dartmouth Ave.

were considered by the Council.

The City Clerk recommended that the hearings be held on June 13 as follows:

Application of Viola Johnson at 8:15 P.M.
Application of Maxine Graham at 8:20 P.M.
Application of Joan Wadsworth at 8:25 P.M.

RESOLUTION NO. 56-214

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON UNCLASSIFIED USE PERMITS REQUESTED BY VIOLA JOHNSON; MAXINE GRAHAM, AND JOAN WADSWORTH FOR THE DAY CARE OF CHILDREN

Introduced by Anderson

Seconded by Robinson

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

Noes: None

Absent: None

CITY MANAGER SUBMIT PRELIMINARY BUDGET TO COUNCIL

The City Manager distributed copies of the proposed preliminary budget for the City of Modesto for the fiscal year July 1, 1956, to June 30, 1957, to the Council members for their study and further consideration.

PROPOSED MAJOR CITY STREET PROJECTS FOR FISCAL YEAR 1956-57 APPROVED

Director of Public Works Ray reviewed a summary of the proposed improvement for Major City Street projects for the fiscal year 1956-57 to be financed by gas tax funds which was being presented to the State Highway Department for approval.

RESOLUTION NO. 56-215

A RESOLUTION APPROVING THE PROPOSED IMPROVEMENTS FOR MAJOR CITY STREET PROJECTS FOR THE FISCAL YEAR 1956-57 AS SUBMITTED BY THE DIRECTOR OF PUBLIC WORKS AND AUTHORIZING ITS SUBMISSION TO THE STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS.

Introduced by Arata

Seconded by Anderson

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

Noes: None

Absent: None

ACCEPT DONATION OF \$150 FROM ALPHA OMEGA SORORITY FOR PURCHASE OF PLAY GROUND EQUIPMENT FOR BEARD BROOK PARK

RESOLUTION NO. 56-216

A RESOLUTION ACCEPTING DONATION OF \$150 FROM THE ALPHA OMEGA

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SORORITY FOR PURCHASE OF PLAY GROUND EQUIPMENT FOR BEARD
BROOK PARK AND AUTHORIZE MAYOR MARKS TO WRITE LETTER OF
APPRECIATION TO THE SORORITY

Introduced by Robinson

Seconded by Anderson

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

Noes: None

Absent: None

REPORT ON THE REQUEST TO THE STATE OF CALIFORNIA FOR A PERMIT FOR CITY
WATER SYSTEM

The City Manager reported that the city had received a proposed permit with specific conditions from the State Department of Public Health for permit for operation of the city water system, which was applied for an April 1, 1955. The staff wishes to check further with the State on the conditions which it is requesting before any formal action be requested by the Council, he stated.

REPORT FROM THE PLANNING COMMISSION ON STREET LIGHTS IN SUBDIVISIONS

Resolution No. 315 adopted by the Modesto City Planning Commission on May 22 recommending to the Council that an amendment to the Modesto Municipal Code, Title IV, subdivision regulations, be amended to require the installation of street lights by the subdivider of a design and location approved by the City Engineer, such requirements to apply to every subdivision for which a tentative map had not been approved by the Commission before May 1, 1956. The City Attorney presented for Council consideration an ordinance which would provide for the change in the code to provide this regulation.

ORDINANCE NO. 89-C.S., entitled

AN ORDINANCE AMENDING SECTION 4-4.802 OF ARTICLE 8, CHAPTER 4, TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO GENERAL REQUIREMENTS FOR IMPROVEMENTS IN SUBDIVISIONS

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

Moved by Anderson

Seconded by Arata

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

Noes: None

Absent: None

FURTHER DISCUSSION ON CITY HALL

The City Manager asked the Council if in the development of the specific plans for the City Hall on the 15th and I Street site whether it should be taken into account the possibility of a civic center area in and around that site.

MOTION

That the development of other public buildings in and around the city hall building should be taken into account, in planning the city hall building on 15th and I Street site, to whatever extent it is reasonable and feasible.

Introduced by Anderson Seconded by Mayor Marks Unanimously carried

The City Manager stated that he wished the Council to know that the staff was happy to have the location of the city hall decided as a

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matter of policy and that it would proceed with all due diligence.

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Adams, and it was unanimously carried that the Council meeting now in session adjourn. The meeting was adjourned at 1:05 A.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.

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. Donald Weston, pastor of the Bethel Church, gave the invocation.

Council members having received copies of the minutes of the Council meeting of May 16, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER OF RESIGNATION FROM RAY JONES, MEMBER OF THE PERSONNEL COMMISSION

A letter received from Ray W. Jones, resigning from the Personnel Commission, due to the press of business and personal affairs, was read.

RESOLUTION NO. 56-217

A RESOLUTION ACCEPTING THE RESIGNATION OF RAY W. JONES FROM THE PERSONNEL COMMISSION AND AUTHORIZING THE MAYOR TO WRITE A LETTER OF APPRECIATION

Introduced by Merrill

Seconded by Arata

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

Noes: None Absent: Anderson and Adams

RESOLUTION NO. 56-218

A RESOLUTION APPOINTING RICHARD LYNG A MEMBER OF THE PERSONNEL COMMISSION TO SERVE THE UNEXPIRED TERM OF RAY W. JONES TO JANUARY 1, 1957

Introduced by Arata

Seconded by Merrill

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

Noes: None Absent: Adams and Anderson

LETTER FROM N. E. NASH RE: SELECTION OF SITE FOR CITY HALL BUILDING

A letter from N. E. Nash, 314 Poplar Avenue, congratulating the Council on its selection of the 15th and I Street site for the city hall buildings was read and ordered filed.

(Councilman Anderson arrived at 4:05 P.M.)

LETTER FROM MRS. AILEEN CRABB OF THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

A letter from Aileen Crabb, member of the American Association of University Women (Social Studies Section) asking that the Forward Modesto Committee be reactivated for a period of 60 to 90 days to review its recommendations, re-evaluate its study, check on the progress made

and if, in its opinion priorities have changed, readjust its proposed schedule on priorities," was read.

The City Manager pointed out that a report would be submitted to the Council shortly, on the proposed capital improvement program. Mayor Marks suggested that any action on the suggestion be held in abeyance until the Council has approved the 56-57 budget. Councilman Robinson considered that it would not be the proper time to reactivate the committee during the summer vacation period. Councilman Anderson moved that the letter be filed, which was seconded by Councilman Merrill.

Mayor Marks recommended that the letter be acknowledged and Mrs. Crabb be advised that the Council believes that this is not the right time to reactivate the committee and that as soon as the time was right that the Council would discuss it further with the Association. Councilman Anderson changed his motion as follows:

MOTION

That a letter be sent to the Association along the lines discussed by the Council and that the letter from the Association be filed.

Moved by Anderson Seconded by Merrill Unanimously carried

(Councilman Adams arrived at the meeting at 4:15 P.M.)

DISCUSSION ON APPOINTMENTS TO COMMISSIONS AND BOARDS

Mayor Marks pointed out that there were a number of methods by which appointments could be made to boards and commissions and suggested that some agreement be reached by the Council at this time on the method to be used to avoid embarrassing situations. He pointed out the importance in appointing members on the boards who would be men of integrity and who would serve the best interests of the community. He suggested 1) that a good idea would be if each of the members write a name of a person, who would be suitable for an appointment, on a paper and submit it to the Mayor and the Council could go down the list of names to determine the appointment or 2) nominate and vote on each person separately. The Council agreed to follow the first procedure.

Councilman Hammond recommended that the Council consider the background and training of appointees to obtain a diversity of opinion on the boards. Before appointments are made the background of the present members should also be considered, he stated.

Before polling the written recommendations of the Council members, Mayor Marks reported that two names had been submitted. Four had listed the name of Dr. Raymond S. Shearn for member of the Planning Commission and three the name of Fred Rose.

RESOLUTION NO. 56-219

A RESOLUTION APPOINTING DR. RAYMOND S. SHEARN AS MEMBER OF THE MODESTO CITY PLANNING COMMISSION TO SERVE THE UNEXPIRED TERM OF E. GRAHAM MAY, TO JANUARY 1, 1957

Introduced by Robinson Seconded by Hammond

Ayes: Adams, Hammond, Robinson, Mayor Marks

Noes: Anderson, Arata, Merrill Absent: None

LETTER OF COMMENDATION TO BE SENT E. J. BOUNDEY FOR HIS FAITHFUL ATTENDANCE TO THE MEETINGS OF THE MODESTO CITY PLANNING COMMISSION

Mayor Marks noted that on the "Report on attendance of the Members of the Boards and Commissions" for period 7-1-55 to 6-1-56 that E. J. Boundey, member of the Modesto City Planning Commission had attended all of the 27 meetings held by the Commission.

Mayor Marks was authorized by the Council to write a letter to Mr. Boundey commending him on his faithful service to the community.

LETTER FROM GEORGE HANSEN - ASSOCIATED PLUMBING CONTRACTORS

A general Council discussion was held on a question raised by Mayor Marks---whether a letter addressed to him personally should be read and considered at a Council meeting. He reported that he had always operated on the premise that anything addressed to him as Mayor was public business. He suggested that in the future whenever a letter addressed to him personally raised any questions which were of public interest, he would raise this point only before the Council.

The City Attorney stated that there is no legal requirement that letters addressed to the Mayor as an individual be referred to the Council. When communications are addressed jointly to the Mayor and the Council, he stated, they constitute official communications and should be referred to the Council.

Councilman Anderson suggested that the Mayor make the decision himself whether a letter addressed to him should be presented for Council consideration.

Mayor Marks reported receipt of a personal communication from George Hansen, on behalf of the Associated Plumbing Contractors, objecting to the city's present practice of inspection. He cited instances where improper inspection had been made by the city personnel which would eventually result in loss to the property owner.

City Manager Miller reported on the meetings held with representatives from the Association on this matter and the progress being made to clear the misunderstanding. He stated that the matter was being presented to the Personnel Board at its next meeting. He explained that he had assumed the Association had agreed that the matter was being handled in a satisfactory manner and that the staff was proceeding in all good faith on this basis. As soon as the Commission's recommendation is available, he stated, it will be presented along with the proposals of the Association for the Council decision.

Mayor Marks suggested that a committee composed of two Councilmen, two members of the Commission and two of the Association could consider the problems to work out a recommendation for the Council's consideration.

The City Manager suggested that this be delayed until after the Commission meeting to determine whether there was a problem to be considered. He stated that the cases cited in Mr. Hansen's letter, of improper inspection, would be investigated.

SET TIME AND PLACE FOR PUBLIC HEARING ON PROPOSED AMENDMENT TO ZONING REGULATIONS RELATING TO CAR LAUNDRIES

With the unanimous consent of the Council, Attorney A. Frad was permitted to raise a matter which was not on the agenda. He stated that due to the time factor, he was requesting on behalf of his client that the Council start proceedings at this meeting to amend the zoning regula-

tions to permit car laundries in certain business zones, which had been under discussion by the Planning Commission for sometime and which had been approved at its meeting of Monday, June 4. He stated his client would like to get started as soon as possible during the summer season.

City Attorney Grimes reported that the Commission had unanimously approved the proposed amendment at a recent meeting but due to the holiday on Tuesday, its recommendation had not been placed on the agenda for this meeting. This proposed amendment, he stated, would permit car laundries in the C-2 Commercial Zone subject to the granting of a conditional use permit by the Board of Zoning Adjustment. He suggested the date of June 27, at 8:00 P.M. as the time for the public hearing on the amendment.

RESOLUTION NO. 56-237

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSED AMENDMENT TO ZONING REGULATION RELATING TO CAR LAUNDRIES

Introduced by Hammond Seconded by Merrill

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

Noes: None Absent: None

Planning Director Smeath reported that a complete file on the proposed amendment would be distributed to the Council members for study, before the hearing.

HEARING ON PROPOSED AMENDMENT TO IMPROVEMENT DISTRICT NO. 5 AMENDING THE WORK TO BE DONE AND CHANGING THE BOUNDARIES OF THE DISTRICT TO BE ASSESSED TO PAY FOR THE COST AND EXPENSES

Mayor Marks announced that the hour of 4:15 P.M. had arrived, the time set for the public hearing on the proposed changes in the work to be done in Improvement District No. 5, set forth in Resolution of Intention No. 252, and proposed changes in the boundaries of the district to be assessed to pay for the cost and expenses.

The City Clerk filed a certification that the notice of these proposed changes had been published in the official newspaper of the city, as provided by law and that no written protests had been filed.

Mayor Marks asked if there were any oral protests to be filed or if anyone wished to make any comments on the proposed changes.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 881-S.P.

A RESOLUTION AMENDING THE WORK TO BE DONE IN IMPROVEMENT DISTRICT NO. 5 OF THE CITY OF MODESTO AND CHANGING THE BOUNDARIES OF THE DISTRICT TO BE ASSESSED TO PAY FOR THE COST AND EXPENSES OF SAID WORK.

Introduced by Anderson Seconded by Adams

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

Noes: None Absent: None

AWARD BID FOR CONSTRUCTION OF SEWER LATERALS AND STREET LIGHT MATERIALS IN IMPROVEMENT DISTRICT NO. 5

A tabulation of the 11 bids received for the construction of san-
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itary sewer laterals and furnishing of street lighting materials for Improvement District No. 5 was distributed to the Council for its consideration. Director of Public Works Ray recommended that the bid, submitted by Joe D. Miller of Bakersfield of \$168,815.75, using alternate number two be accepted, as it was the lowest bid. He pointed out that the award would have to include the additional work caused by the enlargement of the District as previously approved at the public hearing. The total bid submitted, he stated, was based on the district as originally planned but the bids were on the unit basis and each bidder was notified at the time he was given the plans and specifications that there would be a possibility that the district would be enlarged and their bids were submitted with this in mind.

RESOLUTION NO. 882-S.P.

RESOLUTION OF AWARD OF CONTRACT

Introduced by Arata Seconded by Robinson

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

Noes: None Absent: None

ACCEPT RIGHTS OF WAY AND GRANT DEED RELATING TO IMPROVEMENT DISTRICT NO. 5

The City Attorney presented a right of way agreement with the Modesto Irrigation District granting permit to the city for a sewer line crossing of its lateral No. 2 pipe line east of Covena Avenue at Encina Avenue; grant deed from Jacob P. Immel and right of way agreement with Joe F. Madera, all relating to Improvement District No. 5.

RESOLUTION NO. 56-220

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT

Introduced by Adams

Seconded by Robinson

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

Noes: None Absent: None

RESOLUTION NO. 56-221

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND JOE F. MADERA

Introduced by Merrill

Seconded by Arata

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

Noes: None Absent: None

RESOLUTION NO. 56-222

A RESOLUTION ACCEPTING GRANT DEED FROM JACOB P. IMMEL, ET UX

Introduced by Robinson

Seconded by Adams

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

Noes: None Absent: None

COMPLAINT FILED BY RESIDENTS ON BURNING OF GARDEN REFUSE AT AIRPORT PROPERTY

A letter received from Dr. Donald P. LaTourette protesting to the severe air pollution caused by the burning of garden refuse at the city's dumping area on the north bank of Tuolumne River, was read. Dr. LaTourette, who was present, stated that the problem not only involved the residents on the south bank of the river but the whole community south of the river. He reported on his efforts during the past months to obtain relief from this situation, discussions with the Mayor, City Manager, Health Department, State Department of Public Health. He asked if some other area could be used for the disposal of the garden refuse.

The City Manager reported that the city had a rough problem to work out. He read a portion of the budget message which related to the matter. The City has tried to keep people out of the disposal area so that fires cannot be started. The Police have been asked to give special attention to keeping the area free of people, since it is impossible to stop the fire once they are started and many times they smolder for days.

Director of Public Works Ray reported that the department also received many complaints on this problem. He suggested four alternatives: 1) discontinue collection of garden refuse; 2) incineration (which would be very expensive); 3) removal of area to a distant site which would cost more money for equipment, manpower, and transportation; or 4) use the fill and cover method which would also be expensive. He pointed out that there would be no cheap solution available. He stated that the staff considered that it might try incineration on a pilot basis. He suggested that the staff meet with representatives of the State Health Department who may have additional suggestions which the staff has not considered. He pointed out that the problem was becoming worse as the area down wind from the dumping site was building up with homes. He stated that the problem occurs after the main burning has taken place as the smoldering of the wet materials continues for several days. He reported on the various methods which had been used by the department to relieve the situation, such as pushing the debris in a pile and trying to keep it separate, etc.

MOTION

That the matter be referred to the staff for study and report to Council and the staff work with the state and county with a view as to the best manner to alleviate this nuisance.

Moved by Anderson Seconded by Arata Unanimously carried

Dr. Ivan Martin requested that the time between the burnings be lengthened.

Mr. Ray stated that ordinarily it is done in this manner, 3-6 months apart and climatic conditions are taken into account.

Councilman Arata suggested that the area be posted against intruders.

Dr. M. J. Chaffin and H. C. McNeal, residents of the south bank of the river, also requested something be done to relieve the situation.

LETTER FROM RICHARD A. GAARD RE: CIVIC CENTER

A letter received from Richard A. Gaard relating to the civic center was read and ordered filed. The City Clerk was instructed to send Mr. Gaard a copy of the Mayor's letter of May 26, relating to the Council's decision to build the city hall at 15th and I Streets, and whether the concept of a civic center in Modesto was dead.

LETTER FROM CENTRAL VALLEY DIVISION - LEAGUE OF CALIFORNIA CITIES

A notification of the executive committee meeting of the Central Valley Division of the League of California Cities to be held Thursday, at 8:00 P.M., June 21, at the Map Room of the Hotel Covell, Modesto, was read.

LETTER FROM MODESTO BAND RELATING TO CONTRIBUTION

A letter was received from the Modesto Band asking for Council consideration in the 1956-57 Budget for the usual \$1200 annual contribution was noted and ordered held over for consideration at the time the budget was taken under advisement.

LETTER FROM DR. B. T. PARKINSON RE: RESERVED PARKING AREA

A letter received from Dr. B. T. Parkinson requesting a reserved parking area adjacent to his office at 139 N. Santa Cruz Avenue was ordered referred to the City Manager for study and report.

TELEGRAM FROM NATIONAL SAFETY COUNCIL

A telegram was received from G. C. Stewart, Executive Vice President of the National Safety Council advising that Modesto had been awarded certificates of achievement for accident records and public safety education in the 1955 Traffic Safety Award Program.

The City Manager reported that an item had been placed in the budget for a radar speed meter. He stated that a further report on the whole program of traffic would be submitted later to the Council with some suggestions for its consideration.

LETTER FROM MCHENRY AVENUE IMPROVEMENT ASSOCIATION, INC. RE: IMPROVEMENT OF MCHENRY AVENUE - WIDENING AND RECONSTRUCTION

A letter from the McHenry Avenue Improvement Association Inc., relating to the widening and reconstruction of McHenry Avenue was read.

The Association asked that the City of Modesto submit a letter, authorized by the Council, to the Division of Highways proposing that:

1. The City as representative of the property owners in the district involved would secure all rights of way for improvement of McHenry Avenue to a width of 80' between Needham Avenue and Griswold, and 86' from Griswold to Lateral No. 3 (approximate value \$630,000);
2. That this proposal would be submitted on the basis that the state would construct a street in accordance with Highway Standards, and construct the necessary storm drainage line on McHenry and outfall line to provide drainage (drain to be constructed from plans prepared by the city). The estimated cost of the street construction would be \$420,000 and of the storm drainage facilities \$600,000.

The letter stated that if such a letter was submitted by the city to the Division of Highways that the district office will include in its budget request for 1956-57 fiscal year, a project for the improvement of McHenry Avenue. It would be necessary in order to comply with the necessary schedule for improvement of McHenry Avenue next summer that all rights of way be acquired by April 1, 1957.

The Association agreed to 1) again canvass the property owners on McHenry Avenue requesting their signatures to deeds providing the necessary right of way without cost, and 2) at the same time request

those voluntarily providing the right of way that they sign a petition for creation of an Improvement District to provide right of way for this project. In the event that all properties cannot be acquired on a voluntary basis, the second document would be submitted to the City Council for initiation of an improvement district for rights of way acquisition. In this event all property owners would be paid for right of way acquired by the improvement district, and would in turn be assessed for the benefit received in a like amount.

Director of Public Works Ray reported that the state representatives had indicated that before they could present the proposed improvements as a part of the budget that it would be necessary that the city indicate its interest. He reported that he had contacted Eugene Sturgis, bond counsel, who had advised that this could be handled under the State Street Opening Act of 1903.

The City Attorney suggested that additional study be made before the city took a position on the matter. He outlined the difficulties involved if the city with its limited legal staff was required to obtain all the necessary rights of way prior to April, 1957. He stated since he had never had the opportunity to work under the 1903 Street Opening Act, that he would like to have an opportunity to study the act. He pointed out that during prior discussions it had been suggested that the state assume the responsibility of securing rights of way acquisitions. From the administrative angle, the state agency would be the best adapted to acquire these rights of way, he stated.

Douglas St. John, representing the Association, stated that the Association intended to do the leg work. The state has indicated that it would work on the legal aspects and acquisition of the rights of way if the Association did the leg work in getting the signature. Since the estimated cost of the project is approximately \$1,000,000, the state needs some indication from the Council before it puts the project in its budget. He urged speed in following through on the project and indicated that the Association was ready to go to work at once to obtain the rights of way and signatures on the petition for the improvement district.

Mr. Ray suggested that the Council authorize the staff to meet with the Council Committee, City Attorney, and the Association to go over details prior to the next Council meeting and prepare suggestions and recommendations for Council consideration.

MOTION

That the staff meet with the Council Committee and representatives of the Association and submit a recommendation to the Council on this request

Introduced by Adams Seconded by Merrill Unanimously carried

LETTER FROM AMOS S. BOMBERGER RE: PLANNING DEPARTMENT

A letter addressed to Mayor Marks from Amos S. Bomberger, former member of the Board of Freeholders, relating to appointment of personnel in the Planning Department was briefly discussed.

MOTION

That the Mayor be authorized to answer the letter explaining that the Council has full control of all the personnel in this city by the medium of the budget.

Introduced by Hammond Seconded by Merrill Unanimously carried

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LETTER FROM WILLIAM N WILLIAMS RE: CITY HALL SITE

Part of a letter from William N. Williams, to Mayor Marks, regarding the availability of the Modesto Hotel Building as a site for the City Hall and a method of financing the site was read and ordered filed.

AWARD BID ON INSTALLATION OF WATER LINES IN BEL-AIR SUBDIVISION

A tabulation of the seven bids received for the installation of the water lines in the Bel-Air Subdivision, which had been opened in the City Clerk's Office at 2:00 P.M., June 4, was considered by the Council. Director of Public Works Ray recommended that the bid of Manuel Smith of Atwater in the total amount of \$3,134.97, be accepted as it was the lowest bid submitted.

Councilman Robinson suggested that since the staff's report on the installation of water lines with city forces would be up for consideration shortly, that the award of the bid be delayed until that time.

Mr. Ray reported that in this case, both the engineer's estimate to do the work under contract and the estimate to do the work with city forces were higher than the bid submitted by Manuel Smith.

RESOLUTION NO. 56-223

A RESOLUTION ACCEPTING THE BID OF MANUEL SMITH ON THE INSTALLATION OF WATER LINES IN THE BEL-AIR SUBDIVISION

Introduced by Robinson Seconded by Merrill

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

Noes: None Absent: None

AWARD BID FOR INSTALLATION OF WATER MAINS IN LUNDQUIST SUBDIVISION

A tabulation of the six bids received for the installation of water mains in the Lundquist Subdivision, which had been opened in the City Clerk's Office at 2:30 P.M., June 4, was considered by the Council. Since the low bid submitted by Manuel Smith of \$1,739.22 was the lowest bid submitted and was below the engineer's estimate for installation by contract, the Director of Public Works suggested that this bid be accepted.

RESOLUTION NO. 56-224

A RESOLUTION ACCEPTING THE BID OF MANUEL SMITH ON THE INSTALLATION OF WATER LINES IN THE LUNDQUIST SUBDIVISION

Introduced by Merrill Seconded by Arata

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

Noes: None Absent: None

DELAY AWARD OF BID ON TRAFFIC SIGNALS

The City Manager reported that the agreement between the city and state for the sharing of costs for the installation of traffic signals at 14th and J Streets was still not cleared. He recommended delay in considering the bids received for traffic signals for this intersection and at 19th and H Streets.

APPROVE CALL FOR BIDS FOR PUBLICATION AND PRINTING OF OFFICIAL ADVERTISING FOR FISCAL YEAR ENDING JUNE 30, 1957

RESOLUTION NO. 56-225

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR THE PUBLICATION AND PRINTING OF THE OFFICIAL ADVERTISING OF THE CITY FOR THE FISCAL YEAR ENDING JUNE 30, 1957

Introduced by Robinson Seconded by Hammond

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

Noes: None Absent: None

The City Clerk recommended the bids be opened at 2:00 P.M., June 18. City Attorney Grimes was asked to again furnish a copy of his opinion relating to the award of a contract for official advertising to the Council for its information.

ADOPTION OF ORDINANCE NO. 89-C.S. AMEND CODE RELATING TO SUBDIVISIONS

ORDINANCE NO. 89-C.S. entitled

"AN ORDINANCE AMENDING SECTION 4-4.802 OF ARTICLE 8, CHAPTER 4, TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO GENERAL REQUIREMENTS FOR IMPROVEMENTS IN SUBDIVISIONS",

introduced on June 6, 1956, 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

INTRODUCE ORDINANCE APPROVING TRANSFER OF FRANCHISE RELATING TO BUS BENCHES TO TRANS AD TISE COMPANY

The City Attorney reported that the name of the Modesto Transit Advertising Company, operated by B. J. Forsythe, which had been granted an exclusive franchise for the right to place and maintain benches with advertising on the city streets and sidewalks, under Ordinance No. 62-C.S. had been changed to B. J. Forsythe, dba Trans Ad Tise Company. He presented for Council consideration an ordinance which would provide for this change in name.

ORDINANCE NO. 90-C.S. entitled

"AN ORDINANCE APPROVING THE TRANSFER OF AN EXCLUSIVE FRANCHISE FOR THE RIGHT, PRIVILEGE, AND PERMISSION TO PLACE, CONSTRUCT AND MAINTAIN BENCHES WITH ADVERTISING THEREON AT DESIGNATED LOCATIONS ON THE STREETS AND SIDEWALKS IN THE CITY OF MODESTO FROM B. J. FORSYTHE, DOING BUSINESS AS MODESTO TRANSIT ADVERTISING COMPANY TO B. J. FORSYTHE, DOING BUSINESS AS THE TRANS AD TISE COMPANY"

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

ADOPTION OF ORDINANCE NO. 87-C.S. AMEND SECTION MAP 17 OF THE ZONING MAP

ORDINANCE NO. 87-C.S., entitled

"AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"

introduced on May 16, 1956, 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 Robinson .

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

Noes: None

Absent: None

ORDINANCE AUTHORIZING PURCHASE OF WELL SITE FROM MODESTO HIGH SCHOOL DISTRICT

The City Attorney presented for consideration, as directed by the Council, an emergency ordinance which would authorize the purchase of a site for the construction of a water well from the Modesto High School District located on the Downey High School area.

ORDINANCE NO. 91-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE MODESTO HIGH SCHOOL DISTRICT OF STANISLAUS COUNTY"

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

Moved by Anderson

Seconded by Arata

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

Noes: None

Absent: None

APPROVE AMENDMENT TO POSITION CLASSIFICATION PLAN OF THE CITY OF MODESTO AND APPROVE POSITION CLASSIFICATION OF LABORATORY TECHNICIAN

The City Manager presented for Council consideration specifications for the position classification of Laboratory Technician (Sewage Treatment Plant), which had been approved by the Personnel Commission, and recommended the amendment of the Position Classification Plan of the City of Modesto, to include this new class.

RESOLUTION NO. 56-226

A RESOLUTION AMENDING THE POSITION CLASSIFICATION PLAN OF THE CITY OF MODESTO

Introduced by Hammond

Seconded by Robinson

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

Noes: None

Absent: None

ACCEPT EMERGENCY FLOOD REPAIRS TO LEVEES AT SEWAGE TREATMENT PLANT FROM M. J. RUDDY & SON

The City Manager reported completion of the emergency flood repairs, in amount \$2,546.38, to the levees at the Sewage Treatment Plant, by M. J. Ruddy & Son, authorized by the Council. He recommended that the work be accepted

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as complete, payment be authorized to M. J. Ruddy & Son, Notice of Completion be filed with the County Recorder, and the funds be transferred from the General Reserve pending receipt of funds from the federal government.

RESOLUTION No. 56-227

A RESOLUTION ACCEPTING THE EMERGENCY FLOOD REPAIRS TO THE LEVEES AT THE SEWAGE TREATMENT PLANT FROM CONTRACTOR M. J. RUDDY & SON, AUTHORIZE PAYMENT AS DUE AND FILING OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER

Introduced by Arata

Seconded by Hammond

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

Noes: None Absent: None

RESOLUTION NO. 56-228

A RESOLUTION AUTHORIZING THE TRANSFER OF \$2547 FROM THE GENERAL RESERVE TO PUBLIC WORKS DEPARTMENT - SEWAGE DISPOSAL DIVISION CAPITAL OUTLAY

Introduced by Merrill

Seconded by Adams

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

Noes: None Absent: None

APPROPRIATION TRANSFER OF FUNDS DONATED TO CITY BY ALPHA OMEGA SORORITY FOR PLAYGROUND PARK EQUIPMENT FOR BEARD BROOK PARK

RESOLUTION NO. 56-229

A RESOLUTION AUTHORIZING THE APPROPRIATION OF DONATION MADE BY THE ALPHA OMEGA SORORITY FOR PLAYGROUND PARK EQUIPMENT FOR BEARD BROOK PARK

Introduced by Robinson

Seconded by Adams

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

Noes: None Absent: None

AUTHORIZE REFUND OF ADMISSION TAX PAID IN ERROR BY THE MODESTO JUNIOR COLLEGE

The City Manager recommended that the claim of the Modesto Junior College in the sum of \$290.73 for refund of admission tax paid in error, be allowed.

RESOLUTION NO. 56-230

A RESOLUTION AUTHORIZING REFUND OF CITY ADMISSION TAXES PAID IN ERROR BY THE ASSOCIATED STUDENTS OF THE MODESTO JUNIOR COLLEGE :

Introduced by Robinson

Seconded by Arata

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

Noes: None Absent: None

CONSIDERATION OF PROPOSED BUDGET FOR FISCAL YEAR 1956-57a- Correction in proposed budget

Corrected copies of Page 3 of the 1956-57 Preliminary Budget entitled "Summary of 1956-57 Budget by Funds" were distributed to the Council members for insertion in their copies of the budget showing the totals as follows:

	<u>Interfund Transfers</u>	<u>Total Property Tax Revenue</u>	<u>Unsecured Tax Levy</u>	<u>Secured Tax Levy</u>
Totals	.00	\$695,230	\$66,450	\$628,780

b- Supplemental budget request from Library

Carl Hamilton, Librarian, reported that the preliminary city budget for the library included the same number of personnel as was presently operating the library. He displayed a chart showing the personnel hired by the city and by the county and the increase in circulation during the past three years. He stated that he wished to present a supplemental budget request to increase the number of persons working at the library in order to provide additional help during the rush hours, the rush season, and the mending shops. If the County Board of Supervisors authorizes the proposed increase, the account for contractual services will have to be increased by \$2900 to a total of \$5,000.

Mr. Hamilton also proposed the purchase of a bulletin board to be mounted in front of the library to announce special library events and special meetings of the Council, the cost of the board to be approximately \$450. Plans for a west side library branch have not yet cleared the Planning Department, he stated. This will also be proposed as a supplemental budget item for consideration.

The City Manager reported that the budget had been prepared upon the existing tax rate. There will be a reduction in the rate on the bonded indebtedness. Depending upon what the Council decides to do on the Library, he stated, it may be possible to reduce that rate. There is a possibility of four cent differential in the tax rate if all of these are taken into account.

c- Consider setting date for budget hearing

Councilman Hammond proposed, which was generally agreeable that the Council discuss a portion of the preliminary budget at the meeting of June 13 and a portion at the meeting of June 20 and the date for the public hearing be set for June 27, at 8:30 P.M.

RESOLUTION NO. 56-231

A RESOLUTION SETTING THE DATE FOR THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1956-57

Introduced by Merrill

Seconded by Anderson

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

Noes: None Absent: None

RESOLUTION AMENDING CONTRACT WITH THE STATE EMPLOYEES' RETIREMENT SYSTEM

RESOLUTION NO. 56-232

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING AN AMENDMENT TO THE CONTRACT PROVIDING FOR THE PARTICIPATION OF THE CITY OF MODESTO, IN THE STATE EMPLOYEES' RETIREMENT SYSTEM, MAKING ITS EMPLOYEES MEMBERS OF SAID SYSTEM

Introduced by Robinson

Seconded by Adams

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

Noes: None

Absent: None

CITY TO REQUEST COUNTY TO PLACE BOND ISSUE ON NOVEMBER BALLOT

Mayor Marks pointed out that the apparent reason for the failure of the county bond issue for bridges and roads to carry at the recent election was due to the fact that the people were not certain of the method of financing the bond and that there might be a possibility of an increase in the ad valorem tax. He suggested that the Council adopt a resolution requesting the Board of Supervisors, 1) adopt a uniform sales tax; 2) that the \$5,000,000 bridge and road bond issue be placed on the November ballot; and 3) that whatever portion of the proceeds from the uniform sales tax is necessary be used to retire the bonds.

MOTION

That the City Attorney be instructed to prepare a resolution along these lines for Council consideration at its next meeting.

Moved by Mayor Marks

Seconded by Arata

Unanimously carried

Mayor Marks recommended that the fact that the cities of Stanislaus County have already volunteered to contribute the 5% of the 1% collected within the city limits, be included. Mayor Marks agreed to check with the various cities again before the Resolution was adopted.

TRAFFIC MATTERS

- (a) Stop signs on K Street at 11th Street, on 12th Street at K Street and 13th Street at K Street

RESOLUTION NO. 56-233

A RESOLUTION ESTABLISHING STOP SIGNS ON CERTAIN 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

- (b) Prohibit left turns at Ninth and G Streets and Ninth and H Streets between the hours of 4 P.M. and 6 P.M.

RESOLUTION NO. 56-234

A RESOLUTION PROHIBITING SPECIFIC TURNING MOVEMENTS AT THE INTERSECTIONS OF NINTH STREET AND G STREET AND NINTH STREET AND H STREETS 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

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(c) Diagonal parking on I Street between Sixth and Eighth Streets
and between Ninth and Tenth Streets

RESOLUTION NO. 56-235

A RESOLUTION DESIGNATING ANGLE PARKING ON BOTH SIDES OF I STREET BETWEEN SIXTH STREET AND EIGHTH STREET AND BETWEEN NINTH STREET AND TENTH STREET 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 pointed out that the state wished reassurance that the city planned to establish one way street system on certain streets since the plans being drafted for the freeway through the city were on the basis of the diamond type intersection instead of the cloverleaf type. He demonstrated the difference in the two types and the Council were in general agreement that one way streets would be instituted, so that the diamond intersection could be used which would result in less land being utilized at the intersection.

AUTHORIZE THE TRANSFER OF \$15,000 FROM THE LIBRARY FUND TO THE LIBRARY CASH BASIS FUND

The City Manager recommended the adoption of a resolution authorizing the transfer of funds from the Library Fund to the Library Cash Basis Fund to finance library operations from July through January pending receipt of taxes.

RESOLUTION NO. 56-236

A RESOLUTION AUTHORIZING THE TRANSFER OF \$15,000 FROM THE LIBRARY FUND TO THE LIBRARY CASH BASIS FUND

Introduced by Robinson

Seconded by Anderson

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

Noes: None Absent: None

VOTE ON RESOLUTION APPOINTING DR. RAYMOND S. SHEARN MEMBER OF THE MODESTO CITY PLANNING COMMISSION

Councilman Arata suggested that the vote on the resolution appointing Dr. Shearn on the Planning Commission be changed so that it would show that all members had voted unanimously on his appointment. A brief discussion was held on the method of appointing members on boards, with Councilman Hammond commenting that there should be some opportunity afforded the Council to discuss these appointments informally, and with Councilman Adams suggesting that the nominations be made or names suggested at one meeting and the appointment be held over until the next meeting so that the Council members could investigate the people between the meetings.

The City Attorney reported that the vote on the resolution appointing Dr. Shearn (Resolution No. 56-219) could be made unanimous if one of the persons proposing the resolution would introduce a motion to reconsider the vote on the resolution and the motion carried.

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MOTION

That the vote of the Council on the adoption of Resolution No. 56-219 appointing Dr. Shearn a member of the Planning Commission be reconsidered.

Moved by Hammond Seconded by Adams Unanimously carried

Mayor Marks again called the vote on Resolution No. 56-219:

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

PROGRESS REPORT ON NEW GOLF COURSE

The City Manager reported that a meeting had been held between the staff and members of the Golf Association to discuss the use of the advance green fees collected by the Association. Don Lapan has been named as the Association representative for the city to contact and work out arrangements. A number of changes have been offered by members of the Association on the development of the 18 hole course which will be presented to Architect Bell for consideration if he sees fit to use them.

ANNOUNCEMENT OF CALIFORNIA STATE CHAMBER OF COMMERCE MEETING IN MODESTO

An announcement received from the California State Chamber of Commerce advising that arrangements had been completed for the caravan tour of State Highways in Central Valley Council counties and the business meetings to gather the annual highway project recommendations for formal submission to the State Highway Commission and that the caravan would hold a dinner meeting June 14 at 5:30 P.M. at Hotel Covell.

GRANT PERMIT TO CITY CLERK TO ATTEND CITY CLERK'S INSTITUTE IN SAN JOSE

MOTION

That City Clerk Gailfus be granted permission to attend the City Clerk's Institute of the League of California Cities being held in San Jose, June 13, 14, 15.

Moved by Adams Seconded by Robinson Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Adams Seconded by Anderson Unanimously carried

ATTEST:


REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

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

Absent: Adams

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

Mrs. Clarke Coffee of the Unitarian Church gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of May 23, 1956, and the same being available for public inspection, Mayor Marks requested that the following correction be made on Page 17, as follows:

"Mayor Marks stated, 'I believe this community should make provisions for a civic center and the type of buildings - cultural, recreational--should be put in areas three and four of the LaLoma area after due study by the Council. I am merely discarding the cultural area as far as a city hall is concerned. I cannot see that it is so important that a county health office be located next to a city hall, neither should, as a matter of fact, a little theater go there or some of the other cultural things or municipal swimming pool. I think because those things can logically go within that scope that Mr. Smeath pointed out as the cultural and recreational group, should be in there (Civic Center). When they will come I will not know--that depends upon this Council and succeeding Councils."

MOTION

That the Minutes be approved as corrected.

Moved by Robinson Seconded by Anderson Unanimously carried

The Minutes of the meeting were approved as corrected.

(Councilman Merrill arrived at 7:35 P.M.)

LETTER FROM FOURTH OF JULY CELEBRATION COMMITTEE RE: REVIEWING STAND ON EYE STREET

A letter from Cal Purviance, Parade Chairman, 4th of July Celebration Committee, requesting that the Council grant permission that:

1. Eye Street, between 11th & 12th Streets be barricaded on July 4th from 9:30 A.M. to 5:30 P.M.;
2. The reviewing stand be erected by the City on Eye Street adjoining the Courthouse;
3. A public address system be erected on the reviewing stand for use during the celebration.

MOTION

That the request of the 4th of July Committee be approved.

Moved by Anderson Seconded by Robinson Unanimously carried

LETTER FROM JOINT INDUSTRY, BUSINESS AND PROFESSIONAL COUNCIL

The City Manager read a letter which had been received by Fred Lawrence, Director of Finance, from John A. Rollins, Executive Secretary of the Joint Industry, Business and Professional Council, which introduced Mr. Frank Denny, Certified Public Accountant, who was directed by this organization to make an audit of the personal expense accounts of City Manager Ross Miller for the period from June 1, 1955, to and ending May 31, 1956.

The City Manager pointed out that the records had been made available to Mr. Denny. He stated that in order to keep the record straight, he would like to have the Council ask the city's independent certified public accountant to check the same records and make a report to the Council as to whether or not they are in order.

MOTION

That the Council ask the city's independent certified public accountant to check the personal expense account of the City Manager for the period from June 1, 1955, and ending May 31, 1956, and to make a report to the Council as to whether or not they are in order.

Moved by Robinson Seconded by Anderson Unanimously carried

It was generally agreed by the Council that no reply was necessary to the letter since the organization had obtained the information which it had requested.

The correct procedure to obtain factual information on the operation of the City, by private citizens and Council members was discussed. The following points were brought out in the discussion:

1. That the citizens should not have to go to the Council for information that the staff can supply;
2. Any individual citizen can ask for public records if they have a valid reason for them;
3. The Council members should deal with department heads through the City Manager;
4. Any individual citizen or member of the Council has the right to ask for information from the staff and then if they are not satisfied they can go to the Council.

The City Manager pointed out that many records of the City are confidential, such as the list of business licenses and dog licenses, and are not given out to the general public.

ACCEPT BID OF COLLINS ELECTRICAL CO., INC., FOR CONSTRUCTION OF STREET LIGHTING SYSTEM IN THE FREMONT, GRANGER AND COLLEGE VILLAGE AREA

A tabulation of the three bids received for the construction of a street lighting system in the Granger, Fremont and College Village Area (Improvement District No. 3) which had been opened on June 11, at 2:00 P.M. were considered by the Council.

The Director of Public Works discussed the bids which had been submitted on a cost plus basis, and pointed out that the bid submitted by Collins Electrical Company, Inc., of a maximum payment total of \$22,222.22 with overhead at 5% and profit at 10% was the lowest bid received. He reported that based on an anticipated 5% increase in salaries, assuming the work were done by the city, the revised estimate would now be \$16,690.

The City Manager pointed out that if the Council awarded the bid to the company that it would be necessary to make some budget adjustments and transfers of funds which would be presented later for Council consideration.

RESOLUTION NO. 56-244

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL CO. INC., FOR THE CONSTRUCTION OF A STREET LIGHTING SYSTEM IN THE FREMONT, GRANGER, AND COLLEGE VILLAGE AREA

Introduced by Hammond

Seconded by Anderson

Before the vote was called by Mayor Marks a general Council discussion ensued.

Mayor Marks objected to awarding the bid to the company because of the large difference between the city's cost and the company's cost, \$5,529, which would mean one and one-quarter cents on the tax rate. He questioned if it would not be better to have a test case on the installation as suggested previously by the Public Works Department.

MOTION

That the work be done by city forces, that the city invite the contractors to have a man on the job continuously during the construction and that labor have a man to check on the work.

Moved by Mayor Marks

Mayor Marks stated that he recognized the funds of the labor organizations were limited and he offered to donate five months of his salary as Mayor (\$100) to the labor unions toward the salary of a man who could stay on the job constantly. The reason for this offer he stated, is due to the large difference in costs ---28%.

Councilman Merrill expressed concern about the concept of bidding--that the city would not receive bids if it operated in this manner.

Councilman Hammond reported that after his inspection of the costs as prepared by the Public Works Department, he was satisfied that the estimates were correct, but he objected to a test case. He pointed out that this particular job had a few peculiarities which made it possible for the city to do it cheaper than the contractor. At the same time, he stated, the city has a principle of bidding set up in its charter and it should not take the good bids and throw out the bad ones. He recommended that the Council examine its policy on two items that come up for bids---electrical installation and water line installation. The Council must have a policy to handle these. The nature of the work is such that in most instances the city can do it cheaper than a private contractor.

Mayor Marks pointed out that this particular project was different since it was an improvement district that went in when the city was paying for the installation costs out of the general fund. The City Manager pointed out that there were other areas which the city was also committed.

Councilman Robinson reminded the members that a report was underway by the Public Works Department which would give the Council the reasons why, on some of these electrical installations and water line installations, that it may be advantageous to the taxpayers of the community for the city to continue to do the work. He stated that he would like to amend the motion of Mayor Marks' to defer action on the bid pending receipt of the report from the Department of Public Works and have the Council give consideration to the report. He stated that he considered the difference in the cost too great, and that he could not vote in favor of awarding the bid.

There was a general Council discussion on bids received last week where the Engineer's estimate was higher than the contractors bid.

Councilman Robinson stated that the Council was elected to protect the interest of 30,000 people and when a bid was received that would be advantageous to the city that the Council was duty bound to accept the bid but that he could not agree with the principle that the Council must accept the bad ones along with the good ones.

Councilman Hammond pointed out that the charter provided for the calling of bids for any project over \$1500 and that this was for the protection of the public as a whole. He contended that an engineer's estimate and a contractor's bid was a calculated guess, based on their skill. He pointed out that this project had been under consideration for a long time, that it had been agreed to handle it on a cost plus basis, that bids had been received, and that the contractor would exercise all due care and if possible shave under the maximum limit of \$22,222.22.

Councilman Robinson stated that if, as Councilman Hammond had stated, that there were certain conditions peculiar to this type of job which indicated that the city could do the work cheaper, that it should be the policy of the Council that the work be done with city forces. If there is to be a savings affected, he stated, it is the Council's responsibility to consider this in ordering the work done.

Mayor Marks asked for a vote on his motion, which had been amended by Councilman Robinson to provide

MOTION

That the awarding of the bid be held over for one week until the report was submitted by the Department of Public Works.

Before the vote was taken the City Attorney reminded the Council that there were only five Council members present and that the charter provided that no ordinance or resolution shall be passed or become effective unless it has at least four affirmative votes of the Council. The Council generally agreed that the calling of the vote on the motion would be delayed until the arrival of Councilman Arata.

Later in the meeting after Councilman Arata had arrived (8:30 PM) the various Council members briefly reviewed their arguments on the matter and Mayor Marks called for a vote on the motion and declared that the motion did not carry. He then called for a vote on the resolution accepting the bid submitted by Collins Electrical Co. Inc.

Ayes: Anderson, Arata, Hammond, Merrill

Noes: Robinson and Mayor Marks Absent: Adams

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR WATER LINE INSTALLATION IN THE COLLEGE DE VILLE SUBDIVISION

Plans and specifications for the installation of water lines in the College De Ville Subdivision were presented for Council approval. The Director of Public Works pointed out that the previous report requested by the Council related to the installation of water lines only. Council generally agreed that the report to be submitted for policy determination should include both water line installations and electrical installations.

The City Manager pointed out that it would be necessary to revise the budget if the installation of water lines was to be done by contract instead of City forces.

Mayor Marks briefly reviewed a prior Council discussion on the transitional period on projects on which the City had a prior commitment.

RESOLUTION NO. 56-238

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE INSTALLATION OF WATER LINES IN THE COLLEGE DE VILLE SUBDIVISION

Introduced by Hammond

Seconded by Robinson

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

Noes: None

Absent: Adams and Arata

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF A COOLING SYSTEM AT THE L. J. MADDUX YOUTH CENTER

RESOLUTION NO. 56-239

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE FURNISHING AND INSTALLATION OF FOUR (4) EVAPORATIVE COOLERS AT THE L. J. MADDUX YOUTH CENTER AT THIRD AND SIERRA DRIVE

Introduced by Anderson

Seconded by Merrill

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

Noes: None

Absent: Adams and Arata

APPROVE ANNEXATION OF MARK TWAIN ADDITION TO THE CITY OF MODESTO

The hour of 8:00 P.M. having arrived, the time set for the public hearing on the proposed annexation of Mark Twain Addition to the City of Modesto, Mayor Marks declared the hearing open.

The City Clerk filed a certification that Resolution No. 56-169, giving notice of the proposed annexation and fixing the time and place for hearing objections had been published as provided by Annexation of Uninhabited Territory Act of 1939, as amended; that written notice was mailed to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll; and that no written protests had been filed.

Mayor Marks asked if there were any oral protests or comments to be made. Mayor Marks declared the hearing closed. Resolution No. 307 adopted by the Modesto City Planning Commission on April 24, 1956, recommending to the Council the commencement of annexation proceedings of the Mark Twain Addition was read.

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EMERGENCY ORDINANCE NO. 92-C.S., entitled

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

was moved and order printed and published by the following vote:

Moved by Merrill

Seconded by Hammond

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

Noes: None

Absent: Adams and Arata

The City Manager reported that the staff was working with the subdivider to provide a park area adjoining the school. He stated that the subdividers have proposed a basis on which the City can acquire a well site and an option for a park area. He stated that all the details were not worked out at the present time and that a report would be submitted to the Council at a later date.

HEARING ON REQUEST OF VIOLA JOHNSON FOR UNCLASSIFIED USE PERMIT FOR DAY CARE OF CHILDREN AT 718 FIRST STREET

Mayor Marks announced that the hour of 8:15 P. M. had arrived, the time set for the public hearing on the request of Viola Johnson for an unclassified use permit for the day care of five children, ages infants to eight years, at 718 First Street.

The City Clerk reported that notices of the public hearing had been mailed to all property owners within 300 feet radius, as provided by the Municipal Code, and that no written protest had been filed.

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

Resolution No. 309 adopted by the Modesto City Planning Commission on May 15, 1956, recommending to the Council the granting of the permit to Mrs. Johnson, was read.

RESOLUTION NO. 56-240

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO VIOLA JOHNSON FOR THE DAY CARE OF FIVE CHILDREN AT 718 FIRST STREET, MODESTO.

Introduced by Merrill

Seconded by Anderson

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

Noes: None

Absent: Adams and Arata

FINAL ADOPTION OF ORDINANCE NO. 88-C.S. - AMENDING SECTION MAP 20 OF ZONING MAP

ORDINANCE NO. 88-C.S., entitled

"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"

introduced on May 23, 1956, 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 Anderson

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

Noes: None

Absent: Adams and Arata

CONSIDER PURCHASE OF RECORDING EQUIPMENT FOR COUNCIL MEETINGS

A brief summary of the analysis made by the Purchasing Department on various recording machines which had been tested in the Council Chamber was given by the City Manager. He reported that the Clerk's Department recommended the purchase of the Dictaphone machine, with dual unit, fully automatic, and with all necessary controls and connections, at the cost of \$875.00 plus tax. This recommendation was based on the possibility that the machine could be interchanged between departments. The City Manager also recommended the purchase of this machine.

RESOLUTION NO. 56-241

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER FROM
GENERAL RESERVE TO CITY CLERK AND AUDITOR, CAPITAL
OUTLAY, RECORDING EQUIPMENT

Introduced by Anderson

Seconded by Merrill

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

Noes: None

Absent: Adams and Arata

The City Manager suggested, to which the Council generally agreed, that the minutes of the Council meetings could be much briefer as soon as the machine was placed in operation.

HEARING ON REQUEST OF MAXINE GRAHAM FOR UNCLASSIFIED USE PERMIT
FOR DAY CARE OF CHILDREN AT 326 N. SANTA ANA

Mayor Marks announced that the hour of 8:20 P. M. had arrived, the time set for the public hearing on the request of Maxine Graham for an unclassified use permit for the day care of three children, ages three and one-half to four and one-half, at 326 N. Santa Ana.

The City Clerk reported that notices of the public hearing had been mailed to all property owners within 300 foot radius, as provided by the Municipal Code, and that no written protest had been filed.

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

Resolution No. 310 adopted by the Modesto City Planning Commission on May 15, 1956, recommending to the Council the granting of the permit to Mrs. Graham was read.

RESOLUTION NO. 56-242

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO MAXINE
GRAHAM FOR THE DAY CARE OF THREE CHILDREN AT 326 N. SANTA
ANA, MODESTO

Introduced by Hammond

Seconded by Merrill

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

Noes: None

Absent: Adams and Arata

6-13-56 Page 7

AUTHORIZE PAYMENT OF \$1,250 TO THE CALIFORNIA RELAYS COMMITTEE

The City Manager read a letter from Tom Jensen, Treasurer, California Relays, requesting payment of the money allotted by the City for the Relays (\$750.00 budget plus \$500.00 additional granted at the Council meeting of April 18, 1956).

MOTION

That the request of the California Relays for payment of the money allotted by the City for the Relays be granted.

Moved by Merrill Seconded by Hammond Unanimously carried

REPORT ON CAVIL DRAIN

Director of Public Works Ray reported that Councilman Adams and he had discussed the Cavil Drain matter further with the M.I.D. Board, on Friday, June 8, and they had agreed as follows:

1. That it would approve an 80 foot right of way for College Avenue, the section abutting the Bel Air Subdivision No.2, with the provision of a 40 foot street, curb to curb, with the curb line being 10 feet from the easterly side of the street, leaving 30 feet of space on the westerly side. Drain lines to that section could be placed somewhere on the westerly side of the street,

2. ~~That the same provisions would apply to the North Gate Addition~~ with the condition that no trees be planted in the portion of the right of way on the west side of the curb line of College Avenue. Also through the North Gate Addition, an 80 foot right of way for that street would be provided for 60 feet between curbs. In both cases prior easement right would be given to M.I.D.

MOTION

That the proposals of the M.I.D., as set forth above, for the Bel Air Addition No. 2 and that the North Gate Addition be approved as reported by the Director of Public Works.

Moved by Hammond Seconded by Robinson Unanimously carried

HEARING ON REQUEST OF JOAN WADSWORTH FOR UNCLASSIFIED USE PERMIT FOR DAY CARE OF CHILDREN AT 1024 DARTMOUTH AVENUE

Mayor Marks announced that the hour of 8:25 P.M. had arrived, the time set for the public hearing on the request of Joan Wadsworth for an unclassified use permit for the day care of five children, ages infants to six years, at 1024 Dartmouth Avenue.

The City Clerk reported that notices of the public hearing had been mailed to all property owners within 300 feet radius, as provided by the Municipal Code, and that no written protest had been filed.

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

Resolution No. 311 adopted by the Modesto City Planning Commission on May 15, 1956, recommending to the Council the granting of the permit to Joan Wadsworth, was read.

RESOLUTION NO. 56-243

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO JOAN WADSWORTH FOR THE DAY CARE OF FIVE CHILDREN AT 1024 DARTMOUTH AVENUE, MODESTO

Introduced by Anderson

Seconded by Adams

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

Noes: None

Absent: Adams and Arata

CONSIDER RESOLUTION RELATING TO COUNTY BRIDGES AND ROAD BOND PROPOSITION

As directed by the Council the City Attorney presented the following resolution:

RESOLUTION NO. 56-245

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY RESUBMIT THE BRIDGE AND ROAD BOND PROPOSITION TO A VOTE OF THE PEOPLE AND ADOPT A UNIFORM LOCAL SALES AND USE TAX ORDINANCE

Introduced by Mayor Marks

Seconded by Arata

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

Noes: None

Absent: Adams

FURTHER REPORT ON MC HENRY AVENUE IMPROVEMENTS

The City Manager reported on a recent meeting held in Stockton which had been attended by representatives of the Division of Highways and McHenry Avenue property owners, Eugene K. Sturgis, bond counsel, and members of the City staff, to discuss the possible improvements for McHenry Avenue from Needham Avenue to M.I.D. Lateral No. 3. He stated that it was proposed to request the Division of Highways, District X, to present this matter to its Sacramento Office and then to the State Highway Commission. He read a draft of a proposed letter for Council consideration and approval which was to be sent by him to J. G. Meyers, District Engineer, of the Division of Highways.

The City Manager stated that after considerable discussion it was decided that the most logical procedure would be to acquire the rights of way locally, and for the State to provide the drainage in lieu of providing the rights of way. The property owners in this area, he stated, have offered to provide the rights of way by voluntary means and if necessary, as a final alternative, to use an improvement district procedure.

The City Manager suggested that in line with the City's standard policy in widening of streets, the City undertake, as its portion of the project, to pay for costs involved to the building improvements which extend beyond the new rights of way line on the basis that the cost be limited to \$50,000.

The City Manager pointed out that with the approval of this letter, the City would not be committing itself. He explained the procedure on the agreement which could be executed if and when the project was approved by the State.

Mr. Paul Hudelson, representative of the property owners, pointed out that the Division of Highways had pointed out that as of this date nothing was on record with the State indicating that the City of Modesto wanted McHenry Avenue widened. All the State needs at this time, he continued, is a letter from the City setting forth the fact that they desire McHenry Avenue improved. With this request on record, the State can evaluate the project, place it in its budget, and ask for its approval.

MOTION

That the Council approve the letter as presented by the City Manager and authorize the project to proceed in accordance with the recommendations outlined by the staff.

Moved by Mayor Marks Seconded by Hammond Unanimously carried

The City Manager pointed out the emergency of the project due to the fact that the City would be faced with the entire improvements itself if the State refused to participate in the cost. He stated that it would be necessary to assign special help to this project to clear it in the required time.

RECOMMENDATION OF CITIES-COUNTY HIGHWAY COMMITTEE FOR STATE HIGHWAY CONSTRUCTION 1957-58

City Manager Miller presented, for Council approval, the recommendations of the City-County Highway Committee for State Highway Construction 1957-58, which would be presented at the dinner meeting on Thursday, June 14.

MOTION

That the recommendations of the City-County Highway Committee be approved for submission at the meeting of the State Chamber of Commerce Highway Committee on June 14.

Moved by Merrill Seconded by Anderson Unanimously carried

Later in the meeting, City Manager Miller pointed out that the city had been working with the Division of Highways for the reconstruction of 99 Highway through Modesto. He stated that the staff had thought that it would be included in this year's program, but apparently it has not been approved in any formal sense. He asked for Council approval to include it with the recommendations of the City-County Highway Committee at the meeting on June 14.

MOTION

That the reconstruction of 99 Highway through Modesto be included with the recommendations of the City-County Highway Committee at the meeting on June 14.

Moved by Anderson Seconded by Hammond Unanimously carried

MAYOR MARKS REPORTS ON CONTACT OF LEAGUE OF CALIFORNIA CITIES REGARDING PROCEDURE FOR APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Marks reported that at the request of some of the Council members, he had contacted the League of California Cities and had asked them to furnish him with a report on the procedures by which cities appointed members to boards and commissions.

LETTER REGARDING RE-ASSIGNMENT OF HANGAR NO. 1 FROM N. J. PROVINCE
TO DON MONTGOMERY

The City Manager reported that Nathan J. Province had requested that he be permitted to re-assign his lease on Airport Hanger No. 1 to Donald Montgomery. He also presented a letter from Donald Montgomery stating that he wished to acquire the lease, duties and aircraft servicing concession being relinquished by Nathan Province. The City Manager stated that the staff would present the necessary documents at a later date, to which the Council concurred.

CONSIDER LEASE OF LAND AT AIRPORT FOR T HANGARS-----JAMES C. SORENSEN
AND E. D. THOMPSON

The City Attorney stated that the agreements had not been signed by the parties involved and asked that this matter be held over until next week.

(Councilman Arata arrived at 8:55 P.M.)

SUGGESTION FROM RECREATION DEPARTMENT FOR RECREATION WEEK JULY 2 to 8,
INC.

MOTION

That Mayor Marks be authorized to proclaim the week of July 2 to 8, inc., as Recreation Week.

Moved by Anderson Seconded by Arata Unanimously carried

DISCUSSION ON PRELIMINARY BUDGET FOR FISCAL YEAR 1956-57

Mayor Marks opened the meeting to the discussion on the preliminary budget for the fiscal year 1956-57. The following sections were discussed:

Page "d" of the Budget Message

Councilman Robinson called attention to the second paragraph on page "d" of the budget message relating to the statement that "the proposed budget contained a special reserve item of \$80,000 sufficient to provide for a general salary increase of 5% and adjustments in special cases which may be needed", and questioned whether as a matter of policy, since the budgets were based on the present salaries, the Council should consider them on the present basis, or a basis of 5% increase. He recommended that the Council consider them on a basis as shown and tentatively approve and disapprove and settle each department before getting on salaries.

The City Manager pointed out that of necessity, the budgets were prepared on the basis of salaries which are already determined by the Council; that the whole budget was based on the general kind of operations which exist. All the staff has done is to put \$80,000 in the proposed budget and there will be recommendations submitted from the Personnel Commission in this regard. Councilman Anderson requested a summary of salaries paid the various employees similar to the report furnished the Council members last year. The Clerk was directed to send copies of this report to each member.

Councilman Hammond suggested that the budget be discussed by sections.

Director of Finance Lawrence explained the color system used in identifying the various sections of the budget.

Page "c" of Budget Message - Personnel

Councilman Hammond questioned the proposed increase of one purchasing clerk in the Finance Department since the preliminary budget had only been increased \$173,000 over last year's budget. He asked whether there was a possibility of the paper procedure multiplying faster than the work load. He pointed out that the Council had approved the purchase of an expensive machine for this department last year to relieve the work load.

Director of Finance Lawrence pointed out that this would be the third position in the purchasing division since the centralization of purchasing. This department has acquired two inventories under its control--service division working capital fund, which is an inventory in the Public Works Department materials and an inventory of stores for office supplies and janitorial supplies, which are maintained on perpetual inventory cards. The Charter, he stated, provides that it is mandatory that the city have an annual audit of fixed assets of the city and one of this clerk's duties would be to take and maintain this fiscal inventory, which includes not only the annual taking of the inventory but making the additional charges, as materials are purchased, transferred or abandoned. The present staff, he continued, will not have the available time to maintain these records in addition to their other duties. He pointed out that the department was continually checking with the various departments to determine if they need the information being given them so that unnecessary reports could be eliminated. The machine approved by the Council last year was only received two months ago and is now in operation, he stated, and is saving considerable time of the payroll clerk, but since last year additional accounting requirements have also been added to the cost procedure and work order system.

The City Manager pointed out that the value of the budget was not a precise measure of the work load. He cited the number of subdivisions which had been approved during the past 15 months and those which are in progress for approval, which would house about 10,000 new people, and various other activities which increase the work load throughout the city. He pointed out that last year was the first year since the charter was adopted in 1951 that the city had a complete inventory.

Page "f" of Budget Message - special surveys

It was generally agreed by the Council that the recommendation of the City Manager in the budget message, page "f", on special surveys, that items two and three relating to a special survey on analysis and possible revisions of business license tax and survey of assessments be considered as soon as the budget was adopted. The clerk was asked to place this on the agenda at that time.

Electric Typewriters

The City Manager answered a question of Councilman Robinson relating to the proposed purchase of electric typewriters, that the proposal was based on work load and not on the appearance of letters.

Procedure for consideration of budget

Mayor Marks recommended, to which the Council concurred, that the discussion on the budget be limited to one-half hour period at each meeting and that a definite procedure of studying the budget, department by department be followed, instead of skipping around the budget.

REQUEST OF COMMITTEE FROM BOARD OF REALTORS RELATING TO CROW
PROPERTY ON 11TH AND H STREET (FOR CITY HALL SITE)

Phil Humphreys, chairman of a committee appointed by the Modesto Board of Realtors, asked that the Council; 1) authorize the City Manager to release any information which the city had collected relating to the acquisition by the city for a city hall site, of the Crow property on the corner of 11th and H Streets (formerly Hotel Modesto); and 2) that since it would take this committee considerable time to complete its collection of factual information, upon which a decision could be made by the Council, that the Council defer any action on the acquiring of additional land at the 15th Street City Hall site until this information could be presented so that the Council could make a comparison between two sites.

The City Manager reported that the information could be available to the committee without Council action but that since the Council decision on the 15th Street site, he had advised the Board Committee this morning that if the committee wished the staff to assist in assembling the information or work with them, that it should be brought to the attention of the Council. As far as the staff is concerned, he pointed out, the matter was closed when the Council decided on the 15th Street site.

Councilman Merrill contended that the decision on the site had not been a "quick decision" but was made after many months and years of study.

MOTION

That the City Manager be authorized to furnish the committee from the Modesto Board of Realtors all of the available information on the Crow property at 11th and H Streets which the city had assembled.

Moved by Hammond Seconded by Robinson Unanimously carried

The Council's decision on the second request of the committee was that negotiations on acquiring additional property on the 15th Street site should proceed "full speed ahead".

Mayor Marks pointed out it would possibly be two or three weeks before the Council would be asked to consider any acquisition of additional land and that if the committee had any facts which should be presented that the Council represented all of the people and would listen to any report.

CONSIDER PURCHASE OF MATERIALS FOR SEALING OF VACUATORS AT SEWER FARM

The City Manager reported on the air leaks in the vacuators at the Sewage Treatment Plant. He stated that information had been obtained on material which they thought would prove to be satisfactory and provide a more permanent solution to the problem. He outlined the steps involved to repair the vacuators, by using the material. He stated that there was no guarantee on the material. He recommended that the Council proceed on this basis and asked for authorization to enter into an agreement with the Walter Weyman Company of Berkeley for the purchase of the material, which will amount to \$1,763, plus tax, f.o.b. Modesto.

RESOLUTION NO. 56-246

A RESOLUTION AUTHORIZING THE CITY OF MODESTO TO ENTER INTO AN AGREEMENT WITH THE WALTER WEYMAN COMPANY OF BERKELEY FOR MATERIAL TO BE USED FOR SEALING OF VACUATORS AT THE SEWAGE TREATMENT PLANT

Introduced by Robinson

Seconded by Anderson

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

Noes: None

Absent: Adams

RESOLUTION REFERRING APPLICATION FOR ANNEXATION OF COVELL
ADDITION TO THE PLANNING COMMISSION

RESOLUTION NO. 56-247

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

Introduced by Robinson

Seconded by Anderson

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

Noes: None

Absent: Adams

FIXING TIME AND PLACE FOR PUBLIC HEARING ON UNCLASSIFIED USE
PERMIT --- IRMA RASMUSSEN

RESOLUTION NO. 56-248

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING
ON AN UNCLASSIFIED USE PERMIT FOR THE DAY CARE OF EIGHT
CHILDREN BY IRMA RASMUSSEN, 516 14TH STREET IN THE CITY OF
MODESTO

Introduced by Merrill

Seconded by Anderson

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

Noes: None

Absent: Adams

REQUEST OF KLEMM TRUCKING COMPANY FOR WAIVER OF PENALTY
ON BUSINESS LICENSE TAX DEFICIENCY DETERMINATIONThe Director of Finance recommended that the request of the Klemm
Trucking Company for waiver of penalty of \$8.48 on business license tax
deficiency determination be granted.

RESOLUTION NO. 56-249

A RESOLUTION AUTHORIZING WAIVER OF PENALTY CHARGES ASSESSED
AS A RESULT OF DELINQUENT LICENSE FEE PAYMENTS UNDER THE
MODESTO MUNICIPAL CODE

Introduced by Merrill

Seconded by Arata

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

Noes: None

Absent: Adams

CONSIDER APPLICATION FOR REFUND OF CITY SALES TAX TO MAY-AIR COMPANYThe Director of Finance recommended that the application
for refund of city sales tax to May-Air Company, in amount \$479.13,
which were paid in error during the year 1955.

A RESOLUTION AUTHORIZING THE REFUND OF CITY SALES TAX TO
MAY-AIR COMPANY

Introduced by Anderson

Seconded by Arata

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

Noes: None

Absent: Adams

REQUEST FOR EXCEPTION TO APPROVE DESIGN OF LOTS 14 AND 17 BLOCK
6607 AND LOT 1 OF BLOCK 6614 OF GREGORY GARDENS NO. 2 AS TO
DEPTH AND WIDTH RESPECTIVELY

The City Manager read Resolution No. 318, adopted June 4, 1956, by the Planning Commission, recommending that an exception to depth and width to Lots 14 and 17, Block 6607, and Lot 1 in Block 6614 of Gregory Gardens No. 2 Addition, be granted by the Council.

RESOLUTION NO. 56-251

A RESOLUTION APPROVING THE GRANTING OF AN EXCEPTION TO LOTS 14 AND 17 IN BLOCK 6607 AND LOT 1 IN BLOCK 6614 AS TO DEPTH AND WIDTH RESPECTIVELY AS SHOWN ON THE TENTATIVE MAP OF GREGORY GARDENS NO. 2 SUBDIVISION AND RATIFYING THE APPROVAL OF SAID TENTATIVE MAP BY THE PLANNING COMMISSION OF THE CITY OF MODESTO

Introduced by Arata

Seconded by Robinson

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

Noes: None

Absent: Adams

MONTHLY FINANCIAL STATEMENT FOR MONTH OF MAY, 1956

The City Manager filed the financial statement for the month of May, 1956.

REPORT FROM CITY ATTORNEY ON ENFORCEMENT OF NIGHT PARKING

A report by the City Attorney entitled, "Enforcement of Night Time Parking Regulations: People vs. Robert Carter, No. 57831," was considered by the Council. The City Manager stated that no action by the Council was necessary until a further report on the costs of signing.

REPORT ON ANALYSIS OF PROCEDURE FOR ACQUISITION OF MAZE WREN PARK
BY THE DIVISION OF HIGHWAYS

The City Manager reported on a conference held with State representatives regarding the acquisition of the Maze Wren Park property by the State for freeway purposes. He reported that if all of the property was condemned by the State, the city may use the funds for the acquisition and development of a park in a new area, and the State has agreed to proceed on that basis and would permit the City to use the existing park until it was required for highway purposes. In the meantime, he stated, the city could acquire and develop a new park. He reminded the Council of the previous discussion on the possibility of acquiring a portion of the Franklin School property for development of a park area.

MOTION

That the staff be authorized to proceed on the basis outlined by the City Manager.

Moved by Hammond Seconded by Robinson Unanimously carried

REPORT ON PROPOSED LOCATION OF LIGHTED SOFT BALL PARK IN BEARD BROOK PARK

A report was submitted by Director of Parks and Recreation Lowrey on the proposed location of a lighted Softball Field in Beard Brook Park.

MOTION

That the staff be authorized to proceed on the basis outlined in the report for the development of soft ball facilities at Beard Brook Park.

Moved by Merrill Seconded by Arata Unanimously carried

ADJOURNMENT

Councilman Hammond moved, seconded by Councilman Anderson, and it was unanimously carried that the Council meeting now in session adjourn. The meeting was adjourned at 10:48 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.

A few moments of silent prayer were observed by all those present.

LETTER FROM MODESTO BOARD OF REALTORS, INC. RE: CITY HALL SITE

A letter received from the Modesto Board of Realtors, Inc., was read, requesting that the City Council "take immediate steps to have the administration determine the cost of converting this convenient site (Crow property, formerly Modesto Hotel, 11th and H Streets) to city use for the benefit of the public both tax-wise and in the interests of developing an administrative center adjacent to the Stanislaus County Courthouse, near banks, postoffice and title companies, firehouse and police department".

Mayor Marks reported on a recent telephone conversation he had held with "Bill" Williams, representative of the Crow family, regarding this property. Mr. Williams had stated that regardless of what happened that the present "eye-sore" would not remain there for another 12 years as in the past; that as far as a city hall was concerned, if it were to the best interest of the people to locate it there, he would like to see it there, otherwise not.

Mayor Marks reported that Mr. Williams planned to come to Modesto from New York within 10 days or two weeks. Mr. Williams had stated that the property could be made available to the city on whatever basis the Council felt they should have it in the public interest. He also recognized the fact that the city did not have too much money and that negotiations could be made on a lease-purchase basis.

Mayor Marks reported that he had advised Mr. Williams of the Council's action on the 15th Street site. As a member of the Council, Mayor Marks stated, he had informed Mr. Williams that he could not say anything, but as an individual he had advised him the city was only paying an interest rate of 2.8% on its sewer bonds and that he was certain that nobody on the Council, if the location was feasible, would consider paying any more interest but would go to a bond issue and get it for that. He had also informed Mr. Williams that none of the members were in a position to say whether the site would be suitable for a city hall since no detailed study had been made of the property.

Mayor Marks suggested that the Council either forget about the matter until Mr. Williams' arrival, or ask the staff to inspect the building, but not make a detailed report, since the price was not known. Mr. Williams had stated he would confer with the Council and have a firm price on the property. The negotiations with the Travel Lodge people had not broken down, Mr. Williams advised, Mayor Marks stated.

Councilman Anderson stated that unless the city had a definite committment on the price, that it should not go ahead and spend the taxpayers money to find out if the building could be converted to a city hall.

Councilman Merrill recommended that the staff proceed in the manner in which they are proceeding and when Mr. Williams arrived he could contact the Council and present his proposal for Council consideration.

The City Manager reported on the rough preliminary plan submitted by the Architect, Milton Pfleuger, for the city hall on the 15th Street site, copies of which had been distributed to the department heads for study.

It was generally agreed by the Council that the staff should proceed as directed by the Council on the 15th Street site, but that it would be willing to confer with Mr. Williams whenever he arrived in the city and presented a firm offer on the property.

DISCUSSION ON LETTER CIRCULATED IN THE CITY BY THE JOINT INDUSTRY, BUSINESS AND PROFESSIONAL COUNCIL RELATING TO ADMINISTRATION OF CITY

Mayor Marks read a copy of a letter being circulation in Modesto by the Joint Industry, Business and Professional Council, a copy of which is on file with the records of this meeting, relating to the administration of the city and asking the receiver to join its organization to "help them to take control of the city out of the hands of 'dreamers' and return it to the practicalities of common sense and sound development".

Mayor Marks stated that he had prepared a statement which he wished to read after the Council members had had an opportunity to discuss the implications in the letter.

The following points of view were expressed in the discussion which ensued:

- 1 - That the letter did not merit discussion;
- 2 - That the Council was working for the citizens of all the city and not for special groups;
- 3 - That although the Council had been accused many times, that it was being led around by individual and pressure groups, that it was not being led by a minority or majority group; that it was sitting as seven individual men and only acted in one way----to serve the best interest of the community;
- 4 - That a certain degree of importance should be placed on the letter since there were some good sound people in the group who had a criticism---they can be heard and the Council would listen to them.
- 5 - That if the group wanted to write letters and place advertisements in the paper that they were spending their own money and had a right to do so.
- 6 - That the Council should expect a certain amount of criticism.

Mayor Marks pointed out that he had advised the Council at the time the new members had taken office that "anybody who smears any member of this Council or any member of our administration will be brought down to the Council Chamber to repeat his charges, and I will expect them to be answered. It is the duty of any citizen to

to state his charges publicly. It is our duty as public officials to clear them or to act on them." He also pointed out that in his statement to the Council at its meeting of April 18, 1956 he had stated "that the basic policy under which this city operates is set forth in the City Charter and that the policy determinations which need to be made within the framework of the Charter are made by the Council and not by the city administrative staff".

Mayor Marks stated that he recognized the letter for what it was and "what the people want to do is up to them". He read his statement at this time:

"There is being circulated in Modesto a letter written under the name of the Joint Industry, Business, and Professional Council, of which Mr. George Hansen is President, and Mr. John A. Rollins is Secretary-Treasurer. This is apparently an open declaration of war by self-interest groups against those who stand for good, sound, economic, and efficient government. In the last paragraph of the letter they have the bald-faced effrontery to state that it is their purpose "to take control of the City of Modesto out of the hands of 'dreamers' and return it to the practicalities of common sense and sound development."

Let us take a look at the record:

These "dreamers" referred to are the ones who have continuously lowered the city tax rate in Modesto.

These are the dreamers who, by dint sometimes of 18-hours-a-day effort, helped make this an All America City.

These are the dreamers who have made Modesto the "working example" of local American government in action to which the United State Department sends study tours of foreign students.

These are the dreamers who have welded sprawling areas into one unified community, recognized throughout the United States as a model of efficient, economical government, free from corruption and--up to this point--free from "boys in the back room" control.

These are the dreamers who have constantly fought the forces opposed to good government,--the dreamers who have stood in the way of those interested only in benefits for the "favored few". There are no "favored few" in Modesto--up to this point.

If these people are dreamers, then I am proud to be one of them.

If it is common sense to be "slick" and corrupt; if it is common sense to give in to pressure from enemies (or from friends); if it is common sense to raise taxes by adopting whatever practices are dictated by Messrs. Hansen and Rollins;-- then I, for one, have no common sense, and I am sure this City Council is with me---and I am proud of that, too.

If it is impractical to believe that this community wants good, clean, honest, "fish-bowl" government; to believe that all of our problems can be solved by men of good faith who are willing to take the time and have the patience to sit down honestly with one another; if it is impractical to believe that it is in the common interest to see that city revenues are used thriftily to insure maximum services to city residents at lowest

possible costs; if it is impractical to believe that men are more important than their addresses; to believe that under the teachings of our western civilization we must live together in human dignity with mutual respect and cooperation;---if it is impractical to believe all these things, and if it is also impractical to keep on making every effort to so shape the growth of our city that it will provide for all of us and for our children a full and satisfying existence--then I am proud to be "impractical".

The people who were favored by being invited by Messrs. Hansen and Rollins to join in this deliberate effort to divide and confuse should ask themselves two questions: "Why?" and "Who are these people?" Probably the reaction of the vast majority of them to the letter was honest anger at its implication that they might consider their government a tool to be twisted to personal advantage. I would suggest to that vast majority that, for their own peace of mind, they take a good, thorough look at their city government, at the policies which have implemented city growth, at the procedures established to assure that equity prevails; at the solid, continuing progress made. This community has moved forward and will continue to move forward. There are some who do not recognize this. They are like small boys throwing rocks at the caboose of a train as it vanishes into the distance. There will always be rock-throwers; there are always, unfortunately, some groups which place special interests above the welfare of the people. But as long as the great majority of our citizens are alert, vigorous, and well-informed, no selfish interests can prevail. Indeed, the attacks of such interests many times rebound to community benefit--in increased civic awareness, in unity, and in strength of spirit.

In the words of the Puritan minister, Jeremiah Burroughs, "You shall see the boughs beat one upon another as if they would beat one another to pieces, as if armies were fighting; but this lasts but while the wind, while the tempest lasts; stay awhile, and you shall see every bough standing in its own order and comeliness: why? because they are united in one root; if any bough be rotten, the storm breaks it."

Councilman Hammond commended the Mayor on his statement, but he considered as far as the implications in the letter regarding the Administrative staff was concerned, that the Council had answered them when it recently gave a majority vote of confidence to the City Manager. If the group consider this Council "a bunch of dreamers, that is their privilege. I do not have to believe it." It is the Council which sets the policy, he stated, and it is the Council which should be criticized not the administrative staff. He stated he would withdraw his objection to the Mayor coming out with a statement.

Mayor Marks stated that since his pledge to the Council and the citizens had been that he would present all matters and bring all issues out in the open, that this was the reason he had raised this matter.

The City Manager stated this Council had given him a vote of confidence, he planned to continue in his position as long as he had the Council's confidence, and it was in the best of his family.

Mayor Marks asked the Council if anyone was opposed to his statement and if it was the unanimous opinion of the Council that the statement was in order.

MOTION

That the statement submitted by the Mayor is in order.

Moved by Robinson Seconded by Hammond, Unanimously carried

ACCEPT BID OF THE MODESTO JOURNAL FOR OFFICIAL ADVERTISING FOR
FISCAL YEAR 1956-57

A tabulation of the bids received for the official advertising for the city for the fiscal year, 1956-57, which had been opened in the City Clerk's office, June 18 at 2:00 P.M. was considered by the Council.

The City Clerk reported that the lowest bid received was submitted by the Modesto Journal, 67¢ per column inch for first and subsequent insertions,

There was discussion of the delay due to use of a weekly paper, but that this was over balanced by the lower rate of the weekly.

RESOLUTION 56-252

A RESOLUTION ACCEPTING THE BID OF THE MODESTO JOURNAL FOR THE OFFICIAL ADVERTISING FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1956-57.

Introduced by Hammond

Seconded by Merrill

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

Noes: None

Absent: None

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR LAMPS
FOR FISCAL YEAR 1956-57.

Specifications for the incandescent, fluorescent and mercury vapor lamps for municipal lighting for fiscal year 1956-57 were discussed by the Council and Director of Public Works Ray.

RESOLUTION NO. 56-253

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INCANDESCENT, FLUORESCENT AND MERCURY VAPOR LAMPS FOR MUNICIPAL LIGHTING FOR FISCAL YEAR 1956-57.

Introduced by Adams

Seconded by Robinson

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

Noes: None

Absent: None

AWARD BID ON TRAFFIC SIGNALS

A tabulation of the bids received for the construction of Traffic Signals at 14th and J Streets and at Nineteenth and H Streets, which had been opened at 2:00 P.M. June 4, was considered by the Council.

RESOLUTION NO. 56-254

A RESOLUTION ACCEPTING THE BID OF THE MODESTO INDUSTRIAL ELECTRICAL COMPANY INC. FOR INSTALLATION OF TRAFFIC SIGNALS AT FOURTEENTH AND J STREETS AND NINETEENTH AND H STREETS IN THE CITY OF MODESTO

Introduced by Adams

Seconded by Robinson

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

Noes: None

Absent: None

Traffic Engineer Carmody stated that it might be necessary to extend the completion date for a period of two weeks since the award has been held up for this time due to the delay in approval by the State of participation in the cost of the 14th and J Streets signal.

ADOPTION OF ORDINANCE NO. 90-C.S. APPROVING TRANSFER OF BUS BENCH FRANCHISE

ORDINANCE NO. 90 C.S. entitled:

"AN ORDINANCE APPROVING THE TRANSFER OF AN EXCLUSIVE FRANCHISE FOR THE RIGHT, PRIVILEGE, AND PERMISSION TO PLACE, CONSTRUCT, AND MAINTAIN BENCHES WITH ADVERTISING THEREON AT DESIGNATED LOCATIONS ON THE STREETS AND SIDEWALKS IN THE CITY OF MODESTO FROM B. J. FORSYTHE, DOING BUSINESS AS MODESTO TRANSIT ADVERTISING COMPANY TO B. J. FORSYTHE DOING BUSINESS AS THE TRANS AD TISE COMPANY",

introduced on June 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 OF MAYOR MARKS ON PROCEDURE FOR APPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS

Mayor Marks reported that pursuant to the request of some of the Council members, he had contacted the League of California Cities with regard to the procedure used by other cities on appointment of members to the various boards and commissions.

Mr. Richard Carpenter, Executive Director of the League, Mayor Marks reported, had informed him that this city's charter was more restrictive in this regard than the State law and that it is impossible to hold informal meetings of any sort. Mr. Carpenter asked for further time to check out the problem and to make a recommendation. Mr. Carpenter had pointed out the disadvantage of following the procedure suggested by one of the city's Council members, that the appointment be held over for one week after names had been presented, since pressure groups would be working on the Council members during this waiting period, that it might prove embarrassing to the persons under consideration and would discourage people from serving on the boards. He recommended that the members be appointed by majority vote of the Council on the day their names are presented, to avoid hurting any one's feelings.

Mayor Marks recommended that the presentation of names by the Council members for the two open appointments on the Board of Zoning Adjustments be held over for a week to avoid complication which had occurred previously. He outlined the procedure which he had followed in asking persons to serve on the boards for the Council members information and asked them to present names at the next meeting. He also asked if any Councilmen in the meantime could think of any better ideas on nomination, they would be considered before nominations are made.

The City Manager pointed out that the Clerk and Attorney had determined that the terms would be, one until January 1, 1958 and the other January 1, 1960.

FURTHER DISCUSSION OF BUDGET FOR CITY OF MODESTO FOR FISCAL YEAR 56-57

At 4:55 P.M. Mayor Marks opened the meeting for a one-half hour discussion of the preliminary 1956-57 budget. Copies of a detailed salary schedule for the fiscal year were distributed to each Council member for their information and consideration after the budget had been reviewed.

Page 25 - City Council

Councilman Hammond asked that the item listed in this department entitled "services, professional & other"--\$1500 (1955-56) be placed in the City Attorney's budget so that the legal expenses can readily be determined.

The City Manager explained that this amount had been approved by the Council this fiscal year for special legal fees relating to the holiday pay for firemen and policemen.

It was agreed by the Council that this item be transferred to the City Attorney budget; that an appropriation transfer be made for this fiscal year; and that \$2500 proposed for "services, professional & other" (1956-57) be transferred to the City Attorney's budget.

Page 27 - City Manager

Councilman Hammond asked for an explanation of the item "equipment rental charges"---\$612, which was given by the Director of Finance. He pointed out that this charge covered the rental charges for the City Manager's automobile.

It was agreed to discuss the practice of charging one-third of the Assistant City Manager's salary to the Disaster and Civil Defense budget at the time this department budget was discussed. The City Manager pointed out that there was a general federal and state tendency to stress the disaster phase over the Civil Defense budget.

At the request of Councilman Anderson, the City Manager explained the need for the additional desk at \$250 and one additional 14" Electric Typewriter at \$405.

Page 29 -- City Attorney

City Attorney Grimes explained that the item of \$2,250 for "Services, Professional & Other" covered the securing of special legal service on a contract basis to help keep the work load going and avoid the employment of a full time assistant in the office. This item also covers vacation and military leave for the City Attorney. He reported that \$1250 was spent for special legal assistance during the past year.

Councilman Hammond asked for information regarding the item "books & periodicals"---\$400 and item "Law Library Additions"--\$750, which was explained by the City Attorney.

Mr. Grimes explained that the reason the item for "postage" was reduced from \$135 to \$100 was due to the messenger service instituted last year in the Finance Department.

Page 31 - City Clerk and Auditor

At the request of Councilman Hammond, City Clerk Gailfus explained the reasons for the proposed increase for "extra help" from \$262 in the fiscal year of 1955-56 to \$1260 proposed for 1956-57; to permit the hiring of clerks on a temporary basis to bring up to date the backlog of typing, proof-reading and indexing. He pointed out that during the past years the volume of work has sharply increased due to increased Council activities at the meetings and the work going through the office. He pointed out that the work was being handled by the same number of personnel as before the increase in population and area of the city. He stated that with the new recording machine recently ordered by the Council for the recording of the minutes, that once the backlog of work was brought up to date that it would be possible to keep the work up to date with the regular personnel.

Councilman Anderson asked why the amount proposed for "conference and travel", had been decreased from \$100 to \$25. The City Manager pointed out that since this item was of a general nature rather than a specific department that it would be advantageous to administer all departments as one item. This is shown on page 87, he stated in "Miscellaneous Unclassified Section", and makes provision for Councilmen, and department heads to attend various conventions and meetings.

Page 33 - Finance Department

At the request of Councilman Hammond, Director of Finance Lawrence explained the reasons for the proposal to increase the staff of the purchasing department to three instead of two employees.

Councilman Hammond asked why the item "postage-----\$3600" was so large when most of the other departments also included this item in their proposed budgets. Mr. Lawrence explained that the messenger service picked up most of the mail to go out between 4:00 P.M. and 4:30 P.M. and brought it to the Finance Department, but it was necessary for each department to have a small supply of stamps for letters and packages which were not yet completed when the messenger called.

At the request of Councilman Hammond, Mr. Lawrence explained the item of \$1450 proposed for maintenance and repair of office equipment.

Mayor Marks closed the discussion at 5:35 P.M. and it was agreed that the discussion on the Finance Department be continued at the next Council meeting.

ESTABLISH POLICY ON INSTALLATION OF WATER MAINS AND STREET LIGHT MATERIALS

The City Manager filed reports on the installation of street light materials and water mains, as requested by the Council.

Mayor Marks reviewed the discussions held on the establishment of policy decisions on these matters. He pointed out that the Council had already established a policy on street light installations in Resolution 56-179, adopted May 9, 1956 that

"City funds would not be used for the furnishing of materials or the installation of street lighting facilities in any areas hereafter annexed to the city except for those projects determined by the Council to be for traffic safety".

A general discussion was held on the policies remaining to be established----in improvement district for street light installation and on water mains installations. Mayor Marks reminded the Council that the policy in the past had been to accomplish the work in the most economical method since the citizens of the entire city were participating in the costs.

Mayor Marks stated that methods of installation were the responsibility of the Council, which set the policy for the staff to carry out. He referred to his statement to the Council at the meeting of April 18, 1956 which stated:

"The administrative officers are expected to furnish us with the information which is necessary to make these determinations, and with their recommendations as to what, in their judgment, is in the best interests of the public. Their recommendations have always been made on this basis. It is then our responsibility as representatives of the public, to make the policy decisions in the public interest."

He objected to the statements which had appeared in an advertisement in the Modesto Bee, signed by the Joint Industry, Business and Professional Council, relating to the City Manager and Director of Public Works since they were being criticized for carrying out policies established by the Council. He pointed out that the Council was the agency to be criticized and not the staff members.

Director of Public Works Ray stated that the staff had endeavored to present the facts in the reports as it saw them in a fair and concise manner. He stated that there were copies available for anybody who wished one.

Councilman Hammond stated that he had read the report and discussed the problems with Mr. Ray and that as far as installations of water lines were concerned that, due to the nature of this work that sometimes it would be more favorable to the city to put in small amounts of water line in the interest of saving the amount of materials laid out. He suggested for Council consideration that the city continue to put these installations out to bid and in the event the bid is 10% or over the engineer's estimate that the bids be rejected and the city do the work, but if it be under 10% the bid be awarded to the contractor. This way the contractor will know what he is bidding on. He contended that 10% was a reasonable figure and was not unreasonable from a good business standpoint.

Mayor Marks brought up the question of additional costs to the city for supervision on an installation contract. Mr. Ray reported that there was an additional cost for the inspection and that the first contract would be completed shortly and at that time available information will be given to the Council.

Mr. Ray brought up the section of the report on installation of water mains relating to "Budget revisions" which set forth the fact that in the event that all or a major part of the water installations are to be made on a contractual basis, it will be necessary to make some revisions in certain budgets as submitted by the Public Works Department. He suggested the following revision of the Water Division if the work was all to be done by contract:

	Preliminary Budget as presented	Budget under Contract basis	Budget Increase
Utility crew	\$ 33,800	\$ 8,820	(24,980)
Equipment rental	10,000	7,000	(3,000)
Water lines and hydrant extension	140,000	192,500	52,500
	Water division adjustment		\$24,500

Mr. Ray raised a question on the suggestion made by Councilman Hammond which was cleared---that the estimate referred to would be the engineering estimate for doing the work by city forces and not the engineering estimate for doing the work under contract.

Mr. Ray also raised the point that assuming the work was done by contract--since the city had a well experienced crew for this work--there must be some adjustment in the crew. A general Council discussion was held on the manner the budget could be adjusted so that appropriations would not be made for both items---work being done under contract and work not being done under contract. The City Manager suggested that after the policy had been in effect on a trial and error basis for 2-3 months that it be re-examined and changes made and money reassigned to other budgets.

Mr. Ray pointed out the economical effect in the purchase of materials of the city's practice of installing water lines in sections, as required in a subdivision, rather than in the subdivisions as a whole. He stated that bids had been called for, as a matter of practice, for the entire subdivision.

Councilman Hammond stated that when the construction proposed was under \$1500 that it would not come up for discussion, but if water lines were to be installed in the entire subdivision at once, that bids would be called for, but if the subdivision was developed piece meal that bids might not need to be called for.

The City Attorney, when asked by Councilman Robinson whether this proposal would be legal, stated that it was not permissible to split a project into small parts to avoid the bid procedure, but if the subdivision was proposed to be developed block by block and if at the time one block was being installed there was no immediate plan for development of the adjoining block, that it could not be considered as a splitting.

Councilman Robinson asked Councilman Hammond if his suggestion also related to the installation of street light materials.

Councilman Hammond stated that it was his proposal that on the installation of water lines, and on the installation of electrical street light materials, for which the city still had a responsibility of sharing the cost, bids be called for as required by charter, and that if the bid was 10% or under the engineering estimate for doing the work with city forces, that it be awarded to the lowest bidder and that if it exceeded this percentage, that the bids be rejected and the work be performed by the city forces.

RESOLUTION NO. 56-260

A RESOLUTION ESTABLISHING THE POLICY OF THE CITY RELATING TO INSTALLATION OF WATER MAINS AND STREET LIGHTING FACILITIES

Introduced by Hammond

Seconded by Arata

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

Noes: None Absent: None

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DISSOLVE COUNCIL COMMITTEES

The City Manager reported that the work for which the following Council committees were appointed was completed and that it would be in order to dissolve the committees:

Committee composed of Councilmen Merrill, Chairman, Hammond and Robinson, appointed February 1, 1956 to work with the staff on the baseball program in the Recreation Department.

Committee composed of Councilmen Arata, Chairman, Hammond and Merrill, appointed March 7, 1956, to work with the Reds Baseball team to clear certain matters.

MOTION

That the above named committees be dissolved.

Moved by Robinson Seconded by Anderson Unanimously carried

REPORT ON ADVANCE GREEN FEES FOR THE NEW GOLF COURSE

The City Manager reported that there were still certain items to be cleared on the matter of accepting advance green fees for the Dryden Park Municipal Golf Course, before Council action could be taken. A report will be filed with the Council shortly on this matter, he stated.

APPROVE AGREEMENT WITH STATE PERSONNEL BOARD FOR EXAMINATION SERVICES

RESOLUTION NO. 56-255

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE PERSONNEL BOARD FOR THE CONTINUANCE OF EXAMINING SERVICES DURING 1956-57

Introduced by Merrill Seconded by Arata

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

Noes: None Absent: None

DENY REQUEST OF DR. E. T. PARKINSON FOR RESERVING PARKING ON NO. SANTA CRUZ

A report was submitted by Traffic Engineer Carmody recommending that the request of Dr. B. T. Parkinson for reserved parking on N. Santa Cruz be denied.

MOTION

That the request of Dr. Parkinson for a reserved parking area on N. Santa Cruz, adjoining his office, be denied.

Moved by Hammond Seconded by Anderson Unanimously carried

REPORT BY TRAFFIC ENGINEER ON TRAFFIC SIGNALS

Traffic Engineer Carmody reported that the state would not be able to install any traffic signals in the city during the balance of this fiscal year. The costs to the city of the contemplated signals on state highways--Yosemite Boulevard, 9th street and McHenry at Orangeburg, is \$20,200, he stated. During this fiscal year \$25,000 was earmarked for traffic signals and crossing gates by the Council, he stated, of which \$4,600 will be spent on the 19th and H and 14th and J Street signals. He stated that it was doubtful that the city

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would spend the funds on the crossing gates for several months. When gates are installed at the H and I Street crossing, he continued, the city's total cost will be approximately \$15,000 if state aid is obtained.

If funds are to be made available again next year for traffic signals, he stated that he would recommend that the following course of action be followed:

- 1 - If the \$20,200 cannot be spent on signals by July 1, 1956, the sum be carried over into the next fiscal year;
- 2 - Bids be called for those city signals next in priority.

<u>Location</u>	<u>Cost to City</u>
a - La Loma at Santa Ana	\$2000
b - 11th and H	3000
c - 5th and H	3300
d - 11th and K	3000
e - 11th and L	3000
f - 14th and Grand	<u>2500</u>
	\$16800

- 3 - Have the Council appropriate the \$16,600 necessary with the \$25,000 already appropriated so that all traffic signals and gates can be installed in the next fiscal year.

MOTION

That the recommendation outlined in the report be approved and the staff be authorized to proceed in this manner.

Moved by Adams Seconded by Robinson Unanimously carried

REPORT ON YIELD RIGHT OF WAY SIGNS

The Traffic Engineer reported on the great success in reducing injuries and property damage from accidents, which had been accomplished by the city's program on installing Yield Right of Way signs at various intersections throughout the city. He reported that a report would be submitted later on stop signs.

REPORT ON TRANSFER REQUIRED FOR WATER LINE AND HYDRANT EXTENSIONS

The City Manager reported on an interdepartmental transfer which would be necessary on water lines and hydrant extensions of \$57,500.

MOTION

Approving the transfer of \$57,500 from various Public Works Divisions to water lines and hydrant extensions.

Moved by Arata Seconded by Anderson Unanimously carried

REPORTS FROM TRAFFIC DEPARTMENT ON INTERSECTIONS OF MC HENRY AND DOWNEY AVENUE AND SCENIC AND DOWNEY AVENUE

Traffic Engineer Carmody displayed sketches for improved traffic regulation at the intersections of McHenry and Downey Avenue, limiting the traffic entering the intersection from 17th Street.

MOTION -

That sketch No. 1 (A58-1) presented by the Traffic Engineer

be approved and that a further study be made on proposals set forth in sketch No. 2 (A58-1) and a further report submitted later.

Moved by Arata Seconded by Robinson Unanimously carried

Mr. Carmody displayed a drawing and explained his proposed plan for traffic regulation at the intersection of Downey at Scenic, and suggested that the channelization proposed be worked out with paint cans and if satisfactory, that permanent installations be made.

MOTION

That the plan proposed in Sketch (a59) by the Traffic Engineer for dealing with traffic improvements at this intersection be approved.

Moved by Merrill Seconded by Arata Unanimously carried

ESTABLISH STOP SIGNS ON I STREET BETWEEN 14TH AND DOWNEY AVENUES

The Traffic Engineer recommended that I Street between 14th Street and Downey Avenue be designated as a through street and stop signs be installed on 15th, 16th and 17th Streets.

RESOLUTION NO. 56-256

A RESOLUTION ESTABLISHING STOP SIGNS ON CERTAIN 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

RESCIND RESOLUTION ESTABLISHING LOADING ZONE ON NINTH STREET BETWEEN F AND G STREETS

The Traffic Engineer reported that the freight loading zone established by Resolution 54-370 on the east side of Ninth Street between F and G Streets was primarily for several business houses and a hotel located in a building which has now been torn down to make a parking lot. He recommended the rescinding of the resolution establishing the loading zone.

RESOLUTION NO. 56-257

A RESOLUTION RESCINDING RESOLUTION NO. 55-82 ENTITLED "A RESOLUTION DESIGNATING A FREIGHT LOADING ZONE ALONG THE NORTHEASTERLY SIDE OF NINTH STREET BETWEEN F AND G STREETS IN THE CITY OF MODESTO."

Introduced by Arata Seconded by Adams

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

Noes: None Absent: None

REPORT ON POSSIBLE SALE OF POLES AND LIGHTS AT M.J.C. SOFTBALL FIELD TO CITY SCHOOLS

The City Manager reported that the staff was not yet clear on the possible sale of poles and lights at M.J.C. Softball Field to the City Schools and that a report would be submitted at a later date.

APPROVE LEASE OF LAND AT AIRPORT FOR T HANGARS TO JAMES C. SORENSEN AND E. D. THOMPSON

ORDINANCE NO. 93-C.S. entitled:

"AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO E. D. THOMPSON 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

ORDINANCE NO. 94-C.S. entitled:

AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO JAMES C. SORENSEN AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH

Introduced by Arata Seconded by Robinson

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

Noes: Absent: None

REPORT ON CITY'S COMPREHENSIVE PUBLIC LIABILITY INSURANCE POLICY

A report was filed by the Director of Finance on the city's comprehensive public liability and property damage policy, which will expire on June 27. He listed the costs to the city for increasing the present limits in various amounts and pointed out that a claim had been filed for an amount in excess of the limits of the liability under the present policy.

Warren Giddings, representing the Modesto Insurance Agents' Association recommended that the limits be increased as follows:

Primary liability limits from \$100,000 to \$250,000
Catastrophe Liability limits from \$200,000 to \$1,000,000
Property Damage Liability limits from \$50,000 to \$100,000
at a cost to the city of \$11,210.95.

Councilman Hammond moved that the City's insurance coverage be increased as shown in item 3 of the report. This motion died for lack of a second.

RESOLUTION NO. 56-258

A RESOLUTION AUTHORIZING THE PLACEMENT OF THE CITY OF MODESTO'S COMPREHENSIVE LIABILITY AND PROPERTY DAMAGE INSURANCE COVERAGE AS RECOMMENDED IN THE REPORT OF THE DIRECTOR OF FINANCE DATED JUNE 19, 1956, TO THE CITY MANAGER

Introduced by Merrill Seconded by Adams

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

Noes: Hammond Absent: None

REPORT OF COUNCIL COMMITTEE ON USE OF THE OLD JOHN MUIR SCHOOL

- (a) Consider proposal to name building Modesto Community Service Center

The City Manager reported that the name of Modesto Community Service Center had been recommended for the old John Muir School Building.

MOTION

That the City Attorney be instructed to check on the name of the school building and to prepare a resolution for Council consideration changing the name of the building as proposed.

Moved by Adams Seconded by Arata Unanimously carried

The City Manager submitted a report on "Use of the Old John Muir School Building", listing the accomplished repairs of \$3,900 and the proposed alterations of \$6,000 which would permit the leasing of the building to a responsible community service organization which would serve as managing agency to use and operate the building. He pointed out that the remodeling expenses could be amortized over a period of years from the rentals. It was generally agreed by the Council that the staff be authorized to proceed on the basis outlined in the report and repairs be made to the building to the extent of \$6,000.

RESOLUTION NO. 56-259

A RESOLUTION APPROVING TRANSFER OF FUNDS FOR THE ALTERATIONS TO THE OLD JOHN MUIR SCHOOL BUILDING

Introduced by Merrill Seconded by Arata

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

Noes: None Absent: None

APPOINT ALTERNATE DELEGATE TO EXECUTIVE COMMITTEE OF THE LEAGUE OF CALIFORNIA CITIES - CENTRAL CALIFORNIA DIVISION

MOTION

That Councilman Hammond be appointed as alternate representative for the City of Modesto on the Executive Committee of the Central Valley Division of the League of California Cities

Moved by Robinson Seconded by Arata Unanimously carried

REPORT ON DEATH OF MARK J. LANDQUIST, CITY OF MODESTO HEALTH OFFICER

City Manager Miller reported for the record that Mark J. Landquist, Health Officer of the City of Modesto had passed away on Friday, June 15, 1956, after 17 years service with the city.

He reported that the State Department of Public Health had been contacted regarding the matter of a local registrar for birth and death registration. Pending a more permanent arrangement, he reported, the state had appointed Elsie Nordfelt, Public Health Assistant, "Acting Local Registrar of Vital Statistics for Births and Deaths Registration". He stated that representatives of the state would come to Modesto to

review the alternates, and that a further report on this department would be submitted shortly.

ADJOURNMENT

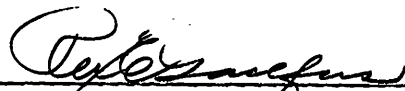
MOTION

That the Council meeting now in session adjourn.

Moved by Hammond Seconded by Anderson Unanimously carried

The meeting was adjourned at 7:00 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.

The City Clerk called the roll and there were

PRESENT: Councilmen: Anderson, Adams, 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 Central Baptist Church gave the invocation.

LETTER FROM KTRB RE: INVITATION TO PARTICIPATE IN FOURTH OF JULY PARADE

An invitation from the 4th of July Committee for the Council members to participate in the 4th of July Parade was read.

The City Clerk was instructed to contact the Council members.

LETTER FROM JAMES H. CORSON RE: REQUESTED REVIEW OF THE ADMISSION TAX PROVISIONS OF THE CITY CODE

A letter from James H. Corson, Superintendent of Modesto City Schools, requesting a review of the Admission Tax provisions of the City Code was read.

A short discussion was held on this matter and it was agreed by the Council members that more information was needed.

MOTION

That the staff make an investigation of the matter and bring back a report to the Council.

Moved by Adams Seconded by Robinson Unanimously carried

The City Clerk was instructed to contact other cities regarding their methods of collecting Admission Tax.

LETTER FROM SAVE MART OF MODESTO, INC., 1600 YOSEMITE BLVD. RE: USE OF LOUD SPEAKER

The City Manager read a letter from N. W. Johnson, Mgr. of the Save Mart of Modesto, Inc., requesting permission to operate a loud speaker at 1600 Yosemite Blvd. on June 28, 29 and 30 between the hours of 9:00 A. M. and 8:00 P. M. during the opening of their new super market.

City Attorney Grimes reported that he had discussed this matter with Mr. Johnson. He explained that the use of loud speakers on public streets and in public places for commercial purposes is prohibited, but that loud speakers can be used on private property, without the need of a permit.

The City Clerk was instructed to advise Mr. Johnson that the use of loud speakers on private property is permissible, but that they can not be used on the public streets, or property.

REQUEST OF WARD C. ROWE, GENERAL CHAIRMAN FOR THE SHRINE CIRCUS THAT THE CITY LICENSE BE WAIVED.

A request that the circus license fee required by Section 6-1.207 of the Modesto Municipal Code be waived, for its annual showing of the Shrine Circus on August 3 and 4, 1956, was filed by Ward C. Rowe, General Chairman of the Circus Committee of the Modesto Shrine Club.

The request was referred to the Director of Finance for consideration of the waiving of the circus license fee, after the usual affidavit has been filed by the Shrine Circus.

REQUEST FROM THE LIONS CLUB OF RIVERBANK TO OPERATE A PUBLIC ADDRESS SYSTEM ON THE CITY STREETS OF MODESTO

A letter from the Lions Club of the City of Riverbank requesting permission to operate a mobile public address system in the commercial areas of the City of Modesto for the purpose of advertising a public dance to be held on July 3, 1956, and a carnival-fair to be held on July 11 to 16, inclusive, was read.

It was the general opinion of the Council that it should not become involved with activities outside of its own community and that the request be denied.

MOTION

That the request to operate a public address system be denied.

Moved by Hammond Seconded by Robinson Unanimously carried

REPORT ON ACTION OF THE BOARD OF SUPERVISORS RE: 10% SALES TAX

Councilman Anderson asked, and received permission, to raise a subject not on the agenda. He reported that the Board of Supervisors had taken a stand on the 10% sales tax by asking their attorney to draw up an ordinance on the basis that the ordinance will be there and if the cities participate on a 1/10 basis it will be put into effect immediately. He stated that he would like to propose the following motion:

MOTION

That the staff make a study of discontinuing the exemptions as they exist in the City of Modesto.

Moved by Anderson Seconded by Mayor Marks

Before the vote was taken on the motion a discussion was held by the Council on the matter. During the discussion the City Manager brought out the following points:

1. That the cities have generally taken the position that if the County needs its revenue and wants to pass it, they would be willing to cooperate on certain basis. If they don't need it and don't want to pass it, the cities are doing all right under the present arrangements;
2. During the 6 months this could have been in effect, the total amount the County has failed to collect is about equal to the difference between 5% and 10% that they are arguing about for a two year period;
3. Mr. McDougal's statistics were invalid; he was comparing data on the cities of two years ago with revenue estimates for next year.

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He pointed out that the comparison is invalid, but what the city and county does about it is something else. He stated that he felt it should be stated flatly and publicly that the comparison which Mr. McDougal made are "just simply not valid". He stated that the statement which was made that "there is \$900,000 or \$1,000,000 in additional revenue", is not true.

Mayor Marks pointed out that the cities have gone right along with the County and have stated that they know the County needs more money, but they felt that the money which is collected within the City belongs to that city and its citizens. Although the cities felt this way, in the interest of getting a compromise, they offered to pay 5/100 of 1% or 1/20th. Nothing was done about the offer, he continued, and now the County has come up with its ordinance. He stated that he did not feel the larger cities would approve the ordinance, but that the smaller cities might approve of the 1/10th of 1% since they do not have the machinery to enforce collection which the larger cities have.

Mayor Marks called for the vote on the motion and it was unanimously carried.

Later in the meeting, Mayor Marks reviewed for the benefit of Bob Adams, member of the Board of Supervisors, Stanislaus County, the action taken by the Council on this matter, prior to his arrival at the Council meeting.

Mr. Adams explained that the action taken was not an unanimous action among the Supervisors as far as the question of the sales tax is concerned. He stated that the action taken was of a rather hurried nature in which the County Counsel was asked to prepare an ordinance which would basically set out an amount of 10%, if and when the cities pass a similar ordinance. He stated that on numerous occasions, as a member of the Board, he had indicated that he felt the Board should accept the 5% the cities are willing to provide. He felt that all the cities of the County would be willing to enter into at least a gentleman's agreement that the figures would be reviewed and if the actual figures are greater than anticipated by any city, that the cities and the Board could sit down and re-negotiate after a reasonable period of time. He stated that the Board would consider the ordinance at its meeting on July 9, 1956. He stated that as far as he was concerned he would not be satisfied until everything has been exhausted to try and develop some thing that is fair and equitable to everyone concerned.

Mayor Marks asked Mr. Adams to carry back to the Board of Supervisors the fact that the Council is serious about discontinuing the exemptions in the City and have proven it by its action tonight. He stated that the Council appreciated the consideration the Board has given and that he felt sure the Council will go along with re-negotiating after having tried it out for about three years, so that an experienced rating can be given and everyone will know where they stand.

SET DATE FOR SPECIAL DISCUSSION ON 1956-57 BUDGET

Mayor Marks suggested that the Council devote one special meeting for a discussion on the salary increase, and invite Mr. Ennis, of Kroeger and Associates, to be present. The Council members decided that they would first set a date and time for a special discussion on the Budget, as a whole, and then after that meeting, they would set the date and time for the discussion on the salary increases.

The Council agreed that an adjourned meeting would be held on Thursday, July 5, at 4:00 P. M., and set the time of 4:30 P. M. for a special discussion of the 1956-57 Budget.

HEARING ON AMENDMENT TO MUNICIPAL CODE RELATING TO ZONING - CAR WASH

Mayor Marks announced that the hour of 8:00 P. M. had arrived, the time set for consideration of the amendment to the Municipal Code relating to zoning of car wash establishments.

The City Clerk filed a certification that the Notice of Public Hearing on the amendment to the Municipal Code had been published in the official paper, as required by law, and that no written protests had been filed.

Planning Director Smeath outlined the problem involved and reviewed the action taken by the Planning Commission on this matter. Resolution No. 320 adopted by the Modesto City Planning Commission on June 4, 1956, recommending to the Council that Section 10-2.901 of the Municipal Code be amended, was read.

Mayor Marks asked if there were any oral protests or comments to be made and there were none. Mayor Marks declared the hearing closed.

ORDINANCE NO.95-C.S., entitled

"AN ORDINANCE AMENDING SECTION 10-2.901 OF ARTICLE 9 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO ZONING REGULATIONS IN THE CITY OF MODESTO"

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

Moved by Hammond

Seconded by Anderson

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

Noes: None

Absent: None

CONSIDERATION OF ORDINANCE AMENDING REGULATIONS RELATING TO DEL WEBB FIELD

City Attorney Grimes stated that copies of the draft of the ordinance had been sent to the Council members for their study.

ORDINANCE NO. 96-C.S., entitled

"AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XII OF THE MODESTO MUNICIPAL CODE RELATING TO DEL WEBB FIELD"

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

Moved by Anderson

Seconded by Merrill

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

Noes: None

Absent: None

RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATION OF \$1500 FROM CITY COUNCIL BUDGET TO CITY ATTORNEY BUDGET FOR CONTRACT FOR LEGAL SERVICES, POLICE & FIREMEN HOLIDAY PAY

The City Manager reported that this resolution was in line with the request of the Council at its meeting on June 20, 1956.

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1500 FROM CITY COUNCIL BUDGET TO CITY ATTORNEY BUDGET FOR LEGAL SERVICES, POLICE & FIREMEN HOLIDAY PAY

Introduced by Robinson

Seconded by Arata

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

Noes: Councilmen: None Absent: None

FURTHER REPORT ON HEALTH DEPARTMENT

The City Manager reported that a meeting had been held today with Dr. John R. Philp, of the State Department of Public Health, to review the steps which would be necessary to keep the Health Department in good shape. One of the things which was brought to their attention, he stated, was that an appointment of an Acting Health Officer would need to be made, as soon as possible, on an interim basis. He stated that the staff is checking further on some possible consolidation or certain functions which the County might be able to accomplish. He stated that the staff is proceeding on the basis that any function that the County might take over, will have to be on the level comparable to or above those which have been provided by the City. He stated that they were not proceeding on any assumption that this would be done, or that there would be any consolidation, but that the Council had asked the staff to check this possibility out and they were proceeding on that basis. He stated that the State has agreed to make an analysis of the level of services of various functions and that a report will be made to the Council at a later date.

CONSIDER APPOINTMENT OF TWO MEMBERS TO THE BOARD OF ZONING ADJUSTMENT

The Council discussed ways to select members for the various boards and commissions and the following procedures were submitted for consideration:

1. Mayor Marks suggested that each Council member submit names and then as each name is submitted the person who submits the name will give a short resume' of the background of the person and then after a general discussion on all of the names submitted, a secret ballot will be held.
2. Councilman Merrill suggested that the Council members submit names and then if there is any name which a Council member would like more information about, he can ask the person who is submitting the name. He also suggested that the voting be held over for one week so that the Council can study the names proposed.
3. Councilman Anderson suggested that each Council member submit their names and the duplicate names would be destroyed and there would then be the names left of the various individuals and these would be put into a hat and drawn out and then the Council would vote on each one as they were drawn.

Councilman Hammond stated that he thought the Council should try one of these methods for a while, then if it didn't work, they could try another one, until they finally found one which served the purpose.

It was pointed out that the Council members should contact the person first, before they submit the name for consideration by the Council.

After considerable discussion by the Council, it was decided that

each Council member would submit their names to the City Clerk, along with a short report on each persons background, a week preceding the meeting when the names will be voted upon. Within two or three days of the meeting, the Clerk will present each Council member with a list of the names submitted, along with the reports on the background of each person, for their consideration, prior to the time of the voting.

HEARING ON APPLICATION OF IRMA RASMUSSEN, 516 14TH STREET, FOR UNCLASSIFIED USE PERMIT FOR THE DAY CARE OF CHILDREN

Mayor Marks announced that the hour of 8:15 P. M. had arrived, the time set for consideration of the application of Irma Rasmussen, 516 14th Street, for an unclassified use permit for the day care of children.

The City Clerk reported that notices of the public hearing had been mailed to all property owners within 300 feet radius, as provided by the Municipal Code, and that no written protests had been filed.

Resolution No. 316, adopted by the Modesto City Planning Commission on June 4, 1956, recommending to the Council the granting of the permit to Mrs. Rasmussen, was read.

Mayor Marks asked if there were any oral protests or if anyone wished to make any comments, and there were none.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 56-262

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO IRMA RASMUSSEN FOR THE DAY CARE OF EIGHT CHILDREN AT 516 14TH STREET, MODESTO

Introduced by Merrill Seconded by Robinson

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

Noes: None Absent: None

HEARING ON 1956-57 BUDGET

Mayor Marks announced that the hour of 8:30 P. M. had arrived, the time set for consideration of the 1956-57 Budget. The City Clerk reported that no written communications had been received on this matter. Mayor Marks asked if there was anyone in the audience who had any matters to raise in regard to the Budget, and there were none. It was pointed out that if anyone wished to make any comments at later budget discussions, it would be possible for them to do so.

Page 33 - Finance

Councilman Hammond asked if it would be possible to put out on a bid basis the Maintenance & Repair of Office Equipment for all departments, plus the amount of office supplies. The City Manager stated that informal bids had been taken on some of the equipment maintenance, such as typewriter and radio equipment, etc. and some was done by contract. The Finance Director explained the procedure used for the maintenance and repair of office equipment.

Councilman Hammond pointed out that in five years the Finance Department has doubled the wage structure and asked whether the Council should consider eliminating some of the paper work that the staff has been doing.

The City Manager pointed out that the Finance Department is now doing many things which were at one time scattered out among the various

departments, such as centralizing of purchasing, payroll and accounting. He also pointed out that a precise financial statement is prepared by the Finance Department and presented within the first 5 or 7 days of each month and shows exactly what the City's financial position is. He stated that some of the paper work is sent to the Council members and asked them if they are receiving more reports than they need. Councilman Anderson suggested that the monthly activity reports be discontinued. A short discussion was held on this suggestion but no action was taken to discontinue the reports. The City Manager asked the Council to bring to the staff's attention any report that is sent to them, which they feel could be eliminated.

Page 35 - Personnel

Councilman Hammond stated that although only one-third of the Assistant City Manager's salary is being charged to the Personnel Budget this year, it only amounts to a reduction of about \$400 in the Salaries and Wages for that department. He asked why there was such a small reduction in this section. Mr. Lawrence explained that although only one-third of the Assistant City Manager's salary is being charged to Personnel, step increases of the other employees in the department amount to approximately \$600, making the actual decrease in the budget of only about \$400.

Mayor Marks asked what Services, Professional & Other included. Mr. Lawrence stated that this included a contract with the State of California for examination services and physical examinations given by doctors for new employees. Councilman Hammond asked what the cost of the medical examinations was. Mr. Lawrence stated that the City had a contract and the charge was \$5.00 per examination. Upon request of the Councilmen, Mr. Masonheimer explained the different types of tests which the City receives from the State. He stated that he felt the money is very well spent on these tests; the service is very efficient, and it is at a very reasonable price.

Mayor Marks asked approximately how much of the Budget would be as a result of labor turnover. The City Manager stated that the staff had just prepared a report to the Personnel Commission on this subject and would be glad to send the Council members a copy of it. Mr. Masonheimer reported that in some of the classifications the labor turnover in the last two or three years has been as high as 600%. He stated that one way the amount budgeted for Services, Professional & Other can be decreased, is the lessening of the labor turnover, which would lessen the examination program.

Page 39 - Advance Planning

The City Manager stated that this budget was set up on about the same basis as last year and the staff has asked that the Council appropriate the money only for three months with a reserve on the balance that could be held pending the determination as to how it will be financed. He stated that numerous meetings had been held and it appears that the city and the county jointly can obtain Federal assistance to the extent of 50% of the total program.

Bob Adams, Supervisor, who was present, stated that the city was further along on the program than the County, although the County has approved its preliminary budget. In the Advance Planning Budget, he stated, \$19,500 has been allocated. He reported that in a booklet prepared by the Master Planning Staff, entitled "The Master Plan Program", the staff has estimated a budget which the staff could carry on Advance Planning, and it is based on an assessed value basis. He stated that if all the cities participated in the program the total budget would amount to \$13,043.00 and a matching amount from the County would bring the total to approximately \$26,000. He stated that the Cities and County would also be eligible for a matching sum of approximately \$26,000 from the Federal Government. He said that the Government will not match Capital Expenditure items, but that there were very few included in the program, as it is set up. He stated that it is the desire of the majority of the members of the Board that they continue on on this important project. He stated that Oakdale and Riverbank have indicated their desire to participate in

the program which brings the total to four cities participating in the program. (Oakdale, Riverbank, Modesto, and Ceres).

Discuss Meeting with Council Garbage Committee

Mr. Adams stated that he would like to meet with the Council's Garbage Committee soon, to discuss the possibility of a new garbage disposal site. He said that he had been working on the site locations for the last three months but had not been at liberty to discuss the various sites which he had in mind. He reported that he believed the County was in a position to offer to the general metropolitan areas, Salida, Modesto, Empire, Hughson and Ceres, a sanitary land fill site that would last the community for nearly 50 years. He stated he would like an opportunity to meet with the Committee and show them the sites which he has in mind. He stated that the larger site might make it possible for the City to do away with the tree trimming disposal area at the Airport.

Councilman Merrill will contact Mr. Adams and make arrangements for the Council Committee to meet and discuss the sites which are available.

Mayor Marks declared the hearing closed at 9:05 P. M. and it was agreed that informal discussion of the budget would be continued at the Adjourned Regular Meeting on July 5, 1956, at 4:30 P. M.

ORDINANCE APPROPRIATING FUNDS FOR PAYMENT OF EXPENSES OF THE CITY PENDING ADOPTION OF 1956-57 BUDGET

The City Manager reported that this was for appropriating funds in amount \$250,000, for the current expenses of the City starting July 1, 1956, pending adoption of the budget.

ORDINANCE NO. 97-C.S., entitled

"AN ORDINANCE APPROPRIATING FUNDS FOR PAYMENT OF THE USUAL CURRENT EXPENSES OF THE CITY OF MODESTO"

was moved and adopted and ordered printed and published by the following vote:

Moved by Arata

Seconded by Robinson

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

Noes: None

Absent: None

GRANT EXTENSION OF TIME FOR COMPLETION OF IMPROVEMENT DISTRICT NO. 4

Director of Public Works Ray reported that due to the fact that the materials did not arrive from the supplier in time to complete the improvements in Improvement District No. 4, by the completion date of July 8, 1956, the Industrial Electrical Company is requesting an extension of time to July 31, 1956, in which to complete the installation. He recommended that the request be granted and also recommended that the actual extension time be extended to September 5, 1956, to include preparation of the assessment roll, notices to property owners, and the prospective hearing date on the final assessment roll.

RESOLUTION NO. 883-S.P.

A RESOLUTION EXTENDING THE TIME FOR THE CONTRACTOR TO COMPLETE THE WORK AND IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 4.

Introduced by Adams

Seconded by Robinson

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

Noes: None

Absent: Merrill

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RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED ANNEXATION OF THE COVELL ADDITION

The City Manager read Resolution No. 325, adopted by the Modesto City Planning Commission on June 26, 1956, recommending to the Council the commencement of annexation proceedings of the Covell Addition.

RESOLUTION NO. 56-263

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

Introduced by Anderson

Seconded by Robinson

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

Noes: None Absent: Merrill

RESOLUTION NAMING THE FORMER JOHN MUIR SCHOOL BUILDING THE MODESTO COMMUNITY SERVICE CENTER

The Director of Parks and Recreation filed a report on the meeting of the Council Committee on Naming the Old John Muir School Park Site, for consideration by the Council.

RESOLUTION NO. 56-264

A RESOLUTION NAMING THE FORMER JOHN MUIR SCHOOL BUILDING THE MODESTO COMMUNITY SERVICE CENTER

Introduced by Robinson

Seconded by Anderson

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

Noes: None Absent: None

CONSIDER RESCINDING RESOLUTION NO. 3416-N.S. RE: MILL TAX ON AUTOMOBILE AND TRACTOR DEALERS

Director of Finance Lawrence reported that the City Council had adopted Resolution No. 3416-N.S. in February, 1936, which provided that automobile and tractor dealers should pay mill license tax on actual cash taken in on the sale of new or used cars. He stated that this resolution is in conflict with the ordinance and legally has no effect, however, all automobile dealers audited by the City office are taking advantage of this resolution. He recommended that the resolution be rescinded and that automobile and tractor dealers be notified that they may not hereafter deduct the value of the trade in of new or used cars or tractors, beginning July 1, 1956.

RESOLUTION NO. 56-265

A RESOLUTION RESCINDING RESOLUTION NO. 3416-N.S. RELATING TO MILL TAX ON AUTOMOBILE AND TRACTOR DEALERS

Introduced by Anderson

Seconded by Hammond

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

Noes: None Absent: None

Traffic Engineer Carmody reported on the request of Mrs. Grace Covell, owner of Hotel Covell, to install a mid-block cross-walk across 11th Street at the Covell Parking Lot (between J and K Streets). He estimated the cost of installation to be \$1600 and stated that Mrs. Covell had offered to pay \$1,000 toward the cost. He stated that he had told Mrs. Covell that he could not recommend the installation of a mid-block cross-walk. He said he felt that a mid-block crosswalk at this location would be dangerous unless it was properly protected. He stated that the only way he would recommend the installation would be on the basis that some sort of a positive traffic control was established.

Mayor Marks stated that many of the merchants had told him that they could like mid-block crosswalks established at the alleys, for instance between 10th and 11th Streets on I Street, and he had told them that the blocks were just too short for mid-block crosswalks.

Mr. Carmody stated that he felt mid-block crosswalks could be worked out if funds were available for traffic signals, but that there are intersections involving accidents that demand more attention, he felt.

MOTION

That the request of Mrs. Covell for mid-block crosswalk on 11th Street, be denied.

Moved by Anderson

Seconded by Robinson

Before the vote was called, Mayor Marks asked Mr. Hoover Long, operator of the Covell Parking Lot and representing Mrs. Covell at the Meeting, if he desired to say anything at this time.

Mr. Long stated that he did not feel it would be setting a precedent if the crosswalk was established, since it is the only parking facility in town in the center of a block which serves a business on the opposite side of the street. He stated that the telephone company has an office on both sides of the street, and the employees cross in the middle of the block during the entire day. He said that the idea was to install it on a temporary basis and try it out for two or three months; then if it creates a hazard, it could be taken out. If it was done on this basis, he stated, it would not be necessary to spend \$1600 for lights, and then have it not work out.

Mayor Marks asked if the Council would be interested in installing the crosswalk on a temporary basis, as suggested by Mr. Long, but no action was taken on the suggestion.

Mayor Marks called for a vote on the motion of Councilman Anderson, and declared that it was unanimously carried.

CONSIDER PROPOSAL FOR PEDESTRIAN SIGNALS ON 10TH STREET AT I AND J STREETS

Traffic Engineer Carmody reported on the proposal for pedestrian signals on 10th Street at I and J Streets. He stated that the signals would be a "Walk-Wait" type of signal which would operate in conjunction with the traffic signals already installed at these intersections. He stated that this would lend itself to a limited type of "scramble" system, but would not permit the people to cross diagonally. He said that the total amount of the job would be \$1250, with \$100 of this being for labor. He stated that the city forces could do this type of job better, he felt, than letting it go to bid, since it would involve some modification of the existing controllers and some switches of controllers.

The Council members indicated their approval of the proposal and agreed to discuss it further at the time the Capital Improvement Budget was discussed.

CONSIDER PURCHASE OF NEW PAINT STRIPING MACHINE FOR TRAFFIC DEPARTMENT

The City Manager reported that a new paint striping machine was in the budget, but that the staff had a different proposal to submit for Council consideration.

The Traffic Engineer pointed out the advantage of having this new type of machine which the staff is proposing, and stated that it would save many man hours by being able to use only one man on the machine, while it takes two to operate the present machine and also by not having to mix paint several times a day, which is necessary at the present time. He listed various other ways which would save man hours, by having this new machine.

The City Manager recommended that the machine be purchased and stated that the funds would be available in the Service Division Working Capital Fund.

MOTION

That the staff proceed with the proposal to purchase the new paint striping machine.

Moved by Merrill

Seconded by Adams

Unanimously carried

NOTICE OF HEARING BY PUBLIC UTILITIES COMMISSION ON BUS RATES

The Traffic Engineer reported that the Transcontinental Bus System has applied to the Public Utilities Commission to provide a special service through Modesto between San Francisco and Los Angeles. He stated that they propose to charge up to \$1.50 extra for a trip made from San Francisco to Los Angeles. It will be less, he stated, for intervening points. He stated that he did not feel the staff had the time to make a research to determine whether this is a reasonable request and recommended that it be left to the Public Utilities Commission for decision. The Council concurred with this recommendation.

RESOLUTION ACCEPTING DEED FROM THE FIRST CHURCH OF NAZARENE OF
MODESTO, CALIFORNIA, FOR RIGHT OF WAY IN BLOCK 2057 FOR ALLEY
PURPOSES

The City Attorney reported that for the past two years the staff has been trying to obtain the dedication of the right of way in Block 2057 from the church, but has not been able to clear the deed of trust, on the 10 foot strip involved. He stated that it is still not possible to clear the deed of trust, but it would be desirable to accept the 10 foot dedication subject to the deed of trust. He recommended the acceptance of the deed, under the conditions outlined.

RESOLUTION NO. 56-266

A RESOLUTION ACCEPTING GRANT DEED FROM FIRST CHURCH OF THE NAZARENE OF MODESTO, CALIFORNIA, FOR ALLEY PURPOSES IN BLOCK 2057

Introduced by Anderson

Seconded by Arata

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

Noes: None

Absent: None

RESOLUTION ACCEPTING RIGHTS OF WAY AGREEMENT FOR BLOCK 2020 - ALLEY FOR CONSTRUCTION OF SEWER IN IMPROVEMENT DISTRICT NO. 5 FROM HENRY G. TSCHANTZ, ET UX, AND ELBERT L. WETMORE, ET UX

The City Attorney recommended the acceptance of rights of way agreements for Block 2020 for alley for construction of sewer in Improvement District No. 5 from Henry C. Tschantz, et ux, and Elbert L. Wetmore, et ux.

RESOLUTION NO. 56-267

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND HENRY C. TSCHANTZ AND LOIS L. TSCHANTZ FOR ALLEY IN BLOCK 2020 FOR CONSTRUCTION OF SEWER IN IMPROVEMENT DISTRICT NO. 5

Introduced by Anderson

Seconded by Adams

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

Noes: None

Absent: None

RESOLUTION NO. 56-268

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ELBERT L. WETMORE AND GRACE L. WETMORE FOR ALLEY FOR CONSTRUCTION OF SEWER IN IMPROVEMENT DISTRICT NO. 5

Introduced by Arata

Seconded by Merrill

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

Noes: None

Absent: None

CONSIDER EXTENSION OF PROVISIONAL APPOINTMENT OF ELLIS HOLDEN, BUILDING INSPECTOR

The City Manager recommended the extension of a provisional appointment of Ellis Holden, Building Inspector, for a period of 60 days, pending the final examination.

MOTION

That the provisional appointment of Ellis Holden, Building Inspector, be extended for a period of 60 days, pending examination.

Moved by Anderson

Seconded by Robinson Unanimously carried

RESOLUTION ACCEPTING A DEED FROM THE GRACE EVANGELICAL LUTHERAN CONGREGATION UNALTERED AUGSBURG CONFESSION OF MODESTO FOR THE WIDENING OF ENSLEN AND ORANGEBURG AVENUES

The City Attorney recommended the acceptance of a deed from the Grace Evangelical Lutheran Congregation Unaltered Augsburg Confession of Modesto for the widening of Enslen and Orangeburg Avenues.

RESOLUTION NO. 56-269

A RESOLUTION ACCEPTING GRANT DEED FROM THE GRACE EVANGELICAL LUTHERAN CONGREGATION UNALTERED AUGSBURG CONFESSION OF MODESTO, CALIFORNIA FOR THE WIDENING OF ENSLEN AND ORANGEBURG AVENUES.

Introduced by Arata

Seconded by Robinson

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

Noes: None

Absent: None

RESOLUTION APPROVING FINAL MAP OF NORTHGATE SUBDIVISION NO. 1

The City Attorney reported that checks for \$2454.32 to cover street lights and \$1521.60 covering fees and bond on Northgate Subdivision No. 1 were on file and in proper order.

RESOLUTION NO. 56-270

A RESOLUTION APPROVING THE FINAL MAP OF THE NORTHGATE SUBDIVISION NO. 1 OF THE CITY OF MODESTO

Introduced by Adams

Seconded by Robinson

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

Noes: None

Absent: None

RESOLUTION APPROVING FINAL MAP OF WESTLAND MANOR NO. 2 SUBDIVISION

The City Attorney reported that a check had been received to cover the fees on Westland Manor No. 2 Subdivision but that he had not received the check covering the street lights, to date. Roy Fredrickson, Assistant Director of Public Works, reported that the check was on file but had not yet been turned over to the City Attorney.

~~RESOLUTION NO. 56-271~~

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

Introduced by Anderson

Seconded by Adams

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

Noes: None

Absent: None

RESOLUTION SETTING DATE OF JULY 18, 1956, FOR PUBLIC HEARING ON APPLICATION OF MYRTLE FOSTER, 301 PINE STREET, FOR AN UNCLASSIFIED USE PERMIT TO OPERATE A REST HOME FOR 4 AMBULATORY PATIENTS

The City Clerk recommended that July 18, 1956, at 4:30 P. M. be set for the public hearing on the application of Myrtle Foster, 301 Pine

Street, for an unclassified Use Permit to operate a rest home for 4 ambulatory patients.

RESOLUTION NO. 56-273

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT FOR MYRTLE FOSTER, 301 PINE STREET, TO OPERATE A REST HOME FOR FOUR AMBULATORY PATIENTS.

Introduced by Robinson

Seconded by Anderson

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

Noes: None

Absent: None

REQUEST FOR TRANSFER OF LEASE OF MAIN HANGAR AT AIRPORT

The City Attorney stated that he had prepared two agreements, one which terminates the lease of N. J. Province for the main hanger at the airport, as of June 30, 1956, and the other one leases the hanger to Donald R. Montgomery on the same basis as the previous lease with Mr. Province. He stated that the lease agreement with Mr. Province had provided that he pay for the last five months of the three year lease, so the termination agreement provides that the city shall refund \$500 for the advance rent for the last five months.

ORDINANCE NO. 99-C.S., entitled

"AN ORDINANCE PROVIDING FOR THE TERMINATION OF THE LEASE OF CERTAIN CITY OWNED AIRPORT PROPERTY TO NATHAN J. PROVINCE AND AUTHORIZING THE EXECUTION OF A LEASE TERMINATION AGREEMENT IN CONNECTION THEREWITH"

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

Moved by Hammond

Seconded by Anderson

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

Noes: None

Absent: None

ORDINANCE NO. 98-C.S., entitled

"AN ORDINANCE PROVIDING FOR THE LEASE OF CERTAIN CITY OWNED AIRPORT PROPERTY TO DONALD R. MONTGOMERY 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 Adams

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

Noes: None

Absent: None

ACCEPT CONSTRUCTION OF TWO DEEP WELLS BY OSTERBERG & CARROLL, CONTRACTORS (STATION 3 AND STATION 18)

The Director of Public Works reported that the drilling of two deep wells (Station 3 and Station 18) had been completed by contractors, Osterberg & Carroll and recommended that it be accepted as complete and a notice of completion be filed with the County Recorder.

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TWO DEEP WELLS FROM CONTRACTORS, OSTERBERG AND CARROLL

Introduced by Anderson

Seconded by Arata

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

Noes: None Absent: None

REPORT ON ENFORCEMENT OF TRAFFIC LAWS

The City Manager filed a report on Enforcement of Traffic Laws for Council consideration.

REPORT ON TRAFFIC ENGINEERING DEPARTMENT EMPLOYEE'S APPOINTMENT TO ANNAPOLIS

Traffic Engineer Carmody reported on the appointment of Jim Liakos, employee of the Traffic Engineering Department, to Annapolis. He stated that the appointment was the only one made from this Congressional District for this year.

MEETING OF COUNCIL ON JULY 4, 1956, TO BE ADJOURNED BY THE CITY CLERK TO ADJOURNED MEETING OF JULY 5, 1956, AT 4:00 P. M.

The City Clerk was instructed to adjourn the July 4, 1956, regular meeting to an Adjourned Meeting on July 5, 1956 at 4:00 P. M.

ADJOURNMENT

Councilman Anderson moved, seconded by Councilman Merrill, and it was unanimously carried that the Council meeting now in session be adjourned. The meeting was adjourned at 10:30 P. M.

ATTEST: 
REX E. GAILFUS, CITY CLERK

Council Meeting
July 4, 1956.

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

The City Clerk called the roll and in the absence of all members of the Council, he declared the meeting adjourned to 4:00 P. M., July 5, 1956, under the authority contained in Section 2-1.07 of the Municipal Code.

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 2-1.07 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, Merrill, Robinson and Mayor Marks

Absent: Hammond

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

A few moments of silent prayer were observed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of June 6 and 13, 1956, and the same being available for public inspection and there being no objections, the minutes were approved.

COMMUNICATION: FROM FRANK PARADIS RE: DELINQUENT MILL LICENSE AND PENALTY 1-3

The City Manager read a letter from Frank Paradis enclosing a check in amount \$319.20 for the mill tax audit for the past three years. He stated that the total amount of the audit was \$374.00 which included a \$54.80 penalty, but that Mr. Paradis had deducted the penalty from his payment, for mistakes which had been made by his bookkeeping department but not made "with the intent of defrauding the City of any taxes due them".

The letter was referred to the staff for study and report to the Council at a later date.

LETTER FROM JAMES H. CORSON, SUPERINTENDENT OF SCHOOLS RE: STADIUM FACILITIES 1-4

The City Manager read a letter from James H. Corson, Superintendent of Schools, inquiring as to whether the City would be interested in assisting the Board of Education with the cost of adding some bleacher facilities at the Junior College.

Councilman Arata stated that the City is trying to fix up the old John Muir School, at the present time, and that a ball field will be

provided there, and he did not feel the City should participate in the cost of adding more bleachers, at this time.

Councilman Merrill pointed out that the City has so many more pressing problems confronting it now, and he did not feel the City should participate in a school problem.

Councilman Anderson pointed out that although the stadium was of public interest, only a small segment of the public is interested in it. Mayor Marks stated that he felt that in the letter he is to write to Mr. Corson, it should be pointed out that the City does donate to the California Relays each year.

MOTION

That Mayor Marks be authorized to write a letter to Mr. Corson, explaining the City's position in this matter, as expressed by members of the Council.

Moved by Merrill Seconded by Anderson Unanimously carried

LETTER FROM DEPARTMENT OF PUBLIC HEALTH RE: RABIES ENDEMIC AREA 1-15

A letter was read by the City Manager, from the State of California, Department of Public Health, advising the Council that the designation of Stanislaus County as a "rabies endemic area" has expired. The State Department recommended the continued application of the control measures to help prevent any recurrence of the infection.

The City Manager stated that no action by the Council was necessary, and none was taken.

(Councilman Robinson arrived at 4:11 P. M.)

PETITION FROM PROPERTY OWNERS IN THE 1300 BLOCK ON FORDHAM AVENUE RE: DRAINAGE PROBLEM 1-18

Mayor Marks presented a petition from property owners in the 1300 Block on Fordham Avenue, which he had received. The petitioners requested that the staff make an investigation of the unsanitary condition of Fordham Avenue, which is a result of poor drainage. The petition stated that although an additional French Type drain had been installed, it did not solve the problem, and the City Engineers Office has stated that the only solution to the drainage problem would be the installation of storm sewers.

Director of Public Works Ray reported that French drains had

been installed in numerous places throughout the city, and in some places they work satisfactorily but in other places they do not solve the problem. He stated that he did not know of any easy solution to the problem and that a petition could be started requesting the formation of an improvement District for the installation of storm sewers.

The City Manager stated that an important point to bring out is the fact that all the water involved is the result of someone wasting water. He stated that he felt the City will have to take a firm position on the people who are wasting the water and creating these drainage problems. He reported that warnings have been given to people who continually waste water, and in some cases meters will have to be installed if they continue to do so.

MOTION

That the staff be instructed to investigate the drainage problem on Fordham Avenue and report back to the Council pointing out the reasons for this problem, such as 1) the lack of drainage, as far as the hard pan is concerned, with the French type drain; 2) the wasting of the water; and 3) the formation of a drainage system.

Moved by Adams Seconded by Anderson Unanimously carried

LETTER FROM KLAMATH COUNTY HEALTH DEPARTMENT RE: GARBAGE AND REFUSE DISPOSAL 2-1

Mayor Marks presented a letter which he had received from the Klamath County Health Department requesting information in regard to the City's sanitary landfill operation. He asked the staff to answer the letter and furnish them with the information which is requested in the letter.

LETTER FROM CONFERENCE OF MAYORS AND OTHER MUNICIPAL OFFICIALS, STATE OF NEW YORK, RE: REGULATION OF PRIVATE SWIMMING POOLS 2-1

A letter from Conference of Mayors and Other Municipal Officials, State of New York, enclosing a questionnaire in regard to the regulation of private swimming pools, was presented by Mayor Marks.

Mayor Marks asked City Attorney Grimes if the City had an ordinance requiring the fencing of swimming pools and Mr. Grimes replied that the city did not have an ordinance to this effect.

MOTION

That the staff make an investigation on the possibility of requiring the fencing of all privately owned swimming pools.

Moved by Mayor Marks

Failed for lack of a second
7-5-56 Page 3

Mayor Marks stated that with the increased construction of private swimming pools, he felt there should be a law requiring the fencing of the pools. Councilman Anderson reported that the City of Fresno has such a law,

Director of Planning Smeath reported that the staff had included this requirement in its list of recommended amendments to the zoning ordinance, which has been presented to the Planning Commission, for consideration.

REPORT ON ANTI-NOISE CAMPAIGN THROUGHOUT THE UNITED STATES 2-5

Mayor Marks reported that throughout the United States communities are conducting anti-noise campaigns and asked the Council members to consider the matter of conducting such a campaign in Modesto.

RESOLUTION APPROVING SPECIFICATIONS AND CALL FOR BIDS FOR STREET LIGHTING MATERIALS FOR SUBDIVISIONS 2-10

Plans and specifications for the furnishing of street lighting materials were presented for Council consideration. The Director of Public Works recommended the date of July 23, 1956, at 3:00 P.M., as the time for the bid opening.

RESOLUTION NO. 56-274

A RESOLUTION APPROVING SPECIFICATIONS AND CALLING FOR BIDS FOR STREET LIGHTING MATERIALS FOR SUBDIVISIONS

Introduced by Arata

Seconded by Adams

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

Noes: None

Absent: Hammond

CONSIDER BIDS FOR COOLERS AT THE L. J. MADDUX YOUTH CENTER 2-11

The City Manager reported that three bids had been received for the installation of a cooling system at the L. J. Maddux Youth Center. He recommended that the low bid of \$2,302.00 submitted by Fred L. Hill be accepted. He recommended that a total sum of \$2400.00 be appropriated to cover the cost of the bid, inspection services by the City and miscellaneous water pipe.

RESOLUTION NO. 56-275

A RESOLUTION ACCEPTING THE BID OF FRED L. HILL FOR THE INSTALLATION OF COOLING SYSTEM AT THE L. J. MADDUX YOUTH CENTER

Introduced by Arata

Seconded by Anderson

7- 5-56 Page 4

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

Noes: None

Absent: Hammond

CONSIDER BIDS FOR INSTALLATION OF WATER LINES IN THE COLLEGE DE VILLE
SUBDIVISION 2-12

The City Manager reported that two bids had been received for the installation of water lines in the College De Ville Subdivision and that the low bidder was Manuel Smith in amount \$1,572.12. The City's estimates for the installation of these water lines were (a) by City Forces - \$1,410.00; (b) by contract \$1,700.00. He pointed out that the low bid which was submitted, was 11.5% above the estimate of cost for doing the work by City forces. Council members noted its policy on installation of water lines, where bids received were greater than 10% over the estimated cost of doing work by City forces, such bids would be rejected.

RESOLUTION NO. 56-276

A RESOLUTION REJECTING ALL BIDS FOR THE INSTALLATION OF WATER LINES IN COLLEGE DE VILLE SUBDIVISION AND AUTHORIZING THE WORK TO BE DONE BY CITY FORCES

Introduced by Robinson

Seconded by Mayor Marks

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

Noes: None

Absent: Hammond

FINAL ADOPTION OF ORDINANCE NO. 93-C.S. - LEASE AGREEMENT WITH E. D.
THOMPSON FOR AIRPORT PROPERTY 2-23

"AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO E. D. THOMPSON AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH"

was introduced on June 20, 1956, and having been printed and published and coming on for final consideration was moved and adopted.

Moved by Anderson

Seconded by Robinson

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

Noes: None

Absent: Hammond

FINAL ADOPTION OF ORDINANCE NO. 94-C.S. - LEASE AGREEMENT WITH J. C.
SORENSEN FOR AIRPORT PROPERTY 2-24

ORDINANCE NO. 94-C.S., entitled

"AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO JAMES C. SORENSEN AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH"

was introduced on June 20, 1956, and having been printed and published and coming on for final consideration was moved and adopted.

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Moved by Arata

Seconded by Robinson

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

Noes: None

Absent: Hammond

FINAL ADOPTION OF ORDINANCE NO. 95-C.S., AMENDING ZONING REGULATIONS
RE: CAR LAUNDRY ESTABLISHMENTS ²⁻²⁴

ORDINANCE NO. 95-C.S., entitled

"AN ORDINANCE AMENDING SECTION 10-2.901 OF ARTICLE 9 OF
CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELAT-
ING TO ZONING REGULATIONS IN THE CITY OF MODESTO"

was introduced on June 27, 1956, and having been printed and pub-
lished and coming on for final consideration was moved and adopted.

Moved by Arata

Seconded by Robinson

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

Noes: None

Absent: Hammond

REPORT FROM COUNCIL COMMITTEE ON NAMING OF THE OLD JOHN MUIR SCHOOL
PARK SITE ²⁻²⁵

Councilman Merrill asked, and received permission, to raise a
subject not on the agenda. He reported that the Council Committee on
the naming of the old John Muir School Park Site had met and recommended
that the Council name this park site after the late Thomas B. Scott, on
the basis of his quarter of a century of community service.

RESOLUTION NO. 56-277

A RESOLUTION NAMING THE OLD JOHN MUIR SCHOOL PROPERTY THE THOMAS
B. SCOTT PARK

Introduced by Merrill

Seconded by Anderson

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

Noes: None

Absent: Hammond

CONSIDER APPOINTMENTS TO BOARD OF ZONING ADJUSTMENT ²⁻²

Mayor Marks read a letter from Councilman Hammond requesting
that the matter of appointments to the Zoning Adjustment Board be removed
from the agenda until such time as all Council members are present.

The Council members asked if it would present a legal problem
to hold this matter over until a procedure could be worked ^{out} for appointing
board and commission members. The City Attorney replied that a quorum

consists of three members, now, and unless all three members of the present Zoning Adjustment Board were at the meeting, no business could be transacted. Mr. Smeath stated that the members of the Board would appreciate it if the Council would appoint the two new members as soon as possible.

After considerable discussion the Council members agreed that more time was needed to study this matter.

MOTION

That the matter of appointments to the Zoning Adjustment Board be tabled indefinitely.

Moved by Anderson Seconded by Arata Unanimously carried

PROPOSED CHANGES REGARDING CERTAIN SUBDIVISION REGULATIONS -- PLANNING COMMISSION 3-24

The City Manager stated that a report from the Planning Commission on the proposed changes regarding subdivision regulations was available and that it could be sent to the Council for their study, and placed on the agenda for next week, to which the Council concurred. Copies of this report were distributed to the Council

RECOMMENDATION FROM PLANNING COMMISSION FOR AMENDMENTS TO THE STANDARD SPECIFICATIONS FOR IMPROVEMENTS IN SUBDIVISIONS 3-26

The City Manager stated that the recommendation from the Planning Commission for amendments to the Standard Specifications for Improvements in Subdivisions, would be placed on the agenda for next week, since it relates to the proposed changes of the subdivision regulations. Copies of the report were distributed to the Council.

PRESENTATION OF SIX YEAR CAPITAL IMPROVEMENT PROGRAM REPORT FROM CITY PLANNING COMMISSION 3-26

The City Manager distributed copies of the six year Capital Improvement Program report for study by the Council. He stated that it had been submitted by the Planning Commission, but the Commission is not recommending that the Council do everything which is listed in the first year priority, and had not recommended any priorities. It was presented primarily on a study basis.

REQUEST FOR PERMISSION TO ATTEND MEETING OF CITY MANAGERS IN BERKELEY JULY 13, 1956 4-1

The City Manager reported that a one day meeting of City Managers will be held on July 13, 1956 in Berkeley. He requested permission for Assistant City Manager Masonheimer and himself to attend the meeting.

MOTION

That the request of the City Manager and Assistant City Manager to attend a City Managers meeting in Berkeley on July 13, 1956, be granted.

Moved by Arata

Seconded by Robinson

Unanimously carried

FURTHER CONSIDERATION OF 1956-57 BUDGET 4-4

Mayor Marks stated that Nick Porozoff and Raymond Purdy, and the Chairman of the Chamber of Commerce's Finance Committee were present to make a brief presentation to the Council, and asked and received Council approval for them to speak.

Mr. Purdy presented a letter to the Council requesting consideration of an allocation from the City of Modesto to the Modesto Chamber of Commerce in the amount of \$6,000, which represents an increase of \$1,000 over the sum allocated by the City for 1955-56. He stated that the "increasing demands upon the services of the Chamber in gathering and disseminating information about the community, rendering services to the residents, business and industrial enterprises, in publicizing Modesto and promoting its industrial growth, place constant increased expense". The Board of Directors of the Chamber feel the request for the allocation is reasonable, he stated, especially so with the newly increased valuation of taxable returns within the City of Modesto.

Councilman Anderson asked if the report of the assessed valuation in the City had been received. The Director of Finance reported that it was not available as yet.

Mayor Marks assured the representatives from the Chamber that the Council would consider the request along with those received from the Junior Chamber of Commerce and the County Fourth of July Celebration Committee.

Mayor Marks announced the hour of 8:00 P.M. had arrived, the time set for the consideration of the 1956-57 Budget.

Advance Planning - Page 39

Councilman Robinson asked if the \$3,000 proposed for Extra Help, was included in the \$5,763 appropriated for 3 months only. Director of Finance Lawrence explained that the \$3,000 for extra help was for summer time personnel that the city would be able to get.

With the Council's approval, Mayor Marks asked Don West, President of the Chamber of Commerce, how the \$6,000 requested by the Chamber this year relates to what they received before the war. He asked him to work the figures up and present them later in the meeting, if possible.

Advance Planning - Page 39

Councilman Anderson pointed out that in the booklet "Master Plan Program", \$8,664.45 had been set up as Modesto's share of the Advance Planning for this area. Recently Turlock appropriated \$2,000 for their share in the Program he stated, which was almost comparable to the ratio which had been set up in the booklet for that area (\$1,879.50). According to that, he said, Modesto's ratio would be somewhat less than \$14,000. The City Manager replied that this was set up on the equivalent basis on what the City had last year, and it would be substantially lower if Federal aid is available. He pointed out that the figure in the budget is not predicated on Federal aid. Director of Planning Smeath briefly explained how the costs had been worked out by the staff, over a 3 year period. The City Manager stated that this could not be cleared until the cities find out what the Federal Government plans to do.

Planning - Page 37

Councilman Robinson pointed out that \$500 of the amount proposed for Services, Professional and Other was for blueprinting services and stated that blueprinting is something that is done on almost a day to day basis in the Planning Department. He asked whether the Council should give some consideration to putting in a blueprinting machine. The City Manager suggested that the Council not consider this matter until more room is available at the City Hall. It was pointed out that the initial cost is quite expensive for this type of machine.

Councilman Arata asked why it takes so long for the Planning Department to give people an answer concerning the zoning of certain property. He stated that he felt the service was too slow. Industry has to wait, he stated, and the city is trying to go out after industry and should make every effort to give an answer right away so they can start building. He stated that businesses which are coming into town will not wait 90 days to find out whether a person can build for them in any particular section. He asked if the service could be speeded up.

Mr. Smeath stated that the staff can give an answer in about 5 or 10 minutes, or one day at the most, on any question that is asked the staff. He stated that in some cases the people have to be referred to the City Attorney for consultation. If it is a question that can be answered by "yes" or "no", he stated, an answer can be given very rapidly. He stated that the zoning ordinance has a history of having many people working on it and there are many serious maladjustments in it. He stated that in some cases the answer to a question will be "no" by the ordinance, when it really should be "yes". When this occurs, he stated, if there is a chance for an amendment or modification, and it makes sense in the public welfare, the staff tries to work on it. Unless there is some complications, he stated, the staff can give an answer immediately.

The City Manager stated that in instances when the Council members have brought problems to his attention, the staff has been able to work them out. He pointed out that the staff clears hundreds of requests, but the ones the Council hear about are usually the ones where there are complications involved. He stated that there are problems in this ordinance and he would like the Council to give Mr. Smeath a chance to talk to the Council about them. He stated that the Planning Commission has worked on a whole series of amendments to this ordinance which will simplify and help the staff to resolve some problems.

Councilman Arata asked if the process couldn't be speeded up. The City Attorney pointed out that under the ordinance an amendment to change the text of the zoning regulations consumes approximately 3 months. He stated it requires time for hearings, publication of notices, which are required by the State law.

Mayor Marks stated that part of the problem was the fact that the City has had three different Planning Directors and two consulting services work on the ordinance over the last 5 years. He stated that there has not been a stable planning department until the present time.

Planning Director Smeath stated that the problems will continue until there is some kind of a Master Plan which can be the policy decision. Mayor Marks suggested that the Council do as they did with the zoning ordinance---adopt the Master Plan and then come back and perfect it later.

Mr. Smeath pointed out that one of the things which holds up the changes is the fact that the Planning Commission meets on Tuesday and the advertisements for the proposals have to be at the printers by Wednesday and when the staff is not able to get them there in time, they have to wait a week before being printed. The hearings before the Council are a week late, also, he stated, because the material for the paper cannot be at the printers in time for the publication.

Mayor Marks suggested that Councilman Arata meet with Mr. Smeath and discuss the problem of speeding up the service, with him.

Mr. Smeath pointed out that zoning can not be administered if people are going to be able to build wherever they wish without some type of restriction.

Councilman Arata stated that there was no reflection as far as Mr. Smeath was concerned; that he would just like to see the process speeded up.

City Hall - Page 41

Councilman Robinson stated that he would like more information concerning the item "Communications". He asked if this item included the new messenger service at the City Hall.

Councilman Anderson asked what was included in Communications, and was told that it was primarily telephone calls and telegrams. He stated that this particular item has been built up at about the rate of \$1200 each year and asked what the cause of this was. Mr. Lawrence stated that one of the reasons for the increase in the telephone rate was the establishment of two departments in the basement of the Fire Station, which caused an addition to the monthly charges. New phones have been installed

at the City Hall, in order to adjust the work load which was the result of increased growth.

Councilman Anderson asked if a good check was made on the long distance phone calls, and if they were kept at a minimum. He stated it might be well to remind the department heads that if it is possible, in place of making a phone call, a letter be written. He pointed out that with the budgets getting larger, and the resources not quite so large, that this might be one place where the expense could be decreased.

City Manager Miller stated that one way to keep the budget down is not to annex any more territory. He said that the increasing budgets is a reflection of the increasing areas and the increasing number of people to be served by the City.

Councilman Anderson stated that the increasing budget caused by the increasing area should be renumerated by increased income from sewers and water to somewhat compensate for it. City Manager Miller pointed out that the tax rate would be going up instead of down if it was not compensated for by increased revenue or increased efficiency. Mr. Lawrence pointed out that another cause for the increase in Communications was the fact that the phone rates were increased in August of 1955.

Fire Department - Page 43

City Manager Miller reported that additional man power has been provided in this budget and during the next two years the City will have to provide more, in order to cover the expanding areas of the City, and retain the No. 2 rating.

Councilman Merrill stated that he noticed under Conference and Travel, \$25.00 has been requested, and he assumed that holding a #2 Fire Rating the Chief would be called upon to travel to various cities and he did not see how \$25.00 would cover all of the traveling involved.

The City Manager stated that there was two reasons for such a small amount being appropriated 1) that the expenses for the League of California Cities Conference are included in a different fund; and 2) that although he has urged the Chief to attend more meetings, \$25.00 was all that he had asked for. Mr. Miller stated that he felt more money should

be appropriated and that Chief Wemyss should attend more meetings. He suggested that this item be increased by at least \$200. The Council concurred with the suggestion that the amount appropriated for Conference and Travel be increased to \$225.

Fire Chief Wemyss stated that attending conferences depended a lot on his request for increase in manpower, for if there was no increase, he would request the Council to not allocate any more for Travel and Conferences. The Council stated that it was in favor of the request for additional help.

Councilman Robinson asked if the report on the request of the Firemen for decrease in the working hours was considered when the budget was worked up. He stated that before the Council could finish its discussion on the budget, consideration will have to be given on this report. Mayor Marks suggested that the Council set July 11, for the salary discussion, and invite Mr. Ennis and the Personnel Commission to be present to answer any question the Council members might have. The Council set July 11, at 8:00 P.M. as the time for the discussion on salary adjustments.

Mr. Masonheimer reminded the Council that the matter pertaining to the Firemen's hours was still under consideration by the Personnel Commission, and no action has been taken on it.

Councilman Anderson asked how the budgets could get out of line so much, after the final budget has been adopted. The City Manager stated that the amount budgeted by the Council is the maximum amount the City can spend on the budget except that 1) the Council has made available to the Manager a continuancy fund to meet certain unforeseen things; transfers can be made out of that fund to meet things which are not anticipated; 2) The Manager is authorized to make certain transfers within the Budget. The City Attorney pointed out that the Council approves many times items from the Reserve, which would account for some of the changes. Mr. Lawrence stated that most of the increase last year was from the Salary adjustment which the Council approved, after the Budget was adopted.

Councilman Anderson asked how many persons served on the Fire Prevention Bureau maintained by the Fire Department. City Manager Miller

stated that all employees of the Fire Department serves on it. Councilman Anderson asked if this Bureau was a division set up within the Fire and Mr. Grimes replied that Bureau was set up within the Department partment/and was headed by Durwood Taylor, Chief of the Fire Prevention Bureau. Mr. Miller stated that all the inspections are done by the firemen while on duty and on call. There are no special people hired for this work.

Music and Promotion - Page 85

Mayor Marks asked and received permission to bring the Music and Promotion Budget up for consideration. He asked Mr. Porozoff how much the Council appropriated for the Chamber of Commerce in 1940. It was reported that around \$2500 was appropriated by the Council in 1940.

The City Manager read the requests from the California Relays Committee for \$1500 and the 4th of July Committee for \$750. He reported that the Modesto Band is requesting \$1200, the same as last year.

The Council indicated that if the \$6,000 could fit into the Budget it would be approved, for the Chamber of Commerce.

Councilman Anderson stated that he would like to see the request of the California Relays for \$1500 approved also. The Council agreed to study this request for a while before indicating its decision one way or another.

Health Department - Page 45

The City Manager reported that the State is helping the staff make a complete analysis of the different levels of service and a report will be submitted to the Council shortly, and asked that this budget be held over until the report is submitted.

Police Department - Page 47

Councilman Merrill asked why \$2000 had been proposed for Police Building Alterations. City Manager Miller stated that it was thought that some of the space could be utilized under the shed in back of the Police Building, or, as an alternate use, the pit where the pumps were--- a floor could be installed and the space could be used above it.

Councilman Robinson stated that he had studied the Police, Fire and Civil Defense Budgets and did not understand why it was necessary to

set up another department for Civil Defense. He stated he felt the \$1,840 for Special Police Equipment should be in the Police Department Budget. He also stated that he felt the Capital Outlay items should be in Fire or Police Budgets. Mr. Miller explained that this was not a new department, but just a place to keep a record of the expenses which the staff feels should be allocated to Civil Defense. He stated that 50% of Capital Outlay items for Civil Defense are reimbursable from the Federal Government.

In answer to a question from Councilman Robinson, City Manager Miller explained how Civil Defense was organized and set up.

Public Works - Engineering - Page 51

Councilman Anderson questioned the appropriation for the 2 Dictators and 1 Transcriber under Capital Outlay. Mr. Ray reported that there are two old Ediphones which dictate poorly and the transcription is poor. He stated that this is the only department in the city that has equipment that has been outdated for 20 years. He stated all the rest of the departments have the Dictaphone and that the Public Works Department is requesting the new equipment since there is a large amount of dictation in this department.

FURTHER DISCUSSION ON CITY HALL 9-27

Mayor Marks asked and received permission to bring up the matter of the City Hall. He reminded the Council that it had instructed him to inform Mr. Williams last week that the Council was waiting for a firm offer from him, in writing, with an option of 60 days. He stated that Mr. Williams had called this morning and had stated that if the Council was interested, they would make an offer, based on that basis. The Mayor stated that he had informed him that the Council would not do any studying of the matter until it received a firm offer on the Hotel Modesto property. He stated that he told Mr. Williams that the purpose of the Council demanding a firm offer was so that a study could be made of the construction costs, the economic and financing, and the study of the traffic and parking, plus a study of the effect of an administrative center being brought further downtown than 15th and I Streets. He stated that if the Council members

had any reservation for reasons of their own, Mr. Williams would rather not submit any offer, since he is still working with two motels. He stated that the Crow family would like to see it, for the prestige of the City, in that particular location, but if any of the Council has any reservation about making the studies, Mr. Williams would just as soon not make the offer.

Councilman Merrill asked if the motion of the Council didn't call for moving directly ahead with plans for 15th Street without any hesitation and he was informed that was correct.

Mayor Marks stated that the question was-- Does the Council desire or do they not desire to investigate with a firm offer from the owners, the feasibility of locating the city hall on the remodeled Modesto Hotel site?

Councilman Adams stated that he was interested in some facts and study of this site. He stated that there was no reason why it can not go on simultaneously with the 15th Street plans. He stated that the city might very well save much more than it is spending right now on 15th Street.

Councilman Anderson stated that he felt it was up to the people who were presenting the program to show where it would be feasible to the City of Modesto to go ahead on the 11th Street site.

Mayor Marks pointed out that he was "not carrying any banner for anything", but was just doing what the Council had instructed him to do at the last Council meeting.

Councilman Robinson stated that he thought there were two questions which could be answered without deep study--1) the amount of parking space which might be available in the basement and up on top of the half block; 2) a contractor should be able to go in and give a "horseback" estimate as to how much it will cost a square foot. He stated that if the Traffic Engineer could come up with a figure that there are 80-100 parking spaces and the building could be remodeled for something like \$5 or \$10 a square foot, he felt it would bear looking into further.

Mayor Marks stated that the question the Council should consider is--"Does the Council wish to accede to the wishes of the Modesto Board of Realtors or does it just tell them it is not interested?"

Councilman Merrill stated that the Council had told the Board of Realtors, when they asked for time to complete its survey, that the plans for the 15th Street site were not going to stop, and it was up to them to come up with its survey and give the Council the answer immediately.

Mayor Marks called for a vote on the following question: "Does this Council desire the opportunity to make a study of the construction costs, a study of the traffic and parking facilities and a study of the economic and finances regarding the Modesto Hotel in relation to a City Hall or do they not?"

Mayor Marks stated that Mr. Williams had called him and stated that he was ready to submit a price. The Mayor stated that he had submitted a price to him in confidence and had stated that he didn't want to make it publicly unless the Council was sincerely interested in this because it might involve some other negotiations he has.

Councilman Merrill suggested that the City Hall committee investigate the site, but Mayor Marks stated that he felt this was a job for the Council as a whole. He stated that he felt this was a question of responsibility of the entire Council. The Board of Realtors asked the Council as a whole, to study it, he stated, and either the Council study it as a whole committee or it doesn't.

Councilman Adams stated he saw no reason for not following through with a preliminary study.

City Manager Miller stated that he did not think it would take too long to determine whether or not it is worth looking at more carefully. He stated that an examination of it might indicate that it would not be worth remodeling.

The Mayor stated that he might be able to deter Mr. Williams from making an offer formally until after the staff has spent a few days looking into the site.

MOTION

That the City Manager make a preliminary investigation of the Hotel Modesto site as a location for a City Hall and report back to the Council

Moved by Adams Seconded by Robinson

Unanimously carried

Mayor Marks stated that this would be just a preliminary study and if the Council determines it is worthwhile to go into, then he will ask Mr. Williams to submit his offer. He stated that this would not slow up the plans on the 15th Street site.

BUDGET DISCUSSION CONTINUED

Public Works - Airport - Page 53

Councilman Robinson asked if the City is receiving a partial rebate on the tax bill, in amount \$3,027. City Manager Miller stated that no rebate is received but that the County in lieu of the rebate has helped the City on improvements at the Airport.

Councilman Robinson pointed out that there were no items under Capital Outlay and stated that the roof of the main hanger is rusted badly and asked if the Council should consider the repair in this year's budget. Mr. Ray reported that the roof was repaired last year but had not been painted. Director of Public Works Ray was instructed to check on the condition of the roof and report back to the Council.

Public Works - Electrical - Page 55

In answer to a question from some of the Councilmen, City Manager Miller stated that the Electrical budget was for street lighting materials, maintenance of street lights, maintenance of all of the electrical installations throughout the City, maintenance of fire alarms, etc.

Public Works - Inspections - Page 57

Councilman Anderson asked if under Membership & Dues if the City was a member of the various Associations such as the Building Officials Conference, Electrical Associations, Plumbing Associations, etc. The City Manager stated that the City participates in all of them. Mr. Ray stated that there were memberships also in the local chapters. Councilman Anderson stated that the Plumbing Officials put out a card listing the new type of pipe which has been approved by the Association and asked if the City receives such a card. Mr. Ray replied that the cards are received and kept in a file, then when someone comes in with materials that are not approved by the Association, they are told to get the approval from the Association, first.

Public Works - Service Division - Page 59

The City Manager pointed out that all of the items in this budget were duplicated in other budgets and are not an added addition of the budget.

Public Works - Service Division - Page 61

No questions on this section of the Budget.

Public Works - Sewage Disposal - Page 63

City Manager reported that the maintenance in this department is being stepped up and extra help is being requested.

Garbage Disposal - Page 65

No questions on this section.

Public Works - Sewer - Page 67

Councilman Anderson asked if the Equipment Rental charges include an additional truck, and just what was included in this item. Mr. Ray stated that this included the rental of the sewer bucket which is being requested in the Service Division, and that the operating rental of all equipment increased 10%.

Public Works - Streets - Page 69

Mayor Marks asked how much was being spent for repairing of the oiled streets, and Mr. Ray replied that \$20,000 was spent a year.

Councilman Anderson stated that in the last estimate sent out on the Gas Tax funds, around \$170,000 had not been spent, and asked why so much was left in the fund. He asked if it was the time element involved in getting the work completed. Mr. Ray explained that 1) there is a shortage of engineering personnel to work on the projects, and 2) the staff has been unable to acquire needed rights of way on streets which gas tax projects have been approved. He stated that the City will either have to wait until the rights of way are cleared or start buying them, which will use up all the gas tax funds.

Councilman Robinson asked what the appropriation of \$5,000 for "Oil new Streets and Alleys" covered. Mr. Ray replied that it involved primarily the oiling of alleys, because of the alley oiling program. Occasionally, he stated, a subdivision is found which was developed under the

old policy, where the property owners put in the curbs and gutters; then the city oils the street.

Public Works - Water - Page 71

The City Manager pointed out that there was \$217,642 in Capital Outlay and stated that this was the sort of money that was put in General Fund five years ago to help pay city expenses, now it is all used in improving the water business.

Councilman Adams brought up the matter of installing one additional sand trap each year. Mr. Ray stated that the staff had not had a chance to work on the sand traps, because of other work. He pointed out that the sand traps were not in this budget, because the Council provided for it in the Capital Improvement Fund.


Councilman Adams stated that he would like to see the sand traps put in the Water Budget, rather than in the Capital Improvement Fund. The City Manager pointed out that it can not be placed in the Water Budget because there would not be the money to cover it. He stated that the Capital Outlay is a separate item.

Mayor Marks declared the hearing closed at 7:00 P. M. July 11, at 8:00 P.M. was set for the hearing which will be on salary adjustments.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Adams, and it was unanimously carried that the Council meeting now in session be adjourned. The meeting was adjourned at 7:04 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.

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. 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 meeting of June 20, 1956, and the same being available for public inspection and there being no objections, the minutes were approved.

COMMUNICATION FROM THE STANISLAUS COUNTY CHAMBER OF COMMERCE RE: COUNTY-WIDE SALES TAX 1-4

The City Manager read a letter from the Stanislaus County Chamber of Commerce which enclosed a resolution submitted by the County Chamber to the Stanislaus County Board of Supervisors regarding the county-wide sales tax. He also read a letter addressed to the Stanislaus County Board of Supervisors from the Stanislaus County Chamber of Commerce.

Mayor Marks reported that the County Board of Supervisors had enacted an ordinance favoring the collection of 1/10 of city sales tax within cities.

The City Manager stated that he had talked to Mr. Landward and the Chamber was not proposing any specific ratio. The Chamber thought it was important to the area, he stated, and just wanted to be helpful in any way it could.

Mayor Marks asked the Council if it would be advisable for him to ask Mayor Reynolds of Oakdale, President of the Cities-County Committee, to call a special meeting of all of the cities to get their position clarified.

Councilman Hammond stated that he felt the Board of Supervisors had not given consideration to the fact that every city in the County has the one cent tax in effect. All the cities are asking the County to do, he stated, is recognize the fact that the cities have 1¢ tax rate and eliminate the exceptions that exist.

The City Manager made the following comments: 1) that the Council asked for an analysis of the task of removing the exceptions from Modesto and the report will be submitted shortly; and 2) that he felt it was a sincere offer on the part of the County Chamber to help work this out and suggested that the Council so express to the Chamber and review with them what the City's position has been and why, and offer to see if there are some meeting ground:

Councilman Adams stated that he felt the Cities should review their position at the present time in light of the County's recent action.

MOTION

That the Mayor be authorized to answer the Stanislaus County Chamber of Commerce letter and explain the City's position and that the Mayor be authorized to contact the Chairman of the Cities-County Committee and suggest a calling of a special meeting of the cities in the County to discuss the county-wide sales tax matter.

Moved by Robinson Seconded by Adams Unanimously carried

LETTER FROM THE STANISLAUS COUNTY CHAMBER OF COMMERCE RE: APPLICATION OF
PACIFIC GREYHOUND LINES TO CANCEL CERTAIN BUS SCHEDULES 1-4

The City Manager read a letter from the Stanislaus County Chamber of Commerce referring the matter of the application of the Pacific Greyhound Lines for authority to cancel some of their bus schedules to the Council for such action as it may feel desirable.

(Councilman Anderson arrived at 7:42 P. M.)

LETTER FROM RICHARD GIDDINGS AND JOHN GRIFFIN RE: IMPROVEMENTS-INTERSECTION
OF 17th and J STREETS AND PETITION 2-5

A letter from Richard Giddings and John Griffen regarding the improvements at the intersection of 17th and J Streets was read by the City Manager. He also read a petition signed by 37 petitioners protesting the proposed traffic islands on Downey Avenue and recommending that a 3-way traffic light be installed instead.

Mayor Marks asked Traffic Engineer Carmody if any thought had been given to a three-way signal. Mr. Carmody stated that a three-way signal had been installed at Tuolumne and B Streets, but it had not been felt that the type of traffic warranted the installation of the signal at 17th Street. He was requested to make a report at the next Council meeting.

COMMUNICATION FROM THE INDUSTRIAL LABOR MANAGEMENT FOUNDATION RE: WATER
MAINS IN COLLEGE DE VILLE SUBDIVISION 2-12

The City Manager reported that the Industrial Labor Management Foundation has accepted the City's invitation to check the operations and the costs involved in laying the water line in the College De Ville Subdivision.

LETTER FROM CALIFORNIA VEGETABLE CONCENTRATES RE: LOCATION OF NEW PLANT IN
MODESTO AND A REPORT ON THE PROPOSED PROGRAM FOR DEVELOPMENT OF AN INDUSTRIAL
AREA BY THE TIDEWATER SOUTHERN COMPANY. 2-16

Mayor Marks asked and received permission to bring up the matter of the report on the proposed program for development of an industrial area by Tidewater Southern Company along with the letter from the California Vegetable Concentrates Inc. He read a letter from W. B. Bannon, Vice President of the California Vegetable Concentrates, Inc., stating that the company plans to build a new plant in Modesto. Mr. Bannon stated in the letter that the Tidewater Southern Railway Company has offered to sell the California Vegetable Concentrates a suitable site for the plant and that it was their intention to "take an option on the offer pending action of the City of Modesto to provide both industrial and sanitary sewers, standby water supply for fire protection and permission for the Company to drill a water well on the property."

The City Manager reported that representatives from the Tidewater Southern Company, California Vegetable Concentrates, Inc., and the Chamber of Commerce were present at the Council meeting. He showed the Council a map of the proposed area, indicating the type of development which is being planned for the area. He reviewed the history of the development of the area, which dates back to 1952, and stated that the Tidewater Southern Company had cleared with the City officials at that time, providing industrial sewer service and an adequate water supply to the area, along with getting it appropriately zoned. He stated that the County officials were in on the discussion because the area is all out in the unincorporated area and the zoning was done by the County. He reported that the City Council agreed at that time, by resolution, to furnish sewer service to the nearest point of the tract and to furnish water to the area.

City Manager Miller reported that the Tidewater Southern Company is now prepared to move forward with the development of the area and the City is prepared to serve the area with sewer service. The California Vegetable Concentrates has carried out negotiations with the Tidewater Southern and, in some matters, the City, and had indicated its willingness to finalize the negotiations with the Tidewater Southern to purchase ten acres within the area and build a new plant immediately. He pointed out that all of this was done by the Tidewater Southern with the agreement that they would annex it to the City at the earliest possible time.

The City Manager recommended that a main trunk sewer line be provided either down or adjacent to Crows Landing Road, to the extreme northwest point of the tract. The Tidewater Southern, he stated, would extend the sewers to the whole tract at its own expense. The sewer line down Crows Landing Road would be designed not only to serve the industrial area but adjacent areas. The City is committed to serve water to the area, he said, and one of the major considerations on the part of the California Vegetable Concentrates is that there be adequate water for fire protection. He recommended that two wells be provided at the beginning, and that lines be properly laid out to serve not only this plant but a number of additional plants. The beginning system, he stated, could be and would be extended as the additional plants come in, to ultimately tie it in with the present City system. He stated that Tidewater Southern and California Vegetable Concentrates understand that the City would have to have a beginning system and that it would not reach the high standards that are in the City. He stated that the staff has been working with the Railroad and County representatives on a stage development which would indicate to the people in the area that the industrial area is an asset to them, also. Mr. Miller stated that it had been planned on the basis where there would be a minimum of disruption for surrounding areas and a maximum facility for the industry itself. He stated that the plan includes 5 important points which he outlined for the Council.

- 1) That at the north end of the area there is a 150 foot strip which is the only park in the entire area and it is very inadequate for the area. Discussions have been held with the County officials, people in the area, and the Tidewater Southern Company on the possibility that some exchange might be made of the property on some basis so that additional land to the south of that strip could be provided to make that a good park and start off with an improvement in the area.
- 2) It is proposed that there be a specific separation between the residential area which exists and the industrial area as it develops and that it would be a planting strip of some sort where trees and shrubs and landscaping could separate the residential area from the industrial area.
- 3) The arrangement of the tract would permit the Tidewater Southern to serve the whole area without a single additional crossing of any major streets and there would still remain only one crossing on Whitmore.
- 4) The street arrangement is only tentative, but would permit the separation of this area into any size acreage that was desired by industry, up to a certain point.
- 5) Crows Landing Road and Morgan Road would be limited access roads as far as this development is concerned, and there would be service streets in the industrial tract itself which would permit circulation in and around and through the tract, but would provide access to the main line street thoroughfares only at certain places.

Specifically, the City is asked to do three things, the City Manager stated. 1) build a sewer down to that area, in accordance with the plans that the City has always had for serving this general area. Bond money is available and could be used to serve this area. The Council members indicated no dissent on this request. 2) In the matter of water services, it is the staffs' rough figure that it may cost approximately \$50,000.00 to get sufficient water into the area and to provide the kind of fire protection which industry will require in order to locate in the area. He stated that funds would have to come from the Special Capital Improvement Fund, since they are not available in the Water Fund. 3) The third obligation, he stated, would be fire protection, in the sense of equipment and men. This has been discussed with the Board of Fire Underwriters of the Pacific and the National Board of Fire Underwriters. In order to meet the requirements set forth by the California Vegetable Concentrates, the City would need to agree to serve this area with fire protection from the City, and the Company would agree by contract to make the sort of payment which the City has previously had from people who are furnished fire protection by the City. He stated that this would be an interim arrangement pending annexation, to which this company is also committed. He pointed out that it was discussed with the Board of Fire Underwriters and the Company on the basis that the City would propose to do the things which is necessary to bring the rating in the area down to a Class 6, with a program projecting ahead as the development justifies it, to bring the rating down to a Class 5. Depending upon the nature of the wells, it may be that one of the easiest ways to get more credit, and help approach the fire rating, would be to install a fire alarm system in the area.

The City Manager stated that the Company wishes to put in its own well and the agreement with Tidewater Southern was that the City would serve water to that area. He pointed out that he felt that the City should stay with the agreement that only in cases where there are compelling reasons that companies install their own wells, permission be granted. In this case, he stated, it is felt that permission should be granted to the Company, since it already has its own well on Coldwell Avenue. He stated that it had been discussed with the Company, and the staff would like to check out further the possibility that on some interim basis the City might furnish the Company the water out of the City's wells. There might be a possibility, he stated, of tying the Company's well into the two wells of the City, and then have the use of three wells for fire protection.

Mayor Marks pointed out that one other request of the Company was for the necessary zoning regulations "permitting the operation of a food processing plant and specifically stating exceptions would not be taken to odors naturally present during the processing and dehydration of the various vegetables."

A representative of the Company stated that there were only one or two vegetables processed which might present an odor, but that there might be people in the area who are allergic to certain odors from other vegetables. That is the reason for requesting the zoning regulations, he stated.

The City Attorney pointed out that since the area is in the unincorporated area of the County, the City had no jurisdiction at this time over the zoning regulations.

Mayor Marks stated that installation of the wells in this area would necessitate providing approximately \$50,000.00 from the Capital Improvement Fund and asked if there was any dissent from the Council members on the furnishing of the wells. City Manager Miller pointed out that the \$50,000.00 figure is a rough estimate and that the staff hoped that it would include two wells, one with an auxiliary engine which is required for standby purposes, and possibly a pressure tank depending upon the type of

system and arrangement which is worked out. The City Manager stated that permission, if granted, for a well at this plant does not and should not establish a precedent permitting everyone to have their own well. He stated that the Council should not establish a policy that anyone can go into the area and install their own well.

Councilman Adams asked what the time element was in planning this project and also if the City had the engineering help at this point, realizing that the City has a big project with the McHenry Avenue drainage and widening. The City Manager replied that the timing is urgent and the help is scarce, but the City will try to get more help or obtain help on a contract basis.

Mayor Marks thanked Councilmen Hammond and Arata, members of the Council Committee, for the splendid work they did in obtaining an agreement with the California Vegetable Concentrates to locate in the Tidewater Southern Industrial Area. Councilman Hammond commented that "Cities are like business; you have to venture your capital out to reach a long term gain", and stated that it was the recommendation of the Committee that the Council adopt the necessary documents to get the project under way as soon as possible. He stated that it was also the recommendation of the Committee that California Vegetable Concentrates be granted permission to install its own well.

The City Manager stated that it was the recommendation of the staff that the City proceed on the following basis: 1) the City will now fulfill its prior commitment to bring the trunk sewer line down to the Northwest corner of the Tidewater Southern property on Crows Landing Road; 2) that the City provide water for fire protection purposes to the Company's plant which would include not less than two wells, appropriately tied in and supplied with auxiliary power; 3) that the City would enter into a contract with the Company to give it the kind of fire protection the City can give them under contract; 4) that permission be granted to them to drill a well if and when they wish; 5) that the Company would annex its area to the City as soon as possible.

MOTION

That the staff be instructed to proceed on the basis outlined above.

Moved by Arata Seconded by Robinson Unanimously carried

Mayor Marks introduced the following representatives to the Council and each person expressed his appreciation to the Council for the consideration given to the matter, and reviewed for the Council the plans for further development of the area and plans for the new California Vegetable Concentrate plant: Harvey Jenson, Manager of the local plant of the CVC; Bob Holland, Tidewater Southern Railway; Jack Kenady, Tidewater Southern Railway; and Don West, President of the Chamber of Commerce.

The City Manager pointed out that development in this area should not detract from the development of other areas in the community, but should spur action in the entire community.

CONSIDER AWARDING OF BID FOR LAMPS FOR MUNICIPAL LIGHTING 6-9

Director of Public Works Ray recommended that the matter of awarding the bid for lamps for municipal lighting be held over until next week, to which the Council concurred.

HEARING ON PROPOSED ANNEXATION OF THE CAMPUS EDGE ADDITION 6-10

Mayor Marks announced that the hour of 8:00 P. M. had arrived, the

time set for consideration of the annexation of the Campus Edge Addition to the City of Modesto.

The City Clerk filed a certification that the Notice of Public Hearing on the Annexation of the Campus Edge Addition had been published in the Turlock Daily Journal and the Modesto Journal, as required by law, and that no written protests had been filed.

Mayor Marks asked if there were any oral protests or comments to be made, and there were none.

Mayor Marks declared the hearing closed.

ORDINANCE NO. 100-C.S., entitled

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

was moved and adopted and ordered printed and published by the following vote:

Moved by Anderson

Seconded by Robinson

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

Noes: None

Absent: Merrill

CONSIDERATION APPOINTMENTS TO BOARD OF ZONING ADJUSTMENT 16-10

Mayor Marks stated that several members of the Council had expressed concern about obligation of the Council to appoint people to Boards and Commissions, particularly when the vacancies are creating a hardship on the city. He asked if the Council members would desire to have the matter of appointments to the Board of Zoning Adjustment brought up at the next Council meeting, and placed on the agenda. He stated that ~~members of~~ the Board are planning to leave on their vacations and unless the two vacancies are filled, it will not be possible to get a quorum of this Board.

Councilman Anderson stated that he had been investigating this matter and offered the following suggestion for consideration by the Council:

That the names of individuals whose names are submitted for appointment be submitted one meeting and during the next week the individual be asked whether or not he would serve on the Board. The Council members would be free to go and talk to whomever they wished to from the list of names submitted and then at the following meeting a hat be passed around for the secret ballot., and you write the name of those persons on it which you would consider for the vacancies; drop them in the hat and the people who receive the most number of votes are then appointed by resolution. There would be no debate at the Council meeting of any of the proposed names.

MOTION

That the matter of appointments to the Board of Zoning Adjustment be placed on the agenda for the Council meeting of July 18, 1956.

Moved by Robinson Seconded by Mayor Marks

Mayor Marks declared the motion carried.

Councilman Anderson stated that he would like to see the full Council sit in on this particular appointment, and then from then on the appointments would not be held up because of the absence of a Councilman.

FURTHER CONSIDERATION OF THE 1956-57 BUDGET 7-3Consideration of proposed salary adjustments for City employees

Mayor Marks announced that the hour of 8:05 P. M. had arrived, the time set for the consideration of the proposed salary adjustments for City employees. He stated that Mr. Elwood Ennis, of Kroeger and Associates, was present to answer any questions which the Council members might have.

The City Manager reviewed for the Council members the salary range system under which the City of Modesto operates. He stated that what the staff has proposed in its study, and in the recommendation of the staff and Personnel Commission, is that most of the classes, because of the competitive and economic conditions, be moved up one step, a few not be moved at all, and some moved two steps.

During the salary discussion, various reports were distributed to the Council members for their study and consideration.

Mr. Robert Carter, member of the Personnel Commission, reviewed the study and action taken by the Personnel Commission, and stated that it was the recommendation of the Personnel Commission that a 5% increase be granted to all classifications except five; that 10% increase be granted to thirty-seven classifications; and "if at all possible, further general increases beyond that recommended in the Kroeger Report be granted to bring the general Modesto City salary level into better line than it will be, after the adoption of the increase recommended in the Kroeger Report."

Councilman Robinson asked Mr. Carter if it was his opinion that the 5% increase, plus the other internal adjustments recommended, brings Modesto pretty well into line, based on conditions in private enterprise in Modesto, along with governmental agencies.

Mr. Carter stated that in his personal opinion, he did not think that it actually would. He further stated that the Committee analyzed certain classes within the City with comparable jobs in private industry. He stated that the combined total of benefits showed that certainly the City employee is not being overpaid.

Councilman Robinson pointed out that this is the first year in a number of years, which consideration has been given for an increase without the supporting facts on the increase in the cost of living. He stated he would like the Council to give some consideration to bringing the salaries into line, then consider, at least, the possibility of tying it into a cost of living program from there on out.

For Council information, Mr. Ennis compared salaries of various classifications within the City with salaries received for the same classifications on County and State level. He stated that his recommendations to the Council fall short in meeting the rate paid by the State. He stated that in general, Government is not "leading the parade" in wages. Tabulations were distributed to the Council members showing the comparative salaries on ten different classes of the City with the same type in local private industry. Mr. Ennis stated that even with the recommended raises, that in the engineering classes, planning classes and even in the clerical classes there will still be some trouble in recruiting at the first step.

Mr. Masonheimer, Assistant City Manager, explained to the Council members that it is rather difficult to compare salaries paid by public agencies with salaries that are paid by private industry because it is not possible in some cases to compare the positions.

Frank Reynolds, President of the Modesto City Employees Association, spoke on behalf of that group, requesting that a 10% increase be granted to all city employees with internal adjustments where necessary.

Kenreth Richards, President of the Uniformed Firemens Association, requested that a 10% increase be granted to all Firemen.

James Neel, Chief of Police and representing the Police Association, requested a minimum salary increase for Patrolmen in the nature of at least 10%. He stated that the request was based on the responsibilities of the job and the difficulty of obtaining qualified personnel and in retaining them.

Councilman Adams recommended that the Council go along with the staff's and the Personnel Commissions' recommendations on the general one step increase, and the two step increase where indicated. He further stated that if the increase still did not recruit the men needed, that the Council take another look at the situation in a very short time.

The City Manager stated that the recommendation of the Staff, the Personnel Commission and Elwood Ennis, of Kroeger and Associates, is that all classes, except Junior Sanitarian, Dairy Sanitarian, Sanitarian, Health Counselor and Chief Cashier move up one salary range (5%). In addition, it is recommended that the following classes be increased by two steps (10%).

- 5 - Clerk I
- 7 - Add new class of Junior Stenographer
- 10 - Police Clerk
- 11 - Parking Enforcement Officer
- 11 - Office Service Clerk
- 12 - Junior Technical Aide (Now Junior Engineering Aide)
- 12 - Secretary
- 12 - Sewage Plant Operator
- 12 - Senior Account Clerk
- 13 - Heavy Equipment Operator
- 13 - Legal Secretary
- 13 - Stores and Equipment Clerk
- 13 - Graduate Nurse I instead of present Staff Nurse
- 14 - Policewoman
- 15 - Technical Aide (now Engineering Aide)
- 15 - Secretary to the City Manager
- 16 - Graduate Nurse II (add)
- 17 - Greenskeeper
- 17 - Parks Foreman
- 17 - Personnel Technician
- 17 - Public Health Nurse
- 18 - Building Inspector
- 18 - Purchasing Assistant
- 18 - Senior Engineering Aide
- 19 - Sewage Plant Superintendent
- 19 - Supervising Public Health Nurse
- 21 - Chief Electrician
- 21 - Civil Engineering Assistant
- 21 - Service Division Superintendent
- 23 - Assistant to the Public Works Director
- 23 - Chief Building Inspector
- 24 - Add new class of Senior Planner
- 25 - Associate Civil Engineer
- 27 - Parks and Recreation Director
- 28 - Assistant Public Works Director
- 30 - Planning Director
- 30 - Traffic Engineer
- 33 - Public Works Director

Mr. Masonheimer reported that the Traffic Engineer has been on a "Y" Range and it has been proposed to move him to the closest range and place him at the top step in that range. He stated it represented approximately a 2½% increase instead of the 5% recommended for the rest of the classes.

MOTION

That the City Attorney is instructed to prepare the necessary documents to amend the classification and pay plans to carry out the recommendations of the Personnel Commission and the staff.

Moved by Adams Seconded by Robinson Unanimously carried

The Council indicated that the increase would be effective as of July 1, 1956.

Mayor Marks brought up for consideration by the Council, the matter of a salary increase for the City Manager. He stated that Mr. Miller has only received one increase since he was employed by the City. He recommended that Mr. Miller's salary be increased to \$16,500.00 effective July 1, 1956. It was also recommended that City Attorney Grimes' salary be increased to \$11,780.00, effective July 1, 1956.

RESOLUTION NO. 56-278

A RESOLUTION AUTHORIZING THE INCREASE OF THE SALARY OF CITY MANAGER ROSS MILLER

Introduced by Mayor Marks Seconded by Robinson

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

Noes: None Absent: Merrill

RESOLUTION NO. 56-279

A RESOLUTION AUTHORIZING THE INCREASE OF THE SALARY OF CITY ATTORNEY ALLEN GRIMES AND RESCINDING RESOLUTION NO. 55-286

Introduced by Arata Seconded by Adams

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

Noes: None Absent: Merrill

Mayor Marks declared a recess at 10:55 P.M.

Mayor Marks reconvened the Council Meeting at 11:05 P.M.

Councilman Anderson recommended that a 5% increase be granted to City Clerk Gailfus, effective July 1, 1956, to which the Council concurred.

RESOLUTION NO. 56-280

A RESOLUTION ESTABLISHING A SALARY RANGE AND FIXING THE COMPENSATION FOR CITY CLERK REX E. GAILFUS AND RESCINDING RESOLUTION NOS. 55-350 AND 55-411.

Introduced by Hammond Seconded by Adams

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

Noes: None Absent: Merrill

Mayor Marks declared the hearing closed at 11:10 P. M.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR TWO DEEP WELL PUMPS (STATIONS NO. 3 AND 18) 14-13

Director of Public Works Ray reported that the specifications provide for a pump at Pump Station No. 3, (new well at Corporation Yards) and calls for pump to be installed at well No. 15 at the Sewage Treatment Plant and the removal of the present pump at the Well 15 and its re-installation in Pump Station No. 18. He stated that the installation in Pump No. 18 will be temporary until the Downey area builds up. Bids will be opened on July 30, 1956 at 2:00 P. M.

RESOLUTION NO. 56-281

A RESOLUTION APPROVING PLANS AND SPECIFICATION AND CALL FOR BIDS FOR TWO DEEP WELL PUMPS (STATION NO. 3 & 18).

Introduced by Arata

Seconded by Anderson

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

Noes: None Absent: Merrill

RESOLUTION APPROVING SPECIFICATIONS AND CALLING FOR BIDS FOR TWO SAND TRAPS 14-16

The Director of Public Works reported that the specifications for the sand traps proposed for Pump Station No. 18 is for a sand trap for 2,000 gallons per minute. Bids are to be opened on August 6, 1956 at 2:00 P.M.

RESOLUTION NO. 56-282

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE FURNISHING OF TWO SAND TRAPS

Introduced by Adams

Seconded by Anderson

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

Noes: None Absent: Merrill

ORDINANCE AUTHORIZING CHANGE IN NIGHT PARKING REGULATIONS 14-18

The City Manager reported that the recommendation to change the night parking regulation from "1:00 A.M. to 5:00 A.M. to "2:00 A.M. to 5:00 A.M." was based on the fact that there is still some activity in the downtown area up to 2:00 P.M.

MOTION

That the City Attorney be instructed to prepare the necessary documents for the change in night parking regulations

Moved by Hammond Seconded by Anderson Unanimously carried

FINAL ADOPTION OF ORDINANCE NO. 96-C.S. AMENDING RULES AND REGULATIONS FOR DEL WEBB FIELD 14-20

ORDINANCE NO. 96-C.S., entitled

AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XII OF THE MODESTO MUNICIPAL CODE RELATING TO DEL WEBB FIELD

introduced on June 27, 1956, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

RESOLUTION AUTHORIZING FIRST AND FINAL PAYMENT FOR WATER LINES IN
GREGORY GARDENS SUBDIVISION - W. M. LYLES COMPANY 14-22

The Director of Public Works reported that the installation of water lines in Gregory Gardens Subdivision has been completed by contractor W. M. Lyles Company, and recommended the contract be accepted as complete; Notice of Completion be recorded; and the balance due at this time be made payable to W. M. Lyles Company.

RESOLUTION NO. 56-284

A RESOLUTION ACCEPTING THE INSTALLATION OF WATER LINES -
GREGORY GARDENS SUBDIVISION

Introduced by Robinson

Seconded by Anderson

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

Noes: None

Absent: Merrill

CONSIDER REVISION OF PROJECT STATEMENT FOR IMPROVEMENT OF MILLER
AVENUE 14-23

Director of Public Works Ray reported that the City had submitted a project statement to the Division of Highways covering maintenance for the year 1956-57 and project for the improvement of Miller Avenue, using the existing curb widths. He stated that a letter had been received from the Division of Highways stating that the State would not approve the improvement of Miller Avenue unless the existing curbs were moved back to a 40 foot width or parking was restricted on one side of the street. In view of this fact, he stated, and the fact that the City has additional funds which were not allocated and since the City will have to move the curb back at some time with the expense of Gas Tax Funds because they were originally paid for by the property owner, the staff is recommending that the project statement be revised to provide for reconstruction of the curbs and sidewalks and driveways, where necessary, to provide for the 40 foot width on Miller Avenue and the paving of a 24 foot center section and oiling of the shoulders. He stated that another project statement would have to be submitted to the State. The estimate, he stated, is that it would be \$42,200 for the revised project or \$13,000 more than the project which was originally submitted. This would leave a balance of unallocated funds of about \$12,000.

MOTION

That the project statement for the improvement of Miller Avenue be resubmitted to the Division of Highways as proposed by the Director of Public Works

Moved by Arata

Seconded by Anderson

Unanimously carried

REPORT ON DRAINAGE - 1300 BLOCK ON FORDHAM AVENUE 14-28

The City Manager stated that a report had been prepared on the drainage problem in the 1300 Block on Fordham Avenue. Mayor Marks suggested that the staff have copies of the report multilithed and sent to each Councilman for study and consideration at the next Council meeting, to which the Council members concurred. It was also suggested that enough copies be multilithed so that upon approval by the Council, copies could be sent to each person who signed the petition.

REPORT ON PAINTING OF HANGAR ROOF AT AIRPORT 15-1

The City Manager stated that a report had been submitted by Director of Public Works Ray on the painting of the hangar roof at the Airport, and he has stated that he does not feel the roof should be painted.

The City Manager presented the report to Councilman Robinson, who had asked information on this matter, for study and discussion, with Mr. Ray, if he so desired.

CONSIDER LEASE OF AIRPORT LAND FOR T HANGARS TO CHUCK SARGENT AND JOHN INGLIS FROZEN FOOD COMPANY 15-2

The City Manager stated that Chuck Sargent and John Inglis Frozen Food Company wished to lease airport land for T Hangars and recommended that the Council instruct the staff to prepare the necessary documents for the leasing of the land.

MOTION

That the City Attorney be instructed to prepare the necessary documents for the leasing of the airport land.

Moved by Arata Seconded by Anderson Unanimously carried

REPORT ON BUS SERVICE SURVEY 15-3

The City Manager reported that the City has asked for a survey on bus service by the Public Utilities Commission and the Commission has indicated that it would be better to wait until the schools start and the use is more normal. He stated that the staff feels that this is in order and would so advise the Commission, if the Council desired, to which the Council concurred.

RESOLUTION ACCEPTING MEMORANDUM OF AGREEMENT WITH DIVISION OF HIGHWAYS FOR EXPENDITURE OF GAS TAX FUNDS ON STREET MAINTENANCE. 15-4

Director of Public Works Ray reported that this is a memorandum of agreement for maintenance funds for the fiscal year, in amount \$35,400, the amount named in the project statement. He stated that it requires the approval of a resolution adopting the budget and approving the memorandum of agreement for expenditures of Gas Tax allocations for major city streets.

RESOLUTION NO. 56-285

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 Anderson Seconded by Arata

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

Noes: None Absent: Merrill

RESOLUTION SETTING THE DATE FOR HEARING ON APPLICATION OF HARRY PIERCE FOR UNCLASSIFIED USE PERMIT - DAY CARE OF CHILDREN 15-8

Resolution No. 328 adopted by the Modesto City Planning Commission recommending to the City Council the granting of an unclassified use permit to Harry M. Pierce for day care of children, was read. July 25, 1956, at 8:00 P.M. was recommended for the time for a public hearing on the application, by the council.

RESOLUTION NO. 56-286

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO HARRY M. PIERCE FOR THE DAY CARE OF CHILDREN

Introduced by Adams Seconded by Robinson

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

Noes: None Absent: Merrill

RESOLUTION SETTING THE DATE FOR HEARING ON APPLICATION OF WALTER BENSON FOR UNCLASSIFIED USE PERMIT - REST HOME FOR TEN AMBULATORY PATIENTS

15-8½

Resolution No. 327, adopted by the Modesto City Planning Commission recommending to the City Council the granting of an unclassified use permit to Walter Benson for a rest home, 136 Severin Avenue, was read. It was recommended that July 25, 1956 at 8:05 P.M. be set for the hearing by the Council on the application.

RESOLUTION NO. 56-287

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO WALTER BENSON FOR A REST HOME, 136 SEVERIN AVENUE

Introduced by Robinson Seconded by Anderson

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

Noes: None Absent: Merrill

RECOMMENDATION FROM PLANNING COMMISSION REGARDING CERTAIN PROPOSED CHANGES IN THE SUBDIVISION REGULATIONS

15-10

The City Attorney presented documents for the adoption of the standard specifications for Subdivision improvements and amendments to the Municipal Code relating to the Subdivision of land.

The City Manager reported that this matter had been before the Planning Commission and it has been working with the Public Works Department Planning staff, subdividers and engineers for many weeks, on these changes.

The City Attorney reviewed, for the Council members, the changes in the specifications. He stated that at the last meeting of the Planning Commission no opposition was given by the subdividers to the proposed changes. He stated that Resolution No. 329, adopted by the Modesto City Planning Commission on July 3, 1956, recommended to the Council the adoption of the revised standard specifications and also recommended that the standard specifications become effective for all subdivisions, the tentative maps of which have not been approved prior to the date of adoption of the revised specifications by the Council.

RESOLUTION NO. 56-288

A RESOLUTION ADOPTING STANDARD SPECIFICATIONS FOR SUBDIVISION IMPROVEMENTS IN THE CITY OF MODESTO

Introduced by Arata Seconded by Adams

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

Noes: None Absent: Merrill

35-26

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ORDINANCE NO. 101-C.S., entitled

"AN ORDINANCE AMENDING SECTIONS 4-4.402, 4-4.801 AND 4-4.802 OF CHAPTER 4, TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO THE SUBDIVISION OF LAND"

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

Moved by Arata

Seconded by Adams

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

Noes: None

Absent: Merrill

REPORT AND RECOMMENDATION FROM PLANNING COMMISSION FOR AMENDMENTS TO THE ZONING REGULATIONS AND SET DATE FOR PUBLIC HEARING ON PROPOSED AMENDMENTS 15-27

The City Manager presented a report from the Planning Commission on the proposed amendments to the Zoning Regulations, to the Council members for study, and recommended that the date of August 1, 1956, at 4:30 P.M. be set for a public hearing on the amendments.

RESOLUTION NO. 56-289

A RESOLUTION SETTING THE DATE OF AUGUST 1, 1956, AT 4:30 P.M. IN THE COUNCIL CHAMBER, McHENRY PUBLIC LIBRARY, 14TH AND I STREETS AS THE TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO THE ZONING REGULATIONS, CITY OF MODESTO.

Introduced by Robinson

Seconded by Hammond

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

Noes: None

Absent: Merrill

CONSIDER SEWER SERVICE TO NEW BARIUM PRODUCTS OFFICE BUILDING 15-28

Director of Public Works Ray reported that the Barium Products had requested sewer service to its new office building which will be located on Emerald Avenue. He stated that this location is adjacent to the City's pipe line on Emerald Avenue. He pointed out that Barium Products is now receiving city services at its present location.

MOTION

That sewer service be granted to Barium Products for its new office building on Emerald Avenue on the same basis which has previously been established by the Council for this user.

Moved by Robinson

Seconded by Adams

Unanimously carried

REPORT ON STATUS OF FREEWAY AGREEMENT

16-9

Traffic Engineer Carmody reported that the State will not need an agreement with the City for the portion of the Freeway in the south side near Crows Landing Road. He stated that the City has asked the State to send a letter stating that an agreement will not be necessary for this area. He also reported that included in the letter might be a statement reserving for the State the right to build a bridge across the Tuolumne River. He stated that with the new constructions funds, the State might want to invest the money in the bridge across the river. He pointed out that the State will not connect any roads to the bridge if it is constructed, until the City of Modesto has signed an agreement.

36-26

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REPORT ON STATUS OF HEARING ON APPLICATION TO PROVIDE ADDITIONAL AIRLINE SERVICE TO MODESTO 16-14

Traffic Engineer Carmody reported that there are two airlines, Southwest and West Coast, which have made application to the Civil Aeronautics Board to operate through Modesto. Also making application to operate through Modesto were two helicopter services, Rick's Helicopter and Golden State Helicopter Service. Bonanza Lines is planning to file an application soon. He stated that there is a lot of work to be done on these applications and they will not come up for consideration until after the first of the year.

PROGRESS REPORT ON CITY HALL PLANNING 16-17

The City Manager reported that the study of the Hotel Modesto site is about half finished and stated that the staff had discovered that there is quite a bit of room available at this site. He stated that all the City Departments which are proposed to go into the City Hall could be included in this site, and also the Police Department, and there would still be room to rent. He said that the staff had not reached a point yet to give an estimated cost for remodeling the building, but hope to be able to present it to the Council at its next meeting.

The City Manager stated that the third set of sketches had arrived from Architect Milton Pfleuger for the City Hall site at 15th and I Streets. Landscaping sketches are also available, which were prepared by Director of Parks and Recreation Lowrey, he stated. These were available for Council inspection.

Councilman Anderson reported that he and Councilman Merrill had taken a tour through the Hotel Modesto and he reported on what they had found the situation to be.

DISCUSSION ON PARKS AND RECREATION BUDGET - 1956-57 16-18

The City Manager reported that Director of Parks and Recreation Lowrey was planning to leave on his vacation and asked if the Council would consider the budget for the Parks and Recreation Department, at this time. The Council members had no questions, at this time, on the budget for this department.

ADJOURNMENT

Councilman Hammond moved, seconded by Councilman Anderson, and it was unanimously carried that the Council meeting now in session be adjourned. The meeting was adjourned at 11:45 P. M.

ATTEST: 
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Section 2-101 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: Merrill

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

Rev. Bernard Den Ouden, pastor of the First Christian Reformed Church, gave the invocation.

APPROVAL OF COUNCIL MINUTES 1-3

The Council members having received copies of the minutes of the Council meeting of June 27, 1956, and the same being available for public inspection and there being no objections, the minutes were approved.

COMMISSIONER JOHN JOHN ERRECO, MAYOR OF LOS ANGELES RE: MEETING OF CENTRAL DIVISION, LEAGUE OF CALIFORNIA CITIES 1-4

The City Manager read a letter from John Erreco, Mayor of Los Angeles, California, Chairman of the Central Division, League of California Cities, dated August 10, 1956, on Thursday July 26, 1956.

LETTER FROM ATTORNEYS HANCOCK & LUNDGREN RE: LICENSE REQUIRED FOR OPERATION OF AMUSEMENT DEVICES 1-5

A letter was read from Attorneys Hancock and Lundgren requesting permission for Paul Ruchie, the owner of the "Flame", a bar located at 320 1/2 H Street, to present his opinions to the City Council on the licensing of amusement devices in the City of Modesto.

Mayor Marks asked if Attorneys Hancock or Lundgren, or Mr. Ruchie were in the audience, but they were not present.

NOTICE

This matter be referred to the staff for study and report back to the Council.

Moved by Adams Seconded by Robinson Unanimously carried

LETTER INVITING LEAGUE MEMBERS AND COUNCIL MEMBERS TO POTLUCK DINNER - GROUND OBSERVATION COMPS 1-7

An invitation to the City Manager and Council Members to attend a League of California Cities Meeting and Potluck Dinner at the Legion Hall on Thursday, July 29, at 7:00 P.M. was read.

LETTER FROM STATE OF CALIFORNIA DIVISION OF HIGHWAYS RE: FREEWAY AGREEMENT 1-8

The City Manager read a letter from the State of California, Division of Highways, which stated that it would not be necessary to obtain a freeway agreement for the portion of the City located south of the Tuolumne River.

The letter also stated that the State would not construct a bridge over Tuolumne River at this time, since it is the current policy of the Highway Commission not to construct a highway facility on a declared freeway route without a freeway agreement.

AWARD BID TO INDUSTRIAL ELECTRIC COMPANY FOR LAMPS FOR MUNICIPAL LIGHTING
(YEAR 1956-57) 1-15

Director of Public Works Ray reported that bids were opened on July 9, 1956, at 3:00 p.m. for the furnishing of Municipal Lamps for Fiscal Year 1956-57. He stated that all bids submitted had the same list prices, except Duro-Test. He recommended that the bid of General Electric Supply Company be rejected, as it had been improperly prepared. He stated that the discount submitted by Duro-Test Supply included 4.7% for Federal Excise Tax, which made a net discount of 31.3%. He stated that a letter had been received, after the bid opening, which stated that it was not their intent to include the Federal Tax. He recommended that the bid of Industrial Electric Company, with a 33½% discount, be accepted.

RESOLUTION NO. 56-290

A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL ELECTRIC COMPANY FOR MUNICIPAL LAMPS FOR THE YEAR 1956-57

Introduced by Anderson Seconded by Robinson

AYES: Councilmen: Adams, Anderson, Arata, Hammond, Robinson,
and Mayor Marks

NOES: None Absent: Merrill

SUGGESTED AMENDMENT TO ORDINANCE AND RESOLUTION CHANGING THE EFFECTIVE
DATES FOR REGULATIONS OF IMPROVEMENTS IN SUBDIVISIONS. 1-25

City Attorney Grimes reminded the Council that the matter of effective dates for regulations of improvements in subdivisions had been up for consideration at the last Council Meeting and the Planning Commission had recommended that the amended specifications apply to all tentative maps approved after the time of the adoption of the amended specifications. He reported that previous documents by the Planning Commission, in approving the Mark Twain Manor Addition and the Campus Edge Subdivision, had provisions in them regarding the sort of improvements which would be required in the subdivisions. One of the provisions in the Mark Twain Resolution of the Planning Commission was "That all other improvements be installed as required by the subdivision regulations and specifications in force at the time the approval of the final map by the City Council". The Campus Edge Resolution provided that "The subdivider will provide improvements as required by the standard specifications in force at the time of the presentation of the final map." He stated that in view of the language of these resolutions and the resolution adopting the revised specifications, there is a question as to whether or not the new specifications would apply to the Mark Twain Subdivision and the Campus Edge Subdivision. He read a portion of the discussion in the Council minutes at the time consideration was given on the annexation of the areas. He stated that if it is the desire of the Council that the higher specifications apply to these two Subdivisions, it would be advisable to amend the resolutions adopting the changes on the specifications to make it apply to the tentative maps of all subdivisions that have not been approved by the Planning Commission before May 1, 1956. He stated that he called it to the attention of the Council, to see if it was the desire of the Council that the higher standards apply to the subdivisions, the tentative maps of which are approved after July 11, or whether it was the Council's intention to have them apply to every subdivision, the tentative map of which was approved after May 1, 1956. The change of the street lighting standards, he stated, was made effective so that it applied to every subdivision, a tentative map of which had not been approved by the Planning Commission prior to May 1, 1956.

Mr. Birmingham, representing the Mark Twain Addition, stated that he understood from the Planning Commission, that the subdividers would have to use the specifications which were in effect at the time of the filing of the map and that whatever the Council decided, the subdividers would be bound by. He stated that when the Council decided that the standards would be effective for all subdivisions for which the tentative map had not been approved by July 11, it was the feeling of the subdividers of the Mark Twain Addition that they could choose which of the standards they wanted. Later, he stated, the Planning Commission notified him that the Mark Twain Addition would be bound by the new specifications. He stated that the only reason the final map for this subdivision has not been filed before, is that the subdividers were waiting to see exactly how the specifications would come out.

The City Attorney pointed out that the matter of the application of the pending revised higher specifications was discussed at the time that the tentative map of the Mark Twain Manor was considered by the Planning Commission and it was also discussed at the time the matter came up before the City Council in connection with annexation proceedings. No final determination was made by the Council, he said, but the matter of the possible application of the higher standards was discussed at both of those proceedings.

Ruth Potter, of the Planning Staff, pointed out that 1) the City specifications were changed to bring them up to the standard of the County, and 2) that it was a change in the policy of the Commission to act upon the two subdivisions. She said that she talked with Mr. Grimes and had pointed out that the Subdivision Map Act allowed the Commission to act upon them and they agreed that it would eliminate much red tape if the whole subdivision could be handled completely within the jurisdiction of the City, rather than go through both the County and the City. The tentative maps were both approved prior to the completion of the annexation, she stated. She stated that the subdivisions were regulated by the City Specifications, which were lower than the County, and for this reason the change in the specifications were indicated in the Resolution, because they had been acted upon by a change in the policy. She stated that it had been the policy that the commission would not act upon subdivisions outside the city limits.

City Attorney Grimes read Planning Commission Resolution No. 317, approving the tentative map of the Mark Twain Manor on June 4, 1956.

Mayor Marks read the discussion in the Council Minutes regarding the matter of the annexation of Mark Twain Addition and the discussion by the Council at that time regarding the higher specifications for improvements in subdivisions.

Mr. Birmingham stated that he had always said that the subdividers of the Mark Twain Addition would be bound by whatever decision the Council made; they did not want any special compensation. The only argument they have, he stated, is that last week the Council did set the date, that any subdivision map that had not been approved by July 11, would be required to use the higher standards for improvements in the subdivisions. He stated that when he read that the Council had made its decision he told the subdividers of the Mark Twain Addition that they were not free to make their decision as to whether they would use the old or the new specifications. Then, he stated, they were notified by the Planning Commission that even though Council had made that decision in the resolution, the subdividers were required to use the new standards.

The City Manager stated that he thought it should be made clear that the Council made its decision without the knowledge that there were two subdivisions on which the Planning Commission had taken special action.

After further discussion the Council members agreed that the specifications should be amended to provide that the new standards will apply to every subdivision for which a tentative map has not been approved by the Planning Commission before May 1, 1956.

RESOLUTION NO. 56-291

A RESOLUTION AMENDING RESOLUTION NO. 56-288 ENTITLED: "A RESOLUTION ADOPTING STANDARD SPECIFICATIONS FOR SUBDIVISION IMPROVEMENTS IN THE CITY OF MODESTO".

Introduced by Hammond

Seconded by Robinson

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

Noes: None

Absent: Merrill

The City Attorney also pointed out that it would be necessary to amend Ordinance No. 101-C.S., introduced on July 11, 1956, amending certain provisions of the Municipal Code relating to subdivision regulations, to be effective at the same time as the new specifications.

MOTION

Councilman Arata moved, seconded by Councilman Robinson, that Section 4 of Ordinance No. 101-C.S., as introduced on July 11, 1956, but not yet finally adopted, be amended to read as follows:

"SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption, provided, however, that the provisions of this ordinance shall apply retroactively to every subdivision for which a tentative map has not been approved by the Planning Commission before May 1, 1956."

and that the City Clerk be directed to publish said Ordinance, as amended, as required by the City Charter, which was unanimously adopted.

HEARING ON APPLICATION OF MYRTLE FOSTER TO OPERATE A REST HOME FOR FOUR AMBULATORY PATIENTS. 4-4

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the consideration of the application of Myrtle Foster to operate a rest home for four (4) ambulatory patients at 301 Pine Street.

The City Clerk filed a certification that notices were mailed to each property owner within 300 feet of the proposed use on July 2, 1956 and that no written protests have been filed.

The City Manager read Planning Commission Resolution No. 322, recommending to the City Council the granting of an Unclassified Use Permit to Myrtle Foster, subject to certain recommendations of the Fire Department.

Mayor Marks asked if there were any oral protests or comments to be made and there were none. Mayor Marks declared the hearing closed.

RESOLUTION NO. 56-293

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO MYRTLE FOSTER TO OPERATE A REST HOME FOR FOUR AMBULATORY PATIENTS AT 301 PINE STREET

Introduced by Robinson

Seconded by Anderson

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

Noes: None

Absent: Merrill

REPORT ON FIRE INSURANCE COVERAGE (5 YEAR POLICIES)

4-7

Director of Finance Lawrence reported on policies which the City of Modesto carries for fire and extended coverage. He stated that the City carries six three year policies, two of which expire each year. The Modesto Insurance Agents Association was requested to determine for the City the premiums which would be required if the policy were written on a five-year basis. He stated that it is the recommendation of the Insurance Agents Association and the staff that all of the remaining four policies, plus the two which expired July 15, 1956, be cancelled and issue six policies on a five year basis, giving the City the benefit of the premium savings from a three year policy to a five year policy. He stated that the City could pay it on five year payment plan which provides for an initial premium for the first year and four equal premiums for the other four years. He reviewed the premium rates for the five year period, which are as follows:

Fire Loss	\$.476 per \$100 valuation
Extended Coverage	.144 per \$100 valuation
Vandalism & Malicious Mischief	.032 per \$100 valuation
Total	\$.652 per \$100 valuation

He stated that the Insurance Agents Association is recommending that the City add to the policy this year, a Vandalism & Malicious Mischief coverage. He stated that it would cover all property owned by the City which is insurable. The policy does not cover automobiles or automotive equipment, he stated.

He recommended that five year fire insurance policies be written, including extended coverage and vandalism and malicious mischief, with the six companies now carrying the insurance under a multiple location policy for a total coverage of \$1,500,000, and that it be written on a five-year payment plan.

RESOLUTION NO. 56-294

A RESOLUTION AUTHORIZING THE PLACEMENT OF FIVE-YEAR FIRE INSURANCE POLICIES, INCLUDING EXTENDED COVERAGE AND VANDALISM AND MALICIOUS MISCHIEF ON A FIVE YEAR PAYMENT PLAN

Introduced by Robinson

Seconded by Arata

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

Noes: None Absent: Merrill

CONSIDER APPOINTMENTS TO THE BOARD OF ZONING ADJUSTMENT 4-19

Councilman Hammond recommended that Fred Rose be appointed to fill the 4 year vacancy existing on the Board of Zoning Adjustment and Elmer Winger be appointed to fill the 2 year vacancy.

RESOLUTION NO. 56-295

A RESOLUTION APPOINTING FRED ROSE AND ELMER WINGER MEMBERS OF THE BOARD OF ZONING ADJUSTMENT

Introduced by Hammond

Seconded by Anderson

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

Noes: None Absent: Merrill

RESOLUTION AUTHORIZING TRANSFER TO McHENRY PUBLIC LIBRARY (CAPITAL
OUTLAY FUND) 4-21

The City Manager recommended that \$20,000 be transferred from the McHenry Library Fund to the McHenry Library Special Fund for Capital Outlays.

RESOLUTION NO. 56-296

A RESOLUTION AUTHORIZING THE TRANSFER OF \$20,000 FROM THE MC HENRY LIBRARY SPECIAL FUND FOR CAPITAL OUTLAY

Introduced by Arata

Seconded by Anderson

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

Noes: None

Absent: Merrill

REPORT ON AMOUNTS INVOLVED IN ELIMINATION OF SALES TAX EXEMPTION 4-22

The City Manager distributed a report on the amounts involved in elimination of Sales Tax Exemptions in the City of Modesto, for study and consideration by the Council at a later date.

RESOLUTION ACCEPTING CONTRACT AND AUTHORIZING FINAL PAYMENT TO MANUEL SMITH OF ATWATER - WATER LINES IN THE BEL AIR SUBDIVISION 4-23

The Director of Public Works reported that all work had been completed as of July 17, on the installation of water lines in Bel-Air Subdivision No. 1 by contractor Manuel Smith, of Atwater. He recommended that the work be accepted by the City Council and the City Clerk be authorized to record Notice of Completion. He stated that the work should have been completed by July 13, and it has been provided in the final estimate, which has been approved by the contractor, for damages in the amount of \$38.27, which represents the City's cost for the additional inspection time involved after the completion date.

RESOLUTION NO. 56-297

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATER LINES IN THE BEL-AIR SUBDIVISION FROM CONTRACTOR MANUEL SMITH, OF ATWATER

Introduced by Robins on

Seconded by Hammond

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

Noes: None

Absent: Merrill

RESOLUTION APPROVING AMENDMENT TO AGREEMENT WITH STATE DEPARTMENT OF PUBLIC HEALTH FOR POLIO VACCINE FUNDS 4-28

The City Manager reported that on the amendment to the agreement with the State Department of Public Health for Polio Vaccine Funds which raises the limits on the amount of aid which the City can receive to \$718.00.

RESOLUTION NO. 56-298

A RESOLUTION APPROVING AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MODESTO, A MUNICIPAL CORPORATION, AND THE STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC HEALTH, FOR THE ADMINISTRATION OF A LOCAL POLIOMYELITIS VACCINE PROGRAM IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Robinson

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

Noes: None Absent: Merrill

FURTHER CONSIDERATION OF CHANNELIZATION OF TRAFFIC AT 17TH & J &
DOWNEY AVENUES 5-1

The City Manager reported that a communication and a petition had been received last week on the channelization of traffic at 17th and J and Downey Avenues, and the Council had referred it back to the staff and had instructed the Traffic Engineer to make an additional analysis of the points which were presented by the people in the letter and petition. He reported that another letter had been received from A. M. Duckart, Seaside Petroleum Products, in regard to this same intersection.

The Traffic Engineer displayed a diagram of the intersection in question and explained how the channelization was presently arranged.

Mayor Marks asked Traffic Engineer Carmody what the permanent solution to the problem would be. Mr. Carmody replied that it would be to make Downey Avenue one-way west bound and 17th Street one-way south bound. This would eliminate 17th Street traffic from coming into the intersection.

Traffic Engineer Carmody reviewed, for the benefit of the audience and the Council members, his analysis of the points which were brought out in the communications and the petition which had been received from property owners in the area. Mr. Carmody stated that information regarding the traffic count and other items regarding this particular intersection had been sent away to Eagle Signal Corporation for its solution to the problem, prior to the time the channelization had been set up. He stated that their solution to the problem had been to put in the channelization and not to attempt to install a three-way signal.

Mr. Duckart asked who was responsible to say whether Modesto was to have one-way streets or not. Mayor Marks stated that the Council has the power to determine when Modesto is ready for one-way streets and the viewpoint the Council has held was that the one-way street pattern should be tied into a traffic grid as related to the Freeway. The Council has been waiting until the Freeway Agreement was signed. He stated that Mr. Carmody had recommended the one-way streets approximately two years ago. He stated that in his own opinion Modesto should have one-way streets right now.

Mr. Duckart stated that he was protesting the channelization for the reason that it is blocking business from coming into his place of business. He stated that he would like to see the permanent solution of one-way streets used, rather than a temporary one.

Mayor Marks stated that, speaking as an individual, he felt the time was here for the Council to go into a one-way traffic grid, even before the Freeway Agreement is signed. Councilman Robinson also stated that he felt the time was here for one-way streets.

Miss Broughton stated that she felt 17th Street should be made a one-way street for traffic going South.

Traffic Engineer Carmody explained how a one-way street system would be set up at this intersection.

Mr. Jessup expressed his ideas on improving the traffic congestion at this intersection. He suggested that it be thought of as four streets entering the intersection and make 17th Street a one-way street.

MOTION

That the Traffic Engineer be instructed to submit to the Council a one-way street traffic pattern for the City of Modesto.

Moved by Mayor Marks Seconded by Robinson Unanimously carried

Further discussion was held on the channelization of 17th Street intersection. Richard Giddings suggested that three-way traffic signals be installed at the intersection. He stated that he felt all three considerations (channelization, three-way signals, and one-way street) should be given a fair chance.

John Griffen stated that he would like to have a three-way signal tried or when there is a one-way street grid pattern, for the entire city and if that is the best solution, then it should be used. A fair trial should be given to each system, he stated, before it is finally decided.

Councilman Adams asked Mr. Carmody if the one-way street pattern would accomplish the same traffic control that the channelization would. Mr. Carmody replied that it would. He stated that the primary purpose of the channelization was to stop traffic from 17th Street entering the intersection. He stated that by making 17th Street one-way south bound, it would accomplish the same control.

Mr. Jessup stated that one recommendation from the business concerns on that intersection would be to make 17th Street one-way immediately, and have all the barriers removed.

City Attorney Grimes stated that there would need to be two actions taken to make 17th Street one way. First, action would be needed to remove the barriers which are presently installed at the intersection. The Council is not in a position, he stated, until the Traffic Ordinance is amended and the necessary legislation is prepared to actually establish a one-way street on 17th Street. He stated that the Council could indicate its intention to establish the one-way street, but the necessary legislation will have to be prepared.

Councilman Robinson asked if the one-way street could be put in experimentally, until the Ordinance is amended. Mr. Grimes stated that at the present time the City has no provision in its Traffic ordinance for the establishing of a one-way street.

MOTION

That the City Attorney be instructed to prepare the necessary documents to permit one-way streets in the City of Modesto in order that the Council might establish 17th Street as a one-way street.

Moved by Robinson Seconded by Adams Unanimously carried

Discussion was held by the Council as to whether the channelization should be removed before the one-way street was established. Councilman Adams stated that he felt it should be left in place until the one-way street was established. Traffic Engineer Carmody stated that there was no question in his mind that it would be safer with the channelization left in, then if it were to be taken out.

Councilman Anderson stated that as long as it was on a temporary basis, now, and the Council has certified its intention to go on a one-way street, he could see no reason for leaving the channelization in at the intersection.

MOTION

That the channelization at the intersection of 17th Street and Downey Avenue be removed.

Moved by Anderson

Seconded by Arata

Mayor Marks declared the motion carried.

Councilman Adams stated that he would rather see the channelization removed after the one-way street had been installed.

Mayor Marks reviewed for the audience the action which had been taken by the Council: 1) That the channelization was to be removed, and 2) The Council has indicated its intention that as soon as possible, 17th Street would be made a one-way street which will fit into the over-all one-way street pattern.

It was asked whether it would be possible to leave 17th Street a "Right Turn Only", until it was established as a one-way street. Traffic Engineer Carmody stated that the triangle island could be left in place which would make it possible for only right hand turns to be made.

Mayor Marks asked if there was anyone in the audience who would have any objections in leaving the barriers in place which are not causing the trouble at the intersection, and removing just the ones which are causing the congestion, and there were none. Discussion was held by the Council members on amending the motion to remove only the barriers which were causing the congestion and leaving the triangle island in place, until the one-way street was established.

MOTION

That the previous motion to remove all barriers be rescinded and the Traffic Engineer be directed to remove the barrier on Downey Avenue and leaving the island on 17th Street.

Moved by Mayor Marks

Seconded by Robinson

Before the vote was taken on the motion, further discussion was held and the Council members agreed to remove all of the barriers at the intersection. Councilman Robinson withdrew his second on the motion and Mayor Marks withdrew his motion.

(Councilman Robinson left at 6:25 P.M.)

RESOLUTION AUTHORIZING NO PARKING ZONES AT 17TH & DOWNEY AVENUES 10-1

Traffic Engineer Carmody recommended that two No Parking Zones be established at 17th and Downey Avenues to facilitate movement through the intersection.

RESOLUTION NO. 56-299

A RESOLUTION ESTABLISHING NO PARKING ZONES AT SEVENTEENTH STREET AND DOWNEY AVENUE IN THE CITY OF MODESTO

Introduced by Anderson

Seconded by Arata

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, and Mayor Marks

Noes: None

Absent: Merrill and Robinson

RESOLUTION APPROVING SALARY ADJUSTMENTS FOR CITY EMPLOYEES 10-4

The City Attorney presented a resolution as requested by the Council at the meeting of July 11, 1956, establishing salary schedules and fixing the compensation for classes of positions in the City Service, effective July 1, 1956.

RESOLUTION NO. 56-300

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

Introduced by Arata

Seconded by Anderson

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, and Mayor Marks

Noes: None

Absent: Merrill and Robinson

(Councilman Robinson returned at 6:28 P.M.)

RESOLUTION AUTHORIZING YIELD SIGNS ON ENSLEN AVENUE AT FAIRMONT 10-7

Traffic Engineer Carmody recommended that Yield Right of Way signs be installed on Enslen Avenue at Fairmont Avenue.

RESOLUTION NO. 56-301

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON ENSLEN AVENUE AT ITS INTERSECTION WITH FAIRMONT AVENUE IN THE CITY OF MODESTO

Introduced by Arata

Seconded by Anderson

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

Noes: None

Absent: Merrill

CONSIDER APPROVING PROPOSAL FOR SIGNALIZING OF 9TH STREET INTERSECTIONS
10-7½

Traffic Engineer Carmody outlined the proposal to install traffic signals at additional intersections along 9th Street. He stated that the proposed installations would be at the intersections of Tully and 99 Highway; Kansas, P Street, and J Street.

He displayed diagrams showing the proposed signalizing of P Street at 99 Highway. He stated that the only problem created would involve three pieces of property on Needham Avenue. He stated that the original proposal of the State was to make Needham Avenue a one-way street and it would cause some difficulty for the people coming from the East to find a way back after patronizing the stores located in the area. He stated that he had talked with the State and it was agreed to leave Needham Avenue a two way street. He stated that the issue before the Council is the approving of the signalization of the intersections at Tully Avenue, Kansas, P Street and J Street.

Mr. Boundey, owner of two pieces of property on Needham Avenue, stated that he was primarily interested in keeping Needham Avenue a two way street, since the people who would patronize the business would have no way to go back into town.

Mr. Carmody stated that he had discussed with the State the possibility of making the left turn slot just north of Needham, and that would involve making the left turn stop on the bridge. He stated that it would mean widening of the bridge and it would cost approximately \$1200. He stated that the State would rather not install the signals at P Street and Needham, than to spend the money to widen the bridge.

Mr. Boundey stated that he had studied the traffic at this intersection and presented various facts to the Council which he felt would help handle the traffic at the intersections of Tully & 99 Highway and Kansas and 99 Highway.

Mayor Marks pointed out that the Council, some time ago, had approved the plans for the widening of Tully Road, repaving it and fixing the intersection at 99 Highway, providing that the property owners on Tully Road would donate rights-of-way. He stated that the rights-of-way have not been donated and that is why the City is not improving Tully Road.

Mr. Eldon Benson, owner of the Quick-Serv Market, stated that his property was located on P Street and by installing a signal on P Street and routing all the traffic down P Street, which is less than one-half block, would cause congestion. He stated that his store, the restaurant at the corner of Needham and 99 & P Street, use all of the available parking space, and by routing the traffic down P Street, it would almost force these stores out of business.

MOTION

That the Council approves the proposal for signaling of Tully & 99 Highway, Kansas & 99 Highway, and J Street & 99 Highway, and authorizing the Traffic Engineer to meet with the State and study further a better solution to the signalization of P Street and 99 Highway.

Moved by Robinson Seconded by Anderson Unanimously carried

AUTHORIZE PARTICIPATION IN THE COST OF IMPROVEMENTS OF TRAFFIC SIGNALS ON 9TH STREET (CITY SHARE - \$5,707.00) 11-8

(Mayor Marks left at 6:43 P.M.)

Traffic Engineer Carmody reported on the project to improve the present signals on 9th Street (B, D, G, H, I, K and L Streets). He stated that the total cost of the job would be \$13,000 and by prorating the cost of each intersection according to the number of legs entering each intersection and the cost of improving each intersection, the City's share would be \$5,707, of the \$13,000.

MOTION

That the City be authorized to participate in the cost of improvements of traffic signals on 9th Street

Moved by Arata Seconded by Adams Unanimously carried

RESOLUTION AUTHORIZING 24 MINUTE PARKING ON 3RD STREET AT POST OFFICE 11-11

The Traffic Engineer stated that this would involve 3 parking spaces on 3rd Street at the West Side Post Office, and recommended its approval.

RESOLUTION NO. 56-302

A RESOLUTION ESTABLISHING A TWENTY-FOUR MINUTE PARKING ZONE ON THIRD STREET IN FRONT OF THE WEST SIDE POST OFFICE IN THE CITY OF MODESTO

Introduced by Anderson

Seconded by Adams

Ayes: Councilmen: Adams, Anderson, Arata, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Merrill and Mayor Marks

RESOLUTION AUTHORIZING REFUND OF HOUSE OF CARPETS BUSINESS LICENSE 11-12

The City Manager reported that Oscar Cowan dba House of Carpets had made a request for refund of mill license tax payments made to the City of Modesto, in amount of \$307.15 for the period of May 1, 1955, through December 31, 1955. It has been determined, he stated, that the payments made by the House of Carpets during this period were not required by the Ordinance and recommended that the Council authorize the refunding of the payments in the amount of \$307.15.

RESOLUTION NO. 56-303

A RESOLUTION AUTHORIZING THE REFUND OF MILL LICENSE TAX PAYMENTS MADE TO THE CITY OF MODESTO BY THE HOUSE OF CARPETS

Introduced by Anderson

Seconded by Adams

Ayes: Councilmen: Adams, Anderson, Arata, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Merrill and Mayor Marks

(Mayor Marks returned at 6:46 P.M.)

RESOLUTION AUTHORIZING AGREEMENT FOR PAVING OF CARMEL DRIVE 11-13

The City Manager reported on the first street paving project under the 20% arrangement with the property owners on Carmel Drive and Helen Avenue. He recommended that the Council approve the agreements for the paving of these two streets.

RESOLUTION NO. 56-304

A RESOLUTION APPROVING AGREEMENT WITH THE PROPERTY OWNERS FOR THE PAVING OF CARMEL DRIVE BETWEEN HIGH STREET AND HELEN AVENUE IN THE CITY OF MODESTO

Introduced by Anderson

Seconded by Robinson

Ayes: Councilmen: Anderson, Arata, Hammond, Robinson and Mayor Marks

Noes: None Absent: Merrill

RESOLUTION NO. 56-305

A RESOLUTION APPROVING AGREEMENT WITH THE PROPERTY OWNERS FOR THE PAVING OF HELEN AVENUE BETWEEN HIGH STREET AND MUIR ROAD IN THE CITY OF MODESTO

Introduced by Robinson

Seconded by Anderson

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

Noes: None

Absent: Merrill

FURTHER REPORT ON THE OLD MODESTO HOTEL PROPERTY

11-18

The City Manager presented copies of a "Rough Preliminary Estimate of Construction Costs of Remodeling Old Modesto Hotel for City Hall and Police Department Headquarters" for study by the Council members. He stated that the construction costs for remodeling the building for City Hall and Police Department Headquarters would be approximately \$350,000. That would not include architect fees and allowance for contingencies, he stated.

The City Manager also presented the preliminary estimate for the construction cost of providing parking at the old Modesto Hotel. He stated that if the basement was filled in, and landscaping, lighting, etc. was included, there would be space for 36 cars at an approximate cost of \$12,800. This would be approximately \$355 cost per space. If the basement was used for a two-level garage, including landscaping, etc., 74 spaces could be provided at an approximate cost of \$80,000. The cost per space would be approximately \$1,080.

Councilman Anderson asked whether the structural part of the building would conform with the City's present Building Code which contains the earthquake clause. He stated that he would like a report from a structural engineer on whether the building conforms to the Uniform Building Code.

MOTION

That the City Manager be authorized to obtain a report from an authorized structural engineer as to the compliance of the building to the Uniform Building Code.

Moved by Anderson

Seconded by Robinson

Unanimously carried

FURTHER REPORT ON HEALTH DEPARTMENT

12-23

The City Manager asked and received permission to bring up a matter which was not on the agenda. He reported that the staff has spent considerable time with representatives from the State and the County on the possibility and feasibility of some consolidation with the County Health Department. He stated that on July 26, in Berkeley there will be a hearing and allocations will be made of State and Federal funds for health center construction. With Council approval, he stated, application has been made for the funds. With the amount of space requested in the new City Hall for a health center, he stated, and the request is approved, the City would obtain aid in the construction of the City Hall in an approximate amount of \$90,000.

The City Manager stated that there were two matters which need Council approval, which are necessary for Modesto to be eligible for the State and Federal funds which will be allocated by the Board at the public hearing on July 26. He stated that Modesto is in No. 1 priority and is well up the list in that group of cities which have applied for the funds. In order to be eligible, however, the City must do two things 1) The City is obtaining an agreement from the County covering a number of services because there have been only working arrangements between the staffs, and 2) the City must have or have the assurance that it will have a Health Officer who meets the standards set in the State Law for approved Health Departments.

The City Manager explained that although there are working arrangements between the City and County staffs, there is no formal agreement with the County for any of the services obtained from the County. There is no contract, he stated, under which the County is committed to provide the City with the service. The State cannot approve the city's application as a local health department eligible for the funds, unless there is some assurance that the County will continue providing the services. The County has indicated its willingness, he stated, to enter into some type of agreement under which it would assure the City that it will continue to provide the service. It would need to be formalized, he stated, by the Board of Supervisors, either in the form of a resolution or by an agreement.

City Manager Miller stated that he had reviewed with several of the members of the County Board of Supervisors the possibility for some interim period, at least, that the City employ the County Health Officer as the City Health Officer, in order to meet the requirement of the State. He stated that he had checked with Dr. Irene Heindl, County Health Officer, and she has agreed that if it can be worked out, the City may appoint her City Health Officer pending whatever permanent arrangements which may need to be made.

The City Manager stated that these two matters should be cleared, as a matter of policy, tonight, in order to qualify for the State and Federal Funds.

RESOLUTION NO. 56-306

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO REQUESTING THE COUNTY OF STANISLAUS TO ENTER INTO A CONTRACT TO FURNISH CERTAIN PUBLIC HEALTH SERVICES

Introduced by Hammond Seconded by Arata

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

Noes: None Absent: Merrill

The City Manager presented a report of a summary of the services which the Health Department provides and stated that copies would be sent to the Council members for their study.

FURTHER CONSIDERATION OF THE 1956-57 BUDGET 4-29 and 13-28

Consider purchase of Seaman Mixer 10-6 and 13-28

The City Manager reported that the purchase of the Seaman Mixer is an item in the budget and the Council has cleared the Public Works Budget. As a result of the constant breakdowns from the present mixer, a request is being made to purchase the new Seaman Mixer provided in the Budget for 1956-57, he stated.

MOTION

That the City Manager bring back the necessary documents for the purchase of the Seaman Mixer.

Moved by Robinson Seconded by Adams Unanimously carried.

The Council members agreed that no further discussion of the budget would be held at this meeting, and set July 25, 1956, at 8:00 P.M. as the time for further discussion.

REQUEST OF THE CITY MANAGER FOR APPROVAL OF VACATION BEGINNING AUGUST 5, 1956. 13-27

The City Manager requested permission of the Council to take one week's vacation beginning August 5, 1956 and further vacation as it can be arranged.


MOTION

That permission be granted to City Manager Miller to take one week vacation beginning August 5, 1956.

Moved by Anderson Seconded by Robinson Unanimously carried

ADJOURNMENT

Councilman Hammond moved, seconded by Councilman Arata, and it was unanimously carried that the Council meeting now in session be adjourned. The meeting was adjourned at 7:30 P. M.

ATTEST: 
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., 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

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

A few moments of silent prayer were observed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular Council meeting of July 4 and adjourned meeting of July 5, and the same being available for public inspection and there being no objections, the minutes were approved.

PETITIONS, REMONSTRANCES AND COMMUNICATIONS 1-10

A letter from Mark Erickson commending the City of Modesto on its recreation program was read. City Manager Miller was directed to acknowledge the letter and express the Council's appreciation for the thoughtful expression.

A letter from the Modesto City Employees' Association expressing appreciation to the Council for the salary increases recently granted the city employees was read. Mayor Marks was authorized to write a personal informal note to Frank Reynolds, President.

A letter from J. C. Crouch, of Giddings Brothers, offering to sell to the city certain properties located on 12th Street between J and K and K and L Streets, was read. The letter was referred to the City Manager for investigation and report.

DOWNTOWN MERCHANTS ASSOCIATION REQUESTS FOR CELEBRATION RELATING TO COMPLETION OF NEW DOWNTOWN STREET LIGHTS 1-23

A letter from the Downtown Merchants Association was read, outlining the plans for the program to be held on August 2, to celebrate the completion of the new downtown street lighting.

Morey Appelbaum, President of the Association, briefly outlined the plans for the celebration, which consisted of speeches by dignitaries; turning on of lights; entertainment by square dance groups; and public dancing in the streets between the hours of 9:00 P.M. and 12:30 A.M. He outlined the program adopted by the Association, which will start August 1st, for the cleaning of front store areas in the downtown area. Mayor Marks was authorized to write a letter of appreciation to the Association.

RESOLUTION NO. 56-322

A RESOLUTION AUTHORIZING THE CLOSING OF I STREET BETWEEN ELEVENTH AND TWELFTH STREET ON AUGUST 2, 1956, DURING THE CELEBRATION ON THE COMPLETION OF STREET LIGHTING IN THE DOWNTOWN AREA

Introduced by Merrill

Seconded by Adams

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

MAYOR MARKS EXPRESSES APPRECIATION TO PERSONS ATTENDING COUNCIL MEETING IN
RESPONSE TO SPECIAL INVITATION

Mayor Marks expressed appreciation to those persons in the audience who were attending the meeting in response to the Council's special invitation which is sent out each week to 50 registered voters in the city.

ACCEPT BIDS ON STREET LIGHTING MATERIALS 2-1

The tabulation of the bids received on July 23 at 3:00 P.M. for street lighting materials was considered by the Council. Director of Public Works Ray recommended the acceptance of the following low bids:

- Item 1, Street lighting standards to Taper Tube Pole Co. in the amount of \$3,759.50
- Item 2, Street lighting luminaires to Westinghouse Electric Supply Co. in the amount of \$320
- Item 3, Street lighting cable to Industrial Electrical Company in the amount of \$5,273.28.

RESOLUTION NO. 56-308

A RESOLUTION ACCEPTING THE BID OF TAPER TUBE POLE COMPANY FOR STREET LIGHTING STANDARDS

Introduced by Hammond Seconded by Arata

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

RESOLUTION NO. 56-309

A RESOLUTION ACCEPTING THE BID OF WESTINGHOUSE ELECTRIC SUPPLY COMPANY FOR STREET LIGHTING LUMINAIRES

Introduced by Arata Seconded by Hammond

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

RESOLUTION NO. 56-310

A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL ELECTRICAL COMPANY FOR STREET LIGHTING CABLE

Introduced by Adams Seconded by Merrill

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

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN NORTHGATE SUBDIVISION NO. 1 2-7

RESOLUTION NO. 56-311

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR INSTALLATION OF WATER LINES IN NORTHGATE SUBDIVISION NO. 1

Introduced by Arata Seconded by Hammond

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

ORDINANCE APPROVING LEASING OF AIRPORT PROPERTY TO CHARLES SARGENT 2-8

ORDINANCE NO. 104-C.S. entitled:

"AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO CHARLES E. SARGENT 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 Arata

Seconded by Adams

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

Noes: None

Absent: Anderson and Robinson

Councilman Anderson arrived at the meeting at 7:56 P.M.

DISCUSSION ON PETITION FILED BY PROPERTY OWNERS IN 1300 BLOCK ON FORDHAM AVENUE REGARDING THE DRAINAGE PROBLEMS 2-12

Relative to the recent petition filed with the Council by property owners in the 1300 Block on Fordham Avenue regarding the drainage problem, the City Manager reported on his personal inspection of the area. A report prepared by the Director of Public Works "Report on Drainage Condition in 1300 Block of Fordham Avenue", a copy of which is on file in the office of the City Clerk, was made available to the Council members prior to the meeting. Councilman Adams asked to be furnished with a copy of the report prepared by Director of Parks and Recreation Lowrey which included suggestions for the treatment of lawns so that they would more fully absorb the water. An additional dry well, the City Manager reported, was also being installed in the area to temporarily relieve the situation.

REPORT ON CITY SALES TAX EXEMPTIONS 2-18

The City Manager asked that it be a matter of record that a report on city sales tax exemptions had been filed with the Council at the previous meeting, and that copies had been made available to representatives of the county, including the Board of Supervisors.

Mayor Marks reported on the monthly City-County Committee meeting which had been held recently and at which the status of the uniform sales tax was discussed. While there was no agreement between the representatives of the cities and the County, efforts to arrive at a decision, however, will be continued, he stated. Councilman Arata, during the Council discussion, objected to any type of compromise where the percentage of the tax collected within the city, rebated to the County, vary for different cities.

Mayor Marks pointed out that there was a general feeling that the cities and county were getting closer and closer in arriving at a solution and that he was firm in his belief that the matter could be solved satisfactorily.

A brief discussion was held on the matter of the resolution recently adopted by the Council asking the County to place the bridge and road bond issue on the ballot for the November election with the revenue received from the sales tax pledged to retire the bonds.

HEARING ON APPLICATIONS FOR UNCLASSIFIED USE PERMITS 3-13

Mayor Marks declared that the hour of 8:00 P.M. had arrived, the

time set for the public hearing on the application of Harry M. Pierce, 346 Severin Avenue, for an unclassified use permit for the day care of children.

The City Clerk filed a statement that notices were mailed as required by law to all property owners within 300 feet of the proposed use 10 days prior to date of the hearing, and that no written or oral protests had been filed.

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

Resolution No. 328 adopted by the City Planning Commission was read, recommending to the City Council the granting of the permit for the day care of four children subject to the condition "that the rose beds be adequately fenced to prevent children from falling into thorny bushes".

Mayor Marks declared the hearing closed.

RESOLUTION NO. 56-312

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO HARRY M PIERCE FOR THE DAY CARE OF CHILDREN

Introduced by Adams

Seconded by Hammond

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

Noes: None

Absent: Robinson

Mayor Marks declared that the hour of 8:05 P.M. had arrived, the time set for the public hearing on the application of Walter Benson for an unclassified use permit to operate a rest home at 134 Severin Avenue.

The City Clerk filed a statement that notices were mailed to all property owners within 300 feet radius of the proposed use, 10 days prior to the hearing, as required by law and that no written or oral protests had been filed.

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

Mayor Marks read Resolution No. 327, adopted by the City Planning Commission July 3, 1956, recommending to the Council the granting of a permit for a rest home for ten ambulatory patients. Mayor Marks declared the hearing closed.

RESOLUTION NO. 56-313

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO WALTER BENSON FOR A REST HOME AT 134 SEVERIN AVENUE

Introduced by Arata

Seconded by Anderson

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

Noes: None

Absent: Robinson

ACCEPT INSTALLATION OF WATER LINES IN LUNDQUIST SUBDIVISION FROM CONTRACTOR
MANUEL SMITH 3-17

The Director of Public Works reported that the installation of water lines in the Lundquist Subdivision had been completed by the contractor, Manuel Smith and recommended its acceptance, recordation of Notice of Completion with the County Recorder, and payment of amounts due, as

provided by the contract.

RESOLUTION NO. 56-314

A RESOLUTION ACCEPTING THE INSTALLATION OF WATER LINES IN THE LUND-QUIST SUBDIVISION FROM MANUEL SMITH, CONTRACTOR, AUTHORIZE FILING OF NOTICE OF COMPLETION AND PAYMENT OF AMOUNTS DUE TO THE CONTRACTOR

Introduced by Anderson

Seconded by Adams

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

Noes: None Absent: Robinson

ORDINANCE AMENDING TRAFFIC ORDINANCE PROVIDING FOR ALL NIGHT PARKING AND ESTABLISHING SPEED LIMIT OF 35 MILES ON EMERALD AVENUE 3-20

As directed by the Council, the City Attorney presented for Council consideration an ordinance which would amend Ordinance No. 345-N.S., Traffic Regulations, relating to all night parking. He pointed out that the provisions would not be enforceable until the signs were posted. He pointed out that he had also included in this ordinance, as requested by Traffic Engineer Carmody, a provision which would establish a speed limit of 35 miles on Emerald Avenue.

ORDINANCE NO. 103-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 EARLY MORNING PARKING HOURS, AND SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATION, AND REPEALING ORDINANCE NO. 68-C.S."

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

Moved by Arata

Seconded by Hammond

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

Noes: None Absent: Robinson

FURTHER CONSIDERATION OF BUDGET FOR FISCAL YEAR ENDING JUNE 30, 1957 3-30

Mayor Marks announced that the hour of 8:15 P.M. had arrived, the time set for the continuation of the discussion on the proposed budget for the fiscal year ending June 30, 1957.

Page 75--Traffic Engineering

A discussion was held by the Council on the combining of Pages 75 and 93 which related to Traffic Engineering (General Fund) and Traffic Engineering (Parking Fund). The City Manager pointed out that it was mandatory that these be separated in the budget as far as funds were concerned, but that it would be possible to furnish the Council with a consolidated sheet for reference, which would combine the two separate functions and two separate funds. He stated that by law the City was required to keep these funds separate due to the system approved by the Council of allocation of the on and off street parking revenue.

Councilman Hammond contended that since both parking and traffic engineering was the responsibility of one department, Traffic Engineering, that the separation of the two items did not give a true picture of the cost of the department.

The City Manager pointed out that this problem was similar to one in the Recreation Department where the Youth Center is kept separate from Recreation.

Councilman Hammond considered that the Youth Center should be shown as a sub-total under Recreation so that it could be seen at a glance, the total cost of recreation. The City Manager stated that the Council could be furnished with a total sheet that would show this amount. He cited other similar instances in the Public Works Department, where separate functions happened to be under the direction of an individual. A brief discussion was held on the manner which future budgets were to be prepared which would include recap sheets showing a consolidated report on the operation costs of various departments. Finance Director Lawrence combined informally, at this time, the Traffic Engineering Department and the Parking Fund budgets for Council information. Various items in the combined budget were discussed and approved by the Council.

Page 49 - Disaster and Civil Defense

The City Manager explained, at the request of Councilman Hammond, that the fact the budget showed the Disaster and Civil Defense expenditures separate, did not indicate that it was a separate department but it was for accounting procedure so that the city could keep track of the costs involved in that function, since the capital items must be kept separate in order to receive reimbursement of one half of the cost from the federal government. He outlined the difficulties which had occurred in the past years to determine the costs for items which were reimbursible.

Page 39 - Advance Planning Division

The City Manager pointed out that there were two separate and distinct departments in Planning Department, one for current and project planning and the other for advance planning, and that they must be kept separate because the city is responsible for one and shares the cost of the other with the County. He reported that the city had now cleared with the County the method of handling the accounts.

Councilman Hammond recommended, to which the Council concurred, that in future budgets a summary sheet be included showing the percentage of the total budget for each department.

Page 93 - Traffic Engineering - Parking Fund

Councilman Anderson pointed out that combined with Page 75, there was a combined total of \$625 for "services, professional and others". The Traffic Engineer explained this proposed expenditure covered blueprinting and photographing. The item of \$670 for property taxes was also explained.

Page 77 - Parks & Recreation - Parks

The Council generally agreed that questions on this department had been previously cleared.

Page 83 - Parks & Recreation - Maddux Youth Center

The item of \$1400 for utilities in this budget was cleared. Assistant City Manager Masonheimer pointed out that it was necessary to include this charge for the first time due to the fact the Parks and Recreation Department had moved its administrative headquarters to the Modesto Community Service Center (old John Muir School) and previously this charge had been included in the Recreation budget. Item of \$25 for taxes was also explained.

Page 85 - Music and Promotion

Requests for increases in budget allocation by the Chamber of Commerce, California Relays and Fourth of July Celebration, were considered. Councilman Hammond reported that the City's industrial committee had been working with the Chamber committee on a program which might necessitate an additional appropriation.

It was generally agreed by the Council that the amounts shown in the budget for the various items should not be changed but that it recognized that circumstances might warrant reconsideration at an appropriate time, later in the year.

Page 87 - Miscellaneous Unclassified

A question was raised on item "Confrence and travel - \$2,000". After it was explained that this was a departure from the former budget procedure of placing the appropriation in each budget and combines all allocations for the expenses of delegates to the League of California Cities Conference and other meetings of City-wide importance, the page was cleared by the Council.

At the request of Mayor Marks, Director of Public Works Ray reported that the Public Works Department was responsible for 63% of the total budget in addition to special funds that are not budgeted, i.e. sewer bond fund, improvement districts, etc.

Councilman Hammond recommended that in the future a percentage be shown on the various divisions within the Public Works Department.

The City Manager stated that from the Council discussion on the budget it was indicated that in the future an analysis of the operative budget on a percentage basis would be helpful and that it would be prepared.

Page 89 - Library

The City Manager reported that Librarian Hamilton, due to his absence on vacation, had requested him to bring before the Council for consideration, two supplementary items. It was agreed that the Council would proceed on the present budget but grant Mr. Hamilton the opportunity to make a presentation on these items at a later date. In answer to a question, the City Manager pointed out that the library budget was lower than in previous years due to the consolidation with the County.

Pages 91, 95, 97 and 99 were approved by the Council.

Discussion of Rights of Way for street improvement

The City Manager briefly reported on the program for securing rights of way on Tully Avenue. The traffic signal installation planned for Tully and 99 Highway, he stated, is on a basis of the proposed permanent width of the street.

Councilman Adams questioned how long the city should hold money available for certain streets for rights of way. He asked why these funds could not be transferred to other streets where rights of way have been deeded to the city. The City Manager stated that a report would be presented shortly on the progress made this summer, well in advance of the next spring construction.

The City Attorney brought to the attention of the Council that the city had been unsuccessful in securing all of the necessary rights of way in many of the projects for street widening. He stated that he was referring to not only McHenry Avenue but College, Roseburg, Orangeburg and many others. The City Manager stated that the city had plenty of places to

spend the money if the people on these streets would not make the rights of way available to the city.

Mayor Marks suggested that the people in the area, for instance on Tully Avenue between Coldwell and Roseburg, should be advised by notice from the city that the money is available to them for street improvement but due to the fact that all of the property owners would not grant the necessary rights of way, the work was being delayed. These people have the right to know that the reason the work is not proceeding is due to the fact the city is unable to obtain all the rights of way.

A Council discussion was held on the possibility of the property owners in a certain area holding meetings, at which a city representative could be sent, to discuss the problem of obtaining all the necessary rights of way.

The Manager pointed out that where buildings were involved or damages to improvements occurred, etc. the city does assume that cost in securing rights of way. The City Manager reported that the city was working with the utility companies on College and Tully to move poles back of the curb line.

A general discussion was held on the method of including funds for the purchase of a striping machine, which had previously been approved by the Council, and all night parking signs, and it was agreed that the simplest solution would be to adopt the budget, as prepared, and to authorize the transfer of fund from the general reserve at a later time.

MOTION

That the schedule of changes in the preliminary 1956-57 Budget, as shown on schedule 1, with breakdown of schedule:

- 1a-Estimate of Unsecured Tax Collections 1956-57;
- 1b-Revised carry over Balances from 1955-56 fiscal year;
- 1c-Revised inter fund transfers resulting from carry over balances for 1955-56 fiscal year;
- 1d-Summary of salary adjustments 1956-57 budget, approved by Council, July 11, 1956,

a copy of which is on file in the office of the City Clerk, be adopted.

Moved by Arata Seconded by Merrill Unanimously carried

MOTION

That the Fire Department budget be changed to increase the item for "Conferences and Travel" from \$25 to \$225 and to adjust the budget figures involved accordingly.

Moved by Merrill Seconded by Anderson Unanimously carried

The City Manager reported that the tax rate for the City for the fiscal year ending June 30, 1957, would be set after the tax roll was received from the County. However, he stated, this budget would not require any increase in the property tax unless the utility roll is cut. When the final budget for the city-county library is determined, consideration can be given to the special tax rate for library.

ORDINANCE NO. 104-C.S., entitled:

"AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1957, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS"

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

Moved by Anderson

Seconded by Adams

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

Noes: None

Absent: Robinson

IN THE MATTER OF TRAFFIC MATTERS 8-10

RESOLUTION NO. 56-315

A RESOLUTION ESTABLISHING NO PARKING ZONES ON MCHENRY AVENUE AT ITS INTERSECTION WITH MORRIS AVENUE IN THE CITY OF MODESTO

Introduced by Arata

Seconded by Hammond

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

Noes: None

Absent: Robinson

For the information of the Council, the Traffic Engineer briefly outlined, and displayed sketches, of three different methods to be considered for the installation of traffic signals at the five leg intersection of LaLoma, Santa Ana and Haddon Avenues.

MOTION

That Proposal B presented by the Traffic Engineer for the installation of traffic signals at the intersection of LaLoma Avenue, Santa Ana Avenue and Haddon Avenue be approved for planning purposes.

Moved by Merrill

Seconded by Arata

Unanimously carried

The Traffic Engineer recommended, to which the Council concurred, that the installation of traffic signals proposed for the downtown section be delayed pending the Council's decision on one-way streets, since it would be necessary to revise the installation plan at additional cost if one-way streets were approved later.

REPORT BY COUNCIL COMMITTEE ON PARKING 9-7

Councilman Hammond recommended that since the Council Committee's report on parking was lengthy, that the members study the report and it be considered at a later meeting.

REPORT ON FINANCING WALK-WAIT SIGNALS ON TENTH STREET AT I & J STREETS 9-15

RESOLUTION NO. 56-317

A RESOLUTION AUTHORIZING THE TRANSFER OF \$1100 FROM THE CAPITAL IMPROVEMENT RESERVE TO THE CAPITAL IMPROVEMENT - TRAFFIC ENGINEERING DEPARTMENT FOR THE PURCHASE OF WALK-WAIT SIGNALS TO BE INSTALLED ON TENTH STREET AT ITS INTERSECTION WITH I AND J STREETS

Introduced by Anderson

Seconded by Arata

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

Noes: None

Absent: Robinson

A general Council discussion was held on the inadvisability of "dipping into" the capital improvement reserve fund until a complete program was adopted by the Council.

60-26

DESIGNATE SEVENTEENTH STREET BETWEEN DOWNEY AND I STREET AS A ONE WAY STREET 9-23

Mayor Marks read a letter from the Downtown Merchants Association, dated March 6, asking that the Association be notified in advance of any Council action on one-way streets.

Mayor Marks was authorized to notify the Association that the Council would be considering action on one-way streets shortly.

Mayor Marks read a letter from Floyd Benson, of Benson and Zimmerman, recommending the establishment of one-way streets in the city, to relieve the traffic congestion in the downtown area and citing examples of the success of this type of traffic program in other cities.

RESOLUTION NO. 56-318

A RESOLUTION DESIGNATING SEVENTEENTH STREET BETWEEN DOWNEY AND I STREET AS A ONE-WAY STREET

Introduced by Adams

Seconded by Anderson

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

Noes: None

Absent: Robinson

CITY MANAGER REPORT ON ACCESSIBILITY OF WATER FOR FIRE FIGHTING USE IN THE LALOMA AREA 9-25

The City Manager reported that he had contacted the private water company supplying water to the LaLoma area, within the city limits, regarding the furnishing of water for fire protection purposes to property owners within this area. This company advised that the water was available at any time and any amount for anyone who wished it at the regular charges established by the Public Utilities Commission.

FURTHER REPORT ON OLD MODESTO HOTEL PROPERTY 10-5

The City Manager reported on his recent conference with Architect Pflueger on the Old Modesto Hotel property. He stated that the efforts to locate the original structural plans of the building, so that they could be made available to the structural engineer for study, had proved unsuccessful so far. Mr. Pflueger had suggested that it might be possible to have a structural engineer "take a look" at the building to determine if the building meets the standards of the present code and if, beyond any doubt, it would not, then the city would not have to go any further. Mr. Pflueger had stated that there were very few buildings erected at the time the hotel was built, which would comply with the present standards. As requested by the Council, the City Manager stated, Mr. Pflueger has been asked to refer a competent structural engineer to investigate the building and advise generally how much money would be involved in remodeling it for a city hall.

The City Manager reported that he had checked with various people on the mechanical end of the construction, air condition firms, plumbers, etc., and what he had learned indicated that the original estimate submitted by him last week was too low and that the cost of reconstruction of this building, if it was structurally sound, would be substantially above the estimate.

Mayor Marks asked that the City Manager prepare a report for Council consideration giving a rough estimate of the cost per square foot for modernizing the hotel property for a city hall as compared to the cost for the construction of a new city hall.

It was agreed that until the structural engineer's report was available that other reports be delayed.

The City Manager reported that the staff was proceeding with the plans for the City Hall at the 15th Street lot and that he had discussed them with Mr. Pflueger. He stated that he had pointed out to Mr. Pflueger that: 1) he had not included a specific provision for enlarging. (He has been asked to include this); 2) the original preliminary plans submitted did not include a place for the Traffic Engineer Department (He has been asked to include this department now).

The City Manager informed the owners of property adjoining the 15th Street city property, who were present at the meeting, that the Council had authorized the staff to proceed with negotiations for the purchase of property in this area. He asked that they contact the city office so that the appraiser could be clearing some of the preliminary matters with them. He pointed out that prior projects, which must be cleared, had been consuming much of the appraiser's time, but if the owners would leave their names with the clerk, they would be contacted.

The City Manager answered a question of one of the owners---how long will the city give us to move out of our homes on 16th Street after the sale---by informing him that the property would not be needed until time to start construction. Mayor Marks suggested that the owners check with the staff in regard to extensive improvements to their properties.

APPROVE AGREEMENT WITH COUNTY ON HEALTH SERVICES 11-6

The City Manager reported, pursuant to instructions from the Council, that the staff had worked out an agreement with the County relating to public health services which would accomplish the things the Council had requested. He stated that the two basic points to be cleared before the agreement could be presented to the State Department of Public Health were 1) contract with the county which would assure the continuance of the present services being rendered by the county, and 2) the appointment of a Health Officer who meets the qualifications which are set up in the state law. The contract has been drafted and approved by the Board of Supervisors, he stated, and this, with the appointment of a Health Officer, would make the city eligible for state construction funds. He stated that this arrangement was an interim arrangement to assure the city's eligibility, pending further discussions with the County and Schools, as to how the whole health services might be handled. He referred to a report which he submitted to the Council, pointing out that it had been cleared with the Board of Supervisors in order that they understand clearly the City's position. He briefed the conditions of the contract for Council information.

RESOLUTION NO. 56-307

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS RELATING TO THE PERFORMANCE OF PUBLIC HEALTH SERVICES WITHIN THE CITY OF MODESTO

Introduced by Merrill

Seconded by Arata

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

Noes: None

Absent: Robinson

The City Manager pointed out that the agreement was effective until June 30, 1957, and would automatically be renewed unless cancelled as provided in the contract.

The City Manager stated that it is proposed to consider with the County and the schools, as promptly as possible, a permanent arrangement. He pointed out that the appointment of the Health Officer which is provided for in the agreement would be cleared with the County and be made effective August 1, 1956.

REFER REQUEST FOR ANNEXATION OF GARRISON SCHOOL ADDITION TO PLANNING COMMISSION 11-24

RESOLUTION NO. 56-319

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A REQUEST FOR CONSENT TO ANNEX CERTAIN INHABITED TERRITORY TO THE CITY OF MODESTO (GARRISON SCHOOL ADDITION)

Introduced by Hammond

Seconded by Adams

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

Noes: None

Absent: Robinson

RESOLUTIONS ACCEPTING DEEDS 11-28

RESOLUTION NO. 56-320

A RESOLUTION ACCEPTING GRANT DEED FROM DONALD A JAYNES AND IDA LOU JAYNES; JOSEPH A. SATARIANO AND GRACE SATARIANO; AND BEATRICE P. WALLACH FOR STREET PURPOSES IN A PORTION OF BLOCK J, CITY OF MODESTO

Introduced by Arata

Seconded by Anderson

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

Noes: None

Absent: Robinson

RESOLUTION NO. 56-321

A RESOLUTION ACCEPTING GRANT DEED FROM LAVERNE W. ADAMS AND LOU E. ADAMS FOR THE EXTENSION OF HACKBERRY AVENUE

Introduced by Adams

Seconded by Anderson

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

Noes: None

Absent: Robinson

LETTER FROM CITY PLANNING COMMISSION RE: PROPOSED AMENDMENTS TO ZONING ORDINANCE 12-3

A letter from the City Planning Commission was read, asking that the Council take no action on the proposed amendments to the zoning regulations, as previously submitted, until an additional group had been recommended.

The City Attorney pointed out that the Council hearing could proceed as scheduled, but that action could be delayed on the previously submitted amendments until the new proposals were presented, and a hearing scheduled and action then be taken on all the amendments at once. It was agreed by the members that it would not be necessary for the Clerk to send explanatory information prior to the hearing but that all matters would be explained at the actual hearing, so that both the Council and the audience would be fully aware of all facts.

DISCUSSION ON AMENDING MILL LICENSE TAX ORDINANCE 12-5

Councilman Hammond asked and was granted permission by the Council, to present an item which was not on the agenda. He recommended that the staff be requested to make a study of the mill license inequities and how the license compared to other cities to determine if improvements should be considered.

The City Manager stated that this problem was on the Council's pending list. One of the reasons for the delay in resolving it was that the League of California Cities is presently preparing a complete revision of the model ordinance as a result of a business license code analysis. The City Manager was asked to check with the League on the progress being made on its study. He pointed out that one of the proposed projects in this year's budget message was an appropriation for "analysis and possible revision of the mill license tax". He stated that it was possible that special help would be necessary to get the job done. The Council briefly discussed various examples of inequities.

LETTER FROM FRED CURTIS RE: CITY HALL 12-17

A letter from Fred Curtis was read, regarding the new proposed city hall.

REPORT ON REQUEST OF W. J. MARSH FOR EXTENSION OF TIME LIMIT FOR BOWLING HELD OVER 12-21

by Police Chief Neel

Copies of a report/on the request of W. J. Marsh for an extension of time limit for bowling were distributed to the Council members. It was agreed that the matter would be considered at a later meeting after the members had studied the report.

REPORT ON CIVIL DEFENSE EXERCISE 12-26

The City Manager reported that the staff and certain employees of the city had participated in the nation wide civil defense exercises held on Friday, July 20, 1956. A future meeting will be held and a report drafted, he stated, and a disaster and civil defense ordinance presented for Council consideration in line with the new state law.

APPROVE VACATION LEAVE FOR CITY ATTORNEY 12-29

MOTION

That the City Attorney be authorized vacation leave for the period August 13 to 24.

Moved by Arata Seconded by Adams Unanimously carried

REMIND MEMBERS OF LEAGUE MEETING 12-29

The City Manager reminded the Council members of the League of California Cities, Central Division, meeting to be held in Los Banos, Thursday, July 26.

NOTICE TO BE SENT ALONG WITH TAX BILL 12-30

Councilman Arata suggested that consideration be given in advance so that the city could send out a notice relating to the tax rate, along with the County tax bills.


ADJOURNMENT

MOTION

That the Council meeting now in session adjourn.

Moved by Arata Seconded by Anderson Unanimously carried

The meeting was adjourned at 10:35 P.M.

ATTEST: 
REX E. GAILFUS, CITY CLERK

The Council of the City of Modesto met in regular session this date at 4:00 P.M., 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. J. W. Watson, pastor of the First Southern Baptist Church, gave the invocation.

LETTER FROM FOURTH OF JULY CELEBRATION COMMITTEE 1-6

A letter received from the Stanislaus County Fourth of July Committee thanking the Council for the city's entry in this year's parade was read and ordered filed.

LETTER FROM MODESTO-STANISLAUS UNITED CRUSADE 1-7

A letter received from William P. Correia, General Chairman of the Modesto Stanislaus United Crusade, asking permission to place posters on light standards in the commercial areas of the city in conjunction with the drive which will be held during the latter part of September and October, was read.

The past policy of the Council regarding this type of activity was generally discussed. Councilman Merrill moved that the request be granted since the drive was of direct community interest. Before the motion was seconded the following points were considered:

1. That other worthwhile community groups and organizations would also request this privilege, such as the March of Dimes, etc.
2. That if permit was granted a condition should be required that the signs be removed following the campaign.
3. That at the present time this activity is prohibited by provision of the municipal code, and it would require an amendment to the code before permission could be granted.

Councilman Merrill withdrew his motion and moved that the City Attorney be instructed to prepare the necessary documents to amend the Code to permit the United Crusade to place the posters on light standards.

City Attorney Grimes pointed out the legal ramifications involved in limiting this activity to one organization and suggested that the amendment set up a procedure that would allow an application to be considered by the Council on some community-wide, charitable, etc. type of activity.

Councilman Merrill amended his motion to this effect.

(Councilman Arata arrived at 4:10 P.M.)

Bill Correia, who was present, exhibited the type of poster proposed to be displayed and stated that the organization would be responsible for removing the posters after the crusade.

Councilman Anderson seconded the motion.

Before the vote was called, suggestions were made that the ordinance define the type of organization which would be granted permit, as well as length of time poster be displayed and height. The City Attorney stated this type of legislation would present problems and it was generally agreed that the Code be amended to permit the display of posters on the light standards only and the Council, as a matter of policy, decide the other matters at the time permit is granted.

The motion was unanimously adopted.

Councilman Adams asked that a copy of the proposed amendment be distributed to the members with the agenda for their study prior to Council consideration.

The City Attorney cleared with the Council that it was not its intention to consider applications for the display of posters on the light standards by those persons engaged in commercial profit making activities. Mayor Marks asked the members if it was their intention to grant the same privilege to the March of Dimes, as the United Crusade. It was agreed that each application be considered on its own merits, and that it was its intent that only non-profit organizations be granted permits.

ACCEPT BID FOR TWO DEEP WELL PUMPS WITH ELECTRICAL EQUIPMENT 3-1

A tabulation of the bids received for the furnishing of two deep well pumps with electrical equipment (Nos. 3 and 15), which had been opened Monday, July 30, at 2:00 P.M. was presented for Council consideration. Director of Public Works Ray recommended that the bid of Jacuzzi Bros. Inc. which was the lowest total offer submitted, be accepted.

RESOLUTION NO. 56-322

A RESOLUTION ACCEPTING THE BID OF JACUZZI BROS. INC. FOR TWO DEEP WELL PUMPS WITH ELECTRICAL EQUIPMENT FOR STATIONS NUMBER THREE AND NUMBER FIFTEEN BE ACCEPTED

Introduced by Merrill

Seconded by Anderson

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

Noes: None Absent: None

INTRODUCE DR. IRENA HEINDL, NEWLY APPOINTED CITY HEALTH OFFICER, TO COUNCIL 2-30

City Manager Miller introduced Dr. Irena Heindl, newly appointed City Health Officer, to the Council, and welcomed her to the city staff.

QUESTIONNAIRE FROM W.B. REYNOLDS, MAYOR, CITY OF OAKDALE 2-30

Mayor Marks asked that the questionnaire from W.B. Reynolds, Mayor, City of Oakdale, regarding the uniform sales tax and distributed to the Council members, be studied for a period of approximately two weeks and then considered.

HEARING ON THE PROPOSED AMENDMENT TO MUNICIPAL CODE RE: ZONING REGULATIONS 3-10

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the proposed amendments to the Municipal Code relating to zoning regulations.

The City Clerk filed a statement certifying that the notice of the hearing had been published in the official newspaper of the city, the Modesto Journal, as provided by law. He also certified that no written protests had been filed to the proposed changes in the code.

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

City Manager Miller reminded the Council that the Commission's letter of July 25, had requested that Council action on these recommendations be delayed until a new group of recommended amendments could be submitted, which would change the wording in certain sections of the Code. The City Manager pointed out that the scheduled public hearing could be held but action delayed until a further report was received from the Commission.

Arthur Stout, Planning Technician, reviewed briefly the proposed changes, a copy of which is on file with records of the meeting, in detail for Council information.

Mr. Stout reported that Section 10-2.1611--ACCESSORY BUILDINGS, PLACEMENT, after review by the staff, was found not to be inconsistent with the ordinance as was originally thought and the Commission was requesting that the recommended change not be acted upon by the Council, and be referred back to the Commission.

Mayor Marks declared the hearing closed.

MOTION

That action on the recommendation of the Modesto City Planning Commission on amendments to Chapter 2 of Title X of the Modesto Municipal Code (Zoning Regulations) referred to in its Resolution No. 332, adopted by the Commission on July 10, 1956, be tabled until a new group of amendments is recommended, as requested in the Commission letter of July 25 and that the recommended change relating to Section 10-2.1611 - Accessory Buildings, Placement, be referred back to the Commission for further study.

Moved by Anderson Seconded by Adams Unanimously carried

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR PAVING OF HELEN AVENUE AND CARMEL DRIVE 5-1

Plans and specifications for the paving of Helen Avenue between High Street and Muir Road and the paving of Carmel Drive, between High Street and Helen Avenue were presented for Council consideration. The City Manager stated that the plans would include the paving of the two streets; curbs all the way around the John Muir Park, with the city providing its portion of the curb; one half of the paving costs, and 20% of the other paving cost.

RESOLUTION NO. 56-323

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZE THE CALL FOR BIDS FOR IMPROVEMENT OF HELEN AVENUE BETWEEN HIGH STREET AND MUIR ROAD AND CARMEL DRIVE BETWEEN HIGH STREET AND HELEN AVENUE

Introduced by Arata

Seconded by Anderson

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

Noes: None

Absent: None

The City Manager reported that action on the financing would be presented later for Council consideration.

ADOPTION OF ORDINANCE NO. 101-C.S. SUBDIVISION REGULATIONS 5-29

ORDINANCE NO. 101-C.S., entitled:

"AN ORDINANCE AMENDING SECTIONS 4-4.402, 4-4.801 AND 4-4.802 OF CHAPTER 4, TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO THE SUBDIVISION OF LAND"

introduced on July 18, 1956, 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: Councilmen: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks

Noes: None

Absent: None

CONSIDER REQUEST OF MODESTO BOWL FOR EXTENSION OF TIME LIMIT FOR BOWLING 6-1

Police Chief Neel reviewed his report, copies of which were previously made available to the Council, on the request of W. J. Marsh, operating the Modesto Bowl, located at 1120 13th Street, that the Municipal Code be amended to permit the Bowl to remain open until 4:00 A.M. He stated that the Police Department had no objections to the request from the standpoint of being a police problem. He stated that from the investigation the main problem is the fact that the Bowl is located in an area where there are also residences. The comings and goings of patrons during the late hours create a noise nuisance to the surrounding residents. He stated that he did not have any recommendations to make on the request that it was a Council policy matter. He listed the following alternatives for Council consideration:

1. Make no change. Code now provides bowling alleys to be closed from 2:30 a.m. to 8:00 a.m. but allows proprietor to ask Council for permission to stay open until 3:00 a.m. when tournaments are held.
2. Keep regular closing time at 2:30 a.m. but allow 4:00 a.m. closing on special occasions such as during tournaments and during league play if proprietor does develop a league that will require that much time.
3. Grant a 4:00 a.m. closing time.

A Council discussion was held on the opinions expressed by the adjoining residents contacted by the Police Department in its investigation, as listed on the diagram attached to the Chief's report and the zoning of the area.

Mayor Marks pointed out that the report indicated that of the 29 persons contacted, only one was now objecting since Mr. Marsh had ordered the rear alley door locked and the windows closed to prevent the noise from the bowling balls hitting the pins. Police Chief Neel reported that he had personally inspected the establishment from the noise standpoint and ascertained that if the doors and windows are closed that it is quite difficult to hear anything. He had also checked with people who had objected to the noise prior to the closing of the door and windows and they now consider that the situation has been remedied.

Jerry Marsh stated that he did not plan to stay open until 4:00 A.M. but if the opportunity presents itself that he has business at 2:30 A.M. that he does not wish to "kick them out". He stated that he was attempting to form a league from the 11:30 P.M. shift of the State Hospital employees. Since this group would start playing at 12:30 A.M., it cannot finish by 2:30 A.M. He stated that he did not plan to stay open every morning until 4:00 A.M. but he wanted to have the right to stay open if the business so warrants.

Miss Nellie Scott, residing at 1315 K Street, objected to the noise created by the employees leaving from the rear alley door, racing of car motors, and loud talking. She stated that the noise from the bowling has been improved since the closing of the alley door and windows.

Mayor Marks pointed out that there was a problem due to the fact that this area was in a transitional period from a residential area to a commercial area.

Mr. Marsh agreed to cooperate by reducing the noise created by the employees leaving work via the alley by directing them to leave from the front of the building.

Mr. and Mrs. Golemis, residing at 1128 13th Street, and owners of the four apartments on the south side of L Street between the alley and 13th Street, protested to the noise of the patrons leaving the bowl.

Mrs. Ruby Sparks, tenant residing in the Golemis apartment at 1310 L Street, speaking on behalf of all the tenants, opposed the extension of time for bowling. She pointed out that it was not the "business in the hall but the noise outside the hall in the late hours, cars back-firing, loud talk". Mayor Marks asked Mrs. Sparks why, when the check was taken by the Police Department, she had approved the extension of time. She stated that she had not understood the question, that she had no objection to the bowling alley as now operated but to the noisy coming and going of the patrons in the late hours of the morning.

Elise Meyers, residing at 1321 K Streets, objected to the noise created by the patrons.

Mayor Marks pointed out that the operator of the bowl had no power over the action of his patrons after they had left the building and that all of the objections were based on this particular condition. Councilman Adams pointed out that this was a traffic problem similar to any other busy street, such as Ninth Street or the 99 Highway.

Mrs. Golemis claimed that her tenants had complained to the method the Garbage Company was picking up the garbage for the Bowl and throwing down the empty cans near the apartments. The water from the washing of the cans runs down the alley.

Councilman Hammond moved that alternative No. 2 listed in the Chief's report be approved; that a 4:00 A.M. closing be allowed in case of a league or tournament play and that to keep open merely to solicit passing business from bars that are closed at 2:00 A.M. not be permitted but if Mr. Marsh was able to establish a league that those participating in the league would have a responsibility for reasonable conduct both coming and going. Under these conditions, he stated, a 4:00 A.M. closing be granted.

Mr. Marsh estimated that he would only operate one night a week until 4:00 A.M. since at the present time only one league is anticipated. He pointed out that staying open after 2:00 A.M. for soliciting transient trade would not even pay for the light bills. He stated that many times the bowl was closed early because of lack of patronage. He pointed out

that he could not control the picking up of the garbage by the garbage company.

The City Attorney stated that since the closing hour of bowling alleys is fixed by the Code, it would be necessary to amend the Code to change the hour. He recommended that the enforcement of the ordinance would be easier if the closing hour was established at 4:00 A.M.

It was agreed by the Council that under the amendment of the Code it would not be necessary for Mr. Marsh to ask the Council to adopt a resolution to permit him to stay open until 4:00 A.M. or to contact the Police Chief---he would automatically stay open until that hour when a league was playing.

The City Manager suggested that Mr. Marsh not only acquaint the participants of the league of the conditions but that he display a sign on the premises warning them if they did not follow through with the conditions that an earlier closing time would be established.

Councilman Hammond rephrased his motion as follows:

MOTION

That the City Attorney be instructed to prepare an ordinance amending the Municipal Code to provide that bowling alleys may remain open until 4:00 A.M. providing that after 2:30 A.M. was for league or tournament play.

Moved by Hammond Seconded by Merrill Unanimously carried

Mayor Marks asked the City Manager to investigate the complaint of Mr. and Mrs. Golemis on the method of the Garbage Company in handling the garbage cans of the bowl.

Mayor Marks asked Mr. March if he would keep everything closed and insist that his personnel leave in the proper place and quietly. Councilman Hammond pointed out that the burden of responsibility would rest with Mr. Marsh. Councilman Arata recommended the posting of signs in the Bowl. Mr. Marsh agreed to post the signs and to instruct the customers and personnel to leave in a quiet manner.

ACCEPT TULLY ROAD SEWER TRUNK FROM RASMUSSEN & SWINFORD 8-15

Director of Public Works Ray reported that the Tully Road Trunk Sewer had been completed by Rasmussen and Swinford, contractors, and recommended acceptance of the project; filing of notice of completion with the County Recorder and payment of amounts due as provided by the contract.

RESOLUTION NO. 56-324

A RESOLUTION ACCEPTING THE INSTALLATION OF TRUNK SEWER ON TULLY AVENUE FROM CONTRACTOR RASMUSSEN AND SWINFORD

Introduced by Adams

Seconded by Hammond

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

Noes: None

Absent: None

RESOLUTION AUTHORIZING PURCHASE OF SEAMAN MIXER 8-17

Pursuant to authorization from the City Council, the Director of

Public Works reported on the informal bids received for the purchase of a Seaman Mixer. He recommended accepting the bid of Western Traction Company of \$5,519.95, which includes the trade-in of the city's old mixer, sales tax and freight.

RESOLUTION NO. 56-325

A RESOLUTION AUTHORIZING THE PURCHASE OF SEAMAN MIXER FROM THE WESTERN TRACTION COMPANY

Introduced by Robinson

Seconded by Adams

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

Noes: None

Absent: None

APPROVE VARIANCE FOR CURB CUT FOR AUTO LAUNDRY FOURTH AND H STREETS 8-22

On behalf of his client, Elmer Price, doing business as Auto Speed Laundry, at Fourth and H Streets, Attorney Al Frad requested a variance from the Municipal Code provisions relating to curb cuts. Mr. Price outlined the plans for the curb cuts which provided for a 48' cut on Fourth Street. Director of Public Works Ray stated that the original plans called for a four foot piece of curb between two 24' driveways, of which he did not approve. He recommended the full 48' cut as there would be no change in the total length of the curb cuts. There would be sufficient frontage on the street, he stated, and the only variance from the Code would be the width of the driveway.

RESOLUTION NO. 56-326

A RESOLUTION GRANTING A VARIANCE FOR CURB CUT ON FOURTH STREET FOR THE AUTO SPEED LAUNDRY AS SET FORTH ON PLAN FILED WITH THE CITY CLERK

Introduced by Arata

Seconded by Robinson

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

Noes: None

Absent: None

CONSIDERATION OF REPORT OF PARKING COMMITTEE 8-28

Councilman Hammond, Chairman of the Council Parking Committee, asked the Council members if they wished to raise any questions on the Committee's report submitted to each members for study last week.

Mayor Marks reported receipt of a letter from Arthur Wisecarver regarding parking which he had turned over to Traffic Engineer Carmody for investigating.

Councilman Hammond recommended that Council action on the report not be taken at this time and that the staff mail a copy of the report to all the people who participated in the parking discussion during the past year and other interested parties.

Councilman Arata considered that the zoning ordinance required too much space for parking and did not leave enough room for building, thus making the cost prohibitive. A general Council discussion was held on the provisions of the zoning ordinance relating to the parking provisions in the remodeling of buildings in the commercial area.

Councilman Hammond pointed out that one of the reasons the city had a parking committee was that the city did not have any zoning regulations on parking earlier in the history of the city. There is no penalty for property that is now in operation, he stated, and the purpose for these parking provisions is merely to guide the future growth of the city--it is not restrictive in any sense of the word but to guide the growth. If business property generates traffic, it also has the responsibility of participating in providing parking. The zoning requirement will provide about one-third of the normal off-street parking needed or the cost of such parking requirement because the city will participate to a large extent in the costs. Councilman Hammond stated that after discussing the parking requirement in the zoning ordinance with a number of persons that he considered they did not thoroughly understand the requirements. He suggested that the staff prepare a separate booklet on the parking requirements in the zoning ordinance which would set forth clearly the requirements. He stated that this would clear up the misunderstanding of the regulations and show that the parking requirements were not as restrictive as they believed.

A Council discussion was held on the alternate provisions in the zoning ordinance for providing parking. The City Attorney pointed out that there was no provision for the granting of variances specifically for parking.

Traffic Engineer Carmody reported that in its recent study the committee had checked the parking facilities furnished by two stores -- Turner Hardware and Sears Roebuck. Both furnished more parking than they would be required to under the zoning law. The parking which Sears would have been required to furnish under the zoning ordinance would have been 60% less than they have provided. Both of these stores consider that their present parking facilities are inadequate. He pointed out that the parking requirements of the zoning ordinance did not go into the refinement of various types of stores, i.e. a drug store vs. a dress shop, etc.

It was generally agreed by the Council that the staff be instructed to prepare at its convenience within the next couple of weeks, a booklet for distribution to interested parties outlining the parking provisions only, as set forth in the zoning ordinance, accompanied by a simple explanation, giving examples such as the Sears and Turner stores reported on by Mr. Carmody.

ORDINANCE APPROVING LEASE AT AIRPORT FOR HANGAR-JOHN INGLIS FROZEN FOODS 9-28

ORDINANCE NO. 105-C.S., entitled:

"AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO JOHN INGLIS FROZEN FOODS COMPANY, INC., 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 Adams

Seconded by Robinson

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

Noes: None

Absent: None

GRANT PERMIT TO COUNTY HEALTH DEPARTMENT TO PARK MOBILE UNIT ON NINTH STREET ON AUGUST 2 10-1

RESOLUTION NO. 56-327

A RESOLUTION GRANTING PERMIT TO THE STANISLAUS COUNTY HEALTH

73-26

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DEPARTMENT TO PARK THE MOBILE X-RAY TRUCK ON NINTH STREET BETWEEN H AND I STREETS ON AUGUST 2, 1956, BETWEEN THE HOURS OF 9:30 A.M. TO 8:30 P.M. AT A LOCATION TO BE SPECIFICALLY DESIGNATED BY THE POLICE DEPARTMENT

Introduced by Merrill

Seconded by Anderson

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

Noes: None

Absent: None

MAYOR MARKS REPORTS ON DISASTER AND CIVIL DEFENSE MEETING 10-4

Mayor Marks reported briefly on the joint city-county staff meeting he had attended this date on disaster and civil defense. He asked that later on the City Manager submit a complete report of the meeting.

FURTHER DISCUSSION ON CROW PROPERTY - 11th and H STREET FOR CITY HALL 10-5

City Manager Miller reported, at the request of Phil Humphries, on the progress being made on the securing of a structural engineer to inspect the Crow property on 11th and H Streets to determine if it was structurally sound to be used for city hall purposes. He stated that it would be only a matter of a few days until the engineer would make a cursory inspection but that if a more detailed inspection was necessary that would require an expenditure of over \$1500 which would have to be approved by the Council.

REPORT ON APPLICATION FOR CONSTRUCTION FUNDS FOR HEALTH CENTER 10-12

The City Manager reported that it appeared at the present time that the State Board would not approve the city's application for state and federal funds for health center construction. A further report will be submitted, he stated.

REPORT OF ACTIVITIES OF CHAMBER OF COMMERCE 10-16

A report of activities was filed by the Modesto Chamber of Commerce, as provided by the agreement with the city, dated June 11, 1952, covering fiscal year July 1, 1955 to June 30, 1956.

CELEBRATION IN DOWNTOWN AREA TO BE HELD ON AUGUST 2 10-18

The City Manager reminded the Council of the celebration being held in the downtown area Thursday, August 2, on the completion of the street lighting improvement district.

ADJOURNMENT 10:20

MOTION

That the meeting now in session adjourn.

Moved by Anderson

Seconded by Adams

Unanimously
carried

The meeting was adjourned at 6:35 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 Pro Tempore Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Absent: Mayor Marks

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

Rev. Nicholas Gosselink, 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 July 11 and 18, 1956, and the same being available for public inspection and there being no objections, the minutes were approved.

City Manager Miller being absent on vacation, Assistant City Manager Masonheimer acted in his place.

LETTER FROM ATTORNEY EDWARD T. TAYLOR, JR. RELATING TO CODE REQUIREMENTS FOR OFF-STREET PARKING 1-20

A letter from Attorney Edward T. Taylor, Jr. representing A. P. Wisecarver, owner of commercial property located on the northeast corner of 12th and J Streets was read, protesting to the code regulations for off-street parking facilities to be furnished by property owners when a building is being remodeled. A copy of a letter sent to Mr. Wisecarver by the former tenant of the now unoccupied building, Seaboard Finance Company, was read, outlining the primary use made of the building for off-street customer parking. A copy of a report by Traffic Engineer Carmody of his investigation of the property which had been requested by the Council was also read. Copies of all of these documents are on file with the records of this meeting.

Attorney Taylor, who was present, stated that a property owner, who had provided parking on his premises prior to the effective date of the amendment to the code relating to off-street parking, would be penalized if he wished to remodel his building. This provision which requires property owners to either provide parking spaces or pay \$750 times the number of spaces required, because there was prior parking available, is unfair, he stated.

Mayor Pro Tempore Hammond questioned whether it could be interpreted that the garage facility of the Wisecarver building could be considered as off-street parking facility since its primary use was for the parking of trucks and automobiles by customers for appraisal purposes when securing loans and for the storage of repossessed merchandise.

City Attorney Grimes pointed out that the letter from the former tenant of Mr. Wisecarver indicated that the space had been used for off-street parking, although not extensively. He pointed out that the Code did not go into the degree or intensity of the use. He reminded the Council that at the time the parking regulations were adopted that it was felt in accomplishing the objectives in the new regulations, that

they did not want to lose ground because of the fact that some existing parking had already been provided and therefore this provision was placed in the regulations. Otherwise, he continued, where parking was provided and reconstruction was done, as in this case, the city would come out in the end with no parking at all or a net loss of off-street parking spaces. He reviewed the code provisions regarding the requirements for parking spaces when reconstruction occurred and the occupancy changed.

A general Council discussion ensued on the question of whether the parking practiced by the company's customers could be considered as off-street parking or related entirely to the operation of the business of making loans on automobiles and other merchandise.

Councilman Adams suggested that since there was a number of fine points in this situation which should be studied further at the parking committee level, along with some further interpretation from the City Attorney, that the matter be referred to the committee for further study.

The City Attorney pointed out that the Council had prescribed the parking regulations in the Code but that it was the staff's duty to make administrative interpretations and to carry them out. Since the regulations are new, questions of interpretation will arise from time to time and must be administered as best as they can--using common sense, reason and understanding of the circumstances and the objectives attempted to be accomplished. Although any person who may not agree with the staff's interpretation has the right to bring the matter to the Council for review, he stated, the Council should not let itself get into the business of determining how the regulations are to apply to every piece of property that comes along. If the provisions of the Code do not state the Council's desire, the City Attorney stated, the Council should amend them, but as amended or changed as the Council wishes, it is the duty of the staff to determine requirements in each particular instance on the facts furnished.

Mayor Pro Tempore Hammond questioned whether or not it might not be well for the Council to consider assisting in the interpretation of the zoning ordinance so that the purpose might be made known. Many business deals must be consummated quickly, and a business man can't afford to come before the Council with his problems.

Mr. Masonheimer stated that the provisions of the ordinance were clear and plain and that the staff could interpret them in view of the facts of any given problem. The trouble is going to be that some people are going to be unhappy at the cost of furnishing off-street parking.

Mayor Pro Tempore Hammond said that his concern was that the staff has determined that this property was used for off-street parking, and whether problems of similar nature would crop up. If so, the Council should be familiar with the staff's interpretation of the ordinance.

MOTION

That the matter be referred to the Parking Committee for further study.

Moved by Adams Seconded by Arata Unanimously carried

MAYOR PRO TEMPORE HAMMOND WELCOME VISITORS FROM THE LEAGUE OF WOMEN VOTERS

Mayor Pro Tempore Hammond welcomed the visitors from the League of Women Voters.

APPROVE ADDITIONAL APPROPRIATION OF \$350 TO THE MODESTO BAND FOR TRIP TO THE SACRAMENTO STATE FAIR ON SEPTEMBER 4 3-100

A letter was read from Harold H. Bartlett, Manager of the Modesto Band, Inc., asking for an additional appropriation of \$350 to assist in defraying the expenses of transporting the Band to the Sacramento State Fair on September 4.

RESOLUTION NO. 56-328

A RESOLUTION APPROVING ADDITIONAL APPROPRIATION TO THE MODESTO BAND OF \$350 AND AUTHORIZING THE NECESSARY TRANSFER OF FUNDS FROM THE GENERAL RESERVE FUND TO MUSIC & PROMOTION FUND - MODESTO BAND

Introduced by Merrill

Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

LETTER FROM PRESIDENT McCALL OF THE MODESTO JUNIOR COLLEGE

A copy of a letter sent to Traffic Engineer Carmody by President Roy C. McCall of the Modesto Junior College was read, expressing appreciation for the assistance given by Mr. Carmody to the Junior College on its parking problems.

INVITATION FROM STANISLAUS COUNTY FARM BUREAU TO ATTEND MEETING ON EQUITABLE DISTRIBUTION OF SALES TAX FUNDS BETWEEN CITIES AND COUNTY 4-10

An invitation from the Stanislaus County Farm Bureau to attend a meeting to be held on Friday, August 10, at 8:00 P.M. at the County Center No. 3 was read. The meeting is being sponsored jointly by the Farm Bureau and the Stanislaus Pomona Grange to discuss an equitable distribution of sales tax funds between the county and cities under the proposed county sales tax program. Mayor Pro Tempore Hammond urged that as many of the members of the Council as possibly could, attend the meeting. The Clerk was asked to remind the members of the meeting on Friday morning.

Acting City Manager Masonheimer reported receipt from the State Board of Equalization of an additional new summary of the revenues that would result to Stanislaus County and the cities within the county if the uniform sales tax was adopted. A summary of this report is being prepared for distribution to the Council members, he stated, before the Friday night meeting. This summary, he stated, with the Council's permission, would also be distributed to other city councils within the county, and the Board of Supervisors.

HEARING ON REQUEST FOR ANNEXATION OF THE COVELL ADDITION TO THE CITY OF MODESTO 4-40

Mayor Pro Tempore Hammond announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the petition for the annexation of Covell Addition to the City of Modesto.

The City Clerk reported that Resolution No. 56-263, giving notice of the proposed annexation and setting the date for the hearing had been published in the official newspaper of the city, the Modesto Journal and in the Turlock Daily Journal on July 5 and 12, as required by law. He stated that written notices had also been mailed to each person within the territory proposed to be annexed to whom land was

assessed and that no written protests had been filed.

Mayor Pro Tempore Hammond asked if there were any oral protests to be filed at this time or if anyone wished to make any comments.

Mayor Pro Tempore Hammond declared the hearing closed.

ORDINANCE NO. 106-C.S. entitled:

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

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

Moved by Arata

Seconded by Adams

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

ACCEPT BID OF GRINNELL COMPANY FOR FURNISHING TWO SAND TRAPS 4-60

The tabulation of the four bids received for the furnishing of two sand traps, which had been opened in the City Clerk's office at 2:00 P.M. Monday, August 6, was considered by the Council. Director of Public Works Ray recommended that the low bids for two units, totaling \$5,495.05, including sales tax, submitted by Grinnell Company be accepted.

RESOLUTION NO. 56-329

A RESOLUTION ACCEPTING THE BID OF GRINNELL COMPANY FOR THE FURNISHING OF TWO SAND TRAPS

Introduced by Merrill

Seconded by Robinson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

LETTER FROM UNITED CRUSADE WITHDRAWING ITS APPLICATION TO DISPLAY POSTERS ON THE STREET LIGHT STANDARDS IN THE COMMERCIAL AREA 4-90

A letter was read from the United Crusade asking that its recent application to the Council for permission to display posters on the city street light standards in the commercial area in conjunction with its 1956 drive for funds, be withdrawn. The Crusade, after considering the many aspects, decided that although they believed the Council would approve the request, that a great deal of the Council's time would be consumed in reviewing like requests from numerous other organizations, thus creating new problems for the Council.

Mr. Masonheimer reported that in talking to Mr. Correia, chairman of the United Crusade Committee, he had indicated that the committee would request permission from the Council at a later date to display a banner in the business area, location to be decided at a later date. Policy Resolution No. 56-113, adopted March 28, 1956, includes this organization in the list which is granted permission to install banners across the city streets, he stated.

The Acting City Manager was requested by Mayor Pro Tempore Hammond to communicate with Mr. Correia, thanking him and the Committee for its thoughtfulness and advising him the Council would assist in the com-

mittee's promotion program and when its decision was made on the location and dates for the banner display to so notify the Council for the appropriate action.

MOTION

That the matter of consideration of amending the Municipal Code to permit the posting of certain signs on city light poles be tabled.

Moved by Adams Seconded by Robinson Unanimously carried

ADOPTION OF ORDINANCE NO. 102-C.S. LEASING AIRPORT PROPERTY TO CHARLES E. SARGENT FOR HANGAR PURPOSES 4-120

ORDINANCE NO. 102-C.S. entitled

"AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO CHARLES E. SARGENT AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH"

introduced on July 25, 1956, 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, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks

ADOPTION OF ORDINANCE NO. 103-C.S. AMEND ORDINANCE 345-N.S. EARLY MORNING PARKING LIMITED AND SPEED LIMIT ON EMERALD AVENUE 4-125

ORDINANCE NO. 103-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 EARLY MORNING PARKING HOURS, AND SECTION 36.2 THEREOF RELATING TO TRAFFIC REGULATION, AND REPEALING ORDINANCE NO. 68-C.S."

introduced on July 25, 1956, 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, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks

INTRODUCTION OF AMENDMENT TO CODE RELATING TO HOURS FOR THE OPERATION OF BOWLING ALLEYS 4-130

As requested by the Council, the City Attorney presented for consideration, an amendment to the Municipal Code which would establish a change in the hours for the operation of a bowling alley.

ORDINANCE NO. 107-C.S., entitled

"AN ORDINANCE AMENDING SECTION 4-1.201, ENTITLED 'PERMISSIBLE HOURS', OF ARTICLE 2 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE"

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

Moved by Robinson

Seconded by Anderson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

ACCEPT INSTALLATION OF COOLERS AT MADDUX YOUTH CENTER FROM CONTRACTOR FRED L. HILL, AUTHORIZE RECORDATION OF NOTICE OF COMPLETION AND PAYMENTS DUE AS PROVIDED BY THE CONTRACT 5-5

The Director of Public Works reported that the installation of coolers at the Maddux Youth Center had been completed by the contractor, Fred L. Hill; that it would be in order to accept the installation, and authorize recordation of Notice of Completion and payments due as provided in the contract.

RESOLUTION NO. 56-330

A RESOLUTION ACCEPTING THE INSTALLATION OF COOLERS AT THE MADDUX YOUTH CENTER FROM FRED L. HILL, AUTHORIZING RECORDATION OF NOTICE OF COMPLETION AND PAYMENT DUE AS PROVIDED IN THE CONTRACT

Introduced by Robinson

Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

SET DATE FOR PUBLIC HEARING ON SECOND SERIES OF PROPOSED AMENDMENTS TO THE ZONING REGULATIONS 5-20

Resolution No. 337 adopted by the Modesto Planning Commission August 7, was noted, recommending a second series of amendments to the Municipal Code (zoning regulations). The City Attorney recommended the hearing be set for 4:15 P.M. September 5, 1956.

RESOLUTION NO. 56-331

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 2 OF THE MODESTO MUNICIPAL CODE (ZONING REGULATIONS)

Introduced by Arata

Seconded by Adams

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

The Council indicated that it would be in order to have the same type of explanations at the public hearing that was used for the first series of amendments.

RESOLUTION CONSENTING TO COMMENCEMENT OF PROCEEDINGS TO ANNEX GARRISON SCHOOL ADDITION 5-40

Associate Planner Ruth Potter reported on the findings of the

Planning Department on its investigation of the request for annexation of the Garrison School Addition to the City of Modesto, a copy of which report is on file in the office of the City Clerk.

She reported that the area consisted of 76 acres; was almost entirely inhabited; had an estimated population of 1,000; and is mostly single family residences. She estimated the capital outlay cost to the city to be \$49,458.50. This sum includes the sum of \$47,200 for the acquisition and development of the park area in the vicinity of the Garrison School. The annual cost after annexation would be approximately \$10,343 and the annual revenue \$12,594, after completion of a sewer improvement district. The water in the area is presently being furnished by the Bumgardner Water Company, she reported.

Resolution No. 338 of the Planning Commission, adopted August 7, recommended to the Council the commencement of annexation proceedings of the Garrison School Addition, was read.

Mrs. Potter stated that the main problem involved in the annexation was that a portion of the area was located in a different school district. The City Attorney stated that if a statement was included in the resolution of the Council calling the election that the area would be brought into the Modesto City School District and if the annexation election was successful, automatically the area would be included in the City School District without further action.

RESOLUTION NO. 56-332

A RESOLUTION CONSENTING TO COMMENCEMENT OF PROCEEDINGS TO ANNEX INHABITED TERRITORY DESIGNATED AS THE "GARRISON SCHOOL ADDITION" TO THE CITY OF MODESTO UNDER THE ANNEXATION ACT OF 1913

Introduced by Robinson

Seconded by Merrill

Ayes: Adams, Anderson, Arata, Merrill, Robinson, and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

RESOLUTION ACCEPTING THE IMPROVEMENTS IN THE BEL AIR SUBDIVISION AND AUTHORIZING RELEASE OF BOND 5-125

The Director of Public Works reported that the improvement of the Bel-Air Subdivision No. 1, as required by the Municipal Code, has been completed satisfactorily by the Modesto Development Association, and that it was in order to release the bond filed by the Standard Materials Inc. on behalf of the subdivider, in the amount of \$73,574.61.

RESOLUTION NO. 56-333

A RESOLUTION AUTHORIZING THE RELEASE OF SURETY BOND FILED BY STANDARD MATERIALS INC. ON BEHALF OF THE MODESTO DEVELOPMENT ASSOCIATION TO GUARANTEE THE IMPROVEMENTS IN BEL-AIR SUBDIVISION NO. 1

Introduced by Arata

Seconded by Robinson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

AUTHORIZE TWO HOUR PARKING LIMITS ON NEEDHAM AVENUE AND ON TWELFTH STREET 6-10

Traffic Engineer Carmody reported that the property owners on
81-26

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the south side of Needham Avenue between 11th and 12th Streets and 12th Street, between M and N Streets had requested limited parking be established since all day parkers were using this area. It was his recommendation that two hour parking be established at these locations.

RESOLUTION NO. 56-334

A RESOLUTION ESTABLISHING A TWO HOUR PARKING ZONE ON THE SOUTHERLY SIDE OF NEEDHAM AVENUE BETWEEN 11th STREET AND 12th STREET IN THE CITY OF MODESTO

Introduced by Merrill

Seconded by Robinson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro
Tempore Hammond

Noes: None

Absent: Mayor Marks

RESOLUTION NO. 56-335

A RESOLUTION ESTABLISHING A TWO HOUR PARKING ZONE ON THE SOUTHWESTERLY SIDE OF 12th STREET BETWEEN M AND N STREETS IN THE CITY OF MODESTO

Introduced by Anderson

Seconded by Robinson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro
Tempore Hammond

Noes: None

Absent: Mayor Marks

TRAFFIC ENGINEER REPORT ON PROPOSED PARKING REGULATIONS AT INTERSECTION OF NEEDHAM, McHENRY AVENUES AND J STREET 6-35

The Traffic Engineer, at the request of Councilman Anderson, reported on the proposed plan for improving the parking regulations adjoining the Service Station on Needham Avenue at the five leg intersection at McHenry Avenue which would accelerate the traffic flow. He reported that the plan was presently being checked by the Police Department and would be presented for Council consideration shortly.

APPROVE EASEMENT AGREEMENT FOR PUBLIC UTILITY--LOT 705, DAVID C. MEEK ET UX 6-50

RESOLUTION NO. 56-336

A RESOLUTION APPROVING A PUBLIC UTILITY EASEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID C. MEEK AND MARTHA W. MEEK AND AUTHORIZING ITS EXECUTION AND RECORDATION

Introduced by Adams

Seconded by Robinson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro
Tempore Hammond

Noes: None

Absent: Mayor Marks

FIX TIME AND PLACE FOR HEARING ON RECOMMENDATION FROM THE PLANNING COMMISSION ON REZONING OF CERTAIN PROPERTY ON STODDARD AVENUE NEAR M.I.D. LATERAL NO. 4 6-60

Resolution No. 336 adopted by the Modesto City Planning Commission recommending to the Council an amendment to Zoning Map Section 29 which would reclassify from R-2, Two-family zone, to R-3, Multiple-Family Zone, lots 1 to 7 inc. in Block 451; all of Block 452; lots 5 to 9 inc. in Block 453; all of Block 504; and lots 1 to 4 inc. in Block 512 was considered by the Council.

The City Attorney recommended that the public hearing before the Council be scheduled for 4:30 P.M., September 5, 1956.

RESOLUTION NO. 56-337

A RESOLUTION FIXING THE TIME AND PLACE FOR THE PUBLIC HEARING ON THE APPLICATION OF DAN C. RICHARDSON FOR THE RECLASSIFICATION OF CERTAIN PROPERTY ON STODDARD AVENUE NEAR THE M.I.D. LATERAL NUMBER FOUR FROM R-2, TWO FAMILY ZONE TO R-3, MULTIPLE FAMILY ZONE

Introduced by Robinson

Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor
Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

APPROVING SUPPLEMENTAL MEMORANDUM OF AGREEMENT FOR EXPENDITURE OF GAS TAX FUNDS 6-80

RESOLUTION NO. 56-338

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ADOPTING BUDGET AND APPROVING FIRST SUPPLEMENTAL MEMORANDUM OF AGREEMENT FOR EXPENDITURE OF GAS TAX ALLOCATION FOR MAJOR CITY STREETS

Introduced by Merrill

Seconded by Anderson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro
Tempore Hammond

Noes: None

Absent: Mayor Marks

RESOLUTION CHANGING STREET NAMES IN NORTHGATE NO. 1 SUBDIVISION 6-110

The City Attorney presented for Council consideration a resolution providing for the changing of the street names of certain streets in Northgate No. 1 Subdivision, which had been recommended by the Planning Commission to clear a conflict with the street names shown on the tentative map as approved by the Commission on March 2, 1956.

RESOLUTION NO. 56-339

A RESOLUTION CHANGING THE STREET NAMES OF SHERWOOD DRIVE AND FREMONT STREET AND NAMING KIRKWOOD AVENUE, ALL IN NORTHGATE NO. 1 SUBDIVISION IN THE CITY OF MODESTO

Introduced by Arata

Seconded by Anderson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro
Tempore Hammond

Noes: None

Absent: Mayor Marks

COPIES OF PROPOSED AGREEMENT BETWEEN CITY AND COUNTY RELATING TO ADVANCE PLANNING 6-130

Drafts of a proposed agreement between the City and County relating to the participation of the preparation of a master plan for an urban region including all of the City, portions of the county and related adjoining portions of San Joaquin and Merced Counties were distributed to the Council members for study. This agreement will be presented to the staff for review Mr. Masonheimer stated and recommendations of the City Attorney and staff will be presented at the next Council meeting.

REPORT ON THE PROBLEMS RESULTING FROM GRADE DIFFERENTIALS BETWEEN THE EXISTING STREETS AND NEW CURB AND GUTTER INSTALLATIONS 7-15

Director of Public Works Ray briefly reviewed his memorandum to the City Manager, dated July 2 regarding "Black-Top Driveways". He reported that the code provides that persons installing driveway, driveway approach, curb or curb and gutter shall file with the Director of Public Works an application and in Section 7-1.203 of the code it provides that these shall be constructed of concrete unless special permission has first been obtained from the Council. He stated that about six driveways had been constructed of blacktop materials without first securing a permit. Photographs have been taken of these driveways. These seem to indicate that it would be inadvisable to construct concrete driveways, as provided by the code, out to the curb and gutter line until the street receives further improvement. When new homes are constructed and it is not desirable to provide the concrete driveway, F.H.A. requires the builder to provide a surfacing of some kind and it does approve a temporary blacktop installation. The staff would like to consider with the Council, he stated, the advisability of some revision of this section of the Municipal Code which would permit the Director of Public Works to allow temporary blacktop driveways where street grades have not been established. He stated that this suggestion was not made because of the present violations but rather in the interest and convenience, in some cases necessity, of installation of driveways on unimproved streets. Such permission could be given on a temporary basis, pending the installation of curbs and gutters or streets to correct line and grade. The permit would provide for the signature of the owner agreeing that this will be done. If this is done it will not be unnecessary to take proposed installations of this kind before the Council for consideration. If the code is not changed the staff considers that these special cases should be presented individually to the Council for its action.

He stated that the City Manager wanted this problem presented tonight for the Council's information but with the understanding that it will be further studied by the staff and recommended action brought back to the Council.

Mr. Masonheimer stated that this problem is one of public relations many times, and convenience for the people. He stated that the matter would be studied further and recommendations presented to the Council but in the meantime the staff wishes the Council to be considering the problem.

REPORT ON STUDY OF THE OLD MODESTO HOTEL PROPERTY RELATIVE TO ITS USE FOR CITY HALL PURPOSES 7-62

Mr. Masonheimer reported that Robert D. Dewell, Civil and Structural Engineer, who had been recommended to the city to make the visual inspection of the old Modesto Hotel property relative to its use for city hall purposes, would be available to make this inspection on August 20, 1956. Mr. Masonheimer read a letter received from Mr. Dewell, dated August 6, confirming his telephone conversation, setting forth his proposals for the inspection of the building, a copy of this letter is on file in the records of this meeting.

Mr. Masonheimer stated that the letter summarized his understanding of what the Council wanted and what he had asked the Structural Engineer to provide for the city---a preliminary visual inspection and report. He stated if the Council wished to give any further instructions that he would communicate with Mr. Dewell tomorrow.

Councilman Robinson stated that from listening to Mr. Dewell's proposal that it seemed to indicate that he was planning to give more

information than the Council required. The Council only wanted a statement as to the structural soundness of the basic frame and Mr. Dewell is contemplating giving this information plus preliminary alteration problems.

Councilman Adams stated that the Council would need to know the difficiencies if it is unsound---what is the category or status or how bad is the building out of design. The Council then can determine what it is talking about---thousands or tens of thousands of dollars. He would be in position to know this, Councilman Adams stated.

Mr. Masonheimer read his letter of instructions to Mr. Dewell, a copy of which is on file with the records of this meeting. He stated that he was referring to the basic structure as it now stands and the Engineer understands this to be the case.

It was generally agreed that the letters set forth the wishes of the Council and also that it be pushed to a decision as quickly as possible.

A brief discussion was held on the fee to be charged for the inspection by the Engineer---\$500 to \$750 depending on the time it takes to complete the work.

Mayor Pro Tempore Hammond stated, and the members agreed, that it was the wish of the Council that "we push this thing and even if it costs something---let's get it off our chest one way or the other".

Mr. Masonheimer stated the staff was proceeding and unless the Council directed otherwise, the letter would be left in the present form and the report submitted probably on August 22nd.

Phil Humphreys complimented the Council on its diligent pursuit in the determination of the facts upon which a decision can be made. The Committee of the Board of Realtors, represented here tonight, he stated, would like to reiterate the position that was taken in its first communication to the Council---that the committee was primarily charged with the responsibility of helping to determine in any way they could, what the facts were with respect to the situation; that they had not taken a position recommending for or against any particular site. The Board of Realtors is interested in what is best for Modesto, stated Mr. Humphreys.

ADJOURNMENT

MOTION

That the meeting now in session adjourn.

Moved by Anderson Seconded by Arata 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.

A few moments of silent prayer were observed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of July 25, August 1 and 8, 1956, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTERS: 1-30

A letter from the Modesto Band Inc. expressing appreciation for the city's additional donation of \$350 was read and ordered filed.

A letter from the McHenry Lions' Club was read. The Club asked if the Council wished a portion of a brochure which was being prepared for distribution at a lecture to be given by Mrs. Eleanor Roosevelt being held in February, 1957. The request was referred to City Manager Miller for further investigation and report.

A communication was read from the International City Managers' Association inviting the city to be represented by the City Manager at the 42nd annual conference of the Association to be held at Banff, Alberta, Canada, September 16-20, 1956.

The City Manager stated that due to the press of other matters in the city at this time that he could not take the time necessary to attend the conference.

A letter from the Brotherhood of Locomotive Engineers was read. They advised the city of a request filed by the Southern Pacific Company to abandon trains Nos. 59 and 60, which provides the only regular train service between Los Angeles and Sacramento. The letter was referred to the City Manager for investigation and report.

FURTHER DISCUSSION OF OLD HOTEL MODESTO PROPERTY FOR CITY HALL PURPOSES 1-95

A letter was read from Mrs. Edna B. Taylor recommending the location of the City Hall on the old Hotel Modesto property.

The City Manager reported that the Structural Engineer, Robert E. Dewell, had completed his inspection of the property on Monday, August 13, and that a report would be submitted prior to or next Wednesday at the Council meeting. The Council asked that Mr. Dewell be present at the meeting to answer any further questions.

The City Manager reported that if a bond election was to be held on any city hall building---either the 15th Street site or the 11th and H Street site---in conjunction with the General State Election being held

November 6th, that it would require the adoption of a resolution by the Council on or before September 7. It would probably also be advisable for the Council to indicate its intention, by the next Council meeting, to the Board of Supervisors. The other alternatives to consider, he pointed out, would be to either hold a special bond election or wait until the regular General Municipal Election next April.

There was a general Council discussion on whether the Council City Hall Committee was still active since the selection of the site had been made.

Councilman Anderson pointed out that as far as the Police Building was concerned that the Committee was still in force.

Mayor Marks reviewed for the newer Council members, the policy of the Council, on the appointment of committees, established a number of years ago, which provided that all committees would be temporary since the setting up of permanent committees led to a commission form of government. The people of the community did not want this form of representation, he stated. It was stated that as far as the City Hall site was concerned that the Council Committee had completed its assignment, but was still active on the Police Building assignment.

Councilman Arata considered that while delay on the City Hall project was not desirable that there would not be sufficient time by September 7 to clear all the matters relating to the city hall. Until these matters are cleared and the public can be given all the facts in a manner which will not confuse them, the bond issue should be delayed. The Council generally agreed with this premise.

Mayor Marks reported on a statement which had been furnished him this date relating to the bid of \$457,630 submitted by private contractor, Hans Pearson, to convert the old Hotel Modesto into a motel, which would meet all the various code requirements now in effect in the city.

C. Watson, speaking as a taxpayer, and Phil Humphreys, representative of the Modesto Board of Realtors, Inc. spoke briefly on the bid made by Mr. Pearson on the remodeling of the old hotel building into a motel. Mr. Humphreys filed a letter with the Council from Harry D. Crow, relating to the bid received for the remodeling of the property for a motel.

Mayor Marks expressed the gratitude of the Council for the interest shown by Mr. Watson and the Realtor Board and assured them that the Council would act on the facts and on the basis of the ultimate value for the taxpayers' dollars.

It was agreed by the Council that the staff should confer with Contractor Hans Pearson during the coming week and obtain further information on the possible remodeling of the building, which could be considered along with the report from the Structural Engineer.

When these facts have been cleared, Mayor Marks remarked, the Council will be in a position to give clear factual information to the general public and it can be determined whether to proceed on a bond issue program or on a "pay-as-you-go" basis.

ACCEPT BID OF W.M. LYLES CO. FOR THE INSTALLATION OF WATER LINES IN NORTH-GATE SUBDIVISION NO. 1 3-50

Director of Public Works Ray distributed copies of a tabulation of the four bids received for the installation of water lines in the North-gate Subdivision No. 1, which had been opened at 2:00 P.M., August 13. He recommended that the low bid of \$3,988.11, submitted by W. M. Lyles Co. be accepted.

RESOLUTION NO. 56-340

A RESOLUTION ACCEPTING THE BID OF W. M. LYLES COMPANY FOR THE
INSTALLATION OF WATER LINES IN NORTHGATE SUBDIVISION NO. 1

Introduced by Merrill

Seconded by Anderson

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

Noes: None

Absent: None

ADOPTION OF ORDINANCE NO. 105-C.S. LEASE OF AIRPORT PROPERTY TO JOHN
INGLIS FROZEN FOODS CO. 3-55

ORDINANCE NO. 105-C.S. entitled:

"AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO JOHN
INGLIS FROZEN FOODS COMPANY, INC. AND AUTHORIZING THE EXECUTION
OF A LEASE AGREEMENT IN CONNECTION THEREWITH"

introduced on August 1, 1956, having been printed and published as
required by the Charter and coming on for final consideration,
was moved and adopted.

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

Noes: None

Absent: None

DELAY REPORT ON INSTALLATION OF WATER LINES BY CITY FORCES IN THE COLLEGE
DEVILLE SUBDIVISION 3-60

At the request of Frank Denny, C.P.A., representing the Joint
Industry, Business and Professional Council, the report on installation
of water lines by city forces in the College DeVille Subdivision, was
delayed for one week.

EXTENSION OF PROVISIONAL APPOINTMENT OF ELLIS HOLDEN, BUILDING INSPECTOR,
TO OCTOBER 5, 1956 3-75

The City Manager reported that the committee of the Plumbers
and of the Plumbers' Union, which had been designated to work with the
city staff on the building inspector personnel qualifications had not
yet been able to meet with the city staff, and asked that the provisional
appointment of Ellis Holden, Building Inspector, be extended for a
period of 60 days.

MOTION

That the provisional appointment of Ellis Holden, Building Inspector,
be extended until October 5, 1956.

Moved by Merrill Seconded by Arata Unanimously carried

RESOLUTION APPROVING CONTRACT WITH COUNTY FOR ADVANCE PLANNING AND AUTHOR-
IZING EXECUTION BY DESIGNATED CITY OFFICIALS 3-80

RESOLUTION NO. 56-341

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND
THE COUNTY OF STANISLAUS RELATING TO A MASTER PLAN

Introduced by Robinson

Seconded by Adams

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

Noes: None

Absent: None

APPROVE APPROPRIATION OF FUNDS FOR PURCHASE OF NIGHT TIME PARKING SIGNS
IN THE COMMERCIAL AREA (\$3000.00) 3-90

RESOLUTION NO. 56-342

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF FUNDS FOR PURCHASE
OF NIGHT TIME PARKING SIGNS IN THE COMMERCIAL AREA

Introduced by Merrill

Seconded by Anderson

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

Noes: None

Absent: None

RESOLUTION ESTABLISHING NO PARKING ZONES ON PORTION OF NEEDHAM AVENUE
3-100

RESOLUTION NO. 56-343

A RESOLUTION ESTABLISHING NO PARKING ZONES ON THE SOUTH SIDE OF
NEEDHAM AVENUE BETWEEN SIXTEENTH STREET AND J STREET IN THE CITY
OF MODESTO

Introduced by Arata

Seconded by Robinson

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

Noes: None

Absent: None

RESOLUTION ESTABLISHING STOP SIGNS ON N AND M STREETS AT INTERSECTION
WITH ELEVENTH STREET 3-105

RESOLUTION NO. 56-344

A RESOLUTION ESTABLISHING STOP SIGNS ON CERTAIN STREETS IN THE
CITY OF MODESTO

Introduced by Adams

Seconded by Robinson

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

Noes: None

Absent: None

AUTHORIZE ERECTION OF YIELD RIGHT OF WAY SIGNS ON SOUTH AVENUE AT ITS
INTERSECTION WITH LEON AVENUE IN THE CITY OF MODESTO 3-115

RESOLUTION NO. 56-345

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS
ON SOUTH AVENUE AT ITS INTERSECTION WITH LEON AVENUE 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

REPORT ON HEARING DATE SET BY THE CITY CLERK ON THE IMPROVEMENT DISTRICT
NO. 4 3-120

The City Manager reported that the Assessment Roll for Improvement
District No. 4-- Street Lights in the downtown area, had been filed with

the City Clerk on Monday, August 13th and that he had fixed the date of September 5 at 4:30 P.M. in the Council Chambers as the time and place for the hearing of any protests on the assessments.

ACCEPT OFFER OF E. K. FINNEY TO SELL LAND FOR AIRPORT PURPOSES 4-5

The City Manager reported on an offer received from E. K. Finney and his wife to sell to the city and county 14.9 acres of land adjoining the Modesto City-County Airport which is needed for road and airport purposes at a price of \$2,000 per acre.

MOTION

That the staff be authorized to proceed on the preparation of the necessary documents to acquire the Finney property for Council consideration.

Moved by Arata Seconded by Anderson Unanimously carried

AUTHORIZE PURCHASE OF TRACTOR WITH HYDRAULIC LIFT SYSTEM AND 3 GANG PNEUMATIC TIRED MOWER UNIT FROM H. V. CARTER COMPANY FOR THE SUM OF \$4,286.76 4-0 4-25

Director of Parks & Recreation Lowrey reported on the department's investigation of the various methods of lawn maintenance as employed by other park departments and golf courses throughout the state and recommended the purchase of a Model F. Worthington Tractor complete with hydraulic lift system and 3 gang pneumatic tired mowing unit at a total cost plus sales tax of \$4,286.76. The City Manager pointed out that the funds had been included in the budget but since the cost exceeded the \$1500 limitation provided in the budget, it would be necessary to have Council approval of the purchase.

RESOLUTION NO. 56-346

A RESOLUTION AUTHORIZING THE PURCHASE OF WORTHINGTON TRACTOR FROM H. V. CARTER COMPANY

Introduced by Merrill Seconded by Arata

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

Noes: None Absent: None

DISCUSSION ON NOTICES RECEIVED BY PROPERTY OWNERS IN IMPROVEMENT DISTRICT NO. 4

The legal procedure for the payment of assessments by property owners in the Improvement District No. 4 was explained at the request of Councilman Arata, by Director of Public Works Ray.

DISCUSSION ON UNIFORM SALES TAX 4-100

Mayor Marks proposed, for Council consideration, that the City of Modesto lead out on an offer to compromise the uniform sales tax on a basis of 7½%, as compared to the 5% offered by the cities in the county and the 10% set out in the ordinance adopted by the county, providing all of the cities in the county meet this figure and the entire tax picture be studied at a later date to determine "who pays what, why and when". This study of the tax structure should be made by an impartial professional organization, at the end of a period of time as decided by the Board of Supervisors. He reported on the recent meeting held by the Farm Bureau and the Grange on the uniform sales tax.

Mayor Marks stated that the Farm organizations wanted the study to be on sales tax alone but that the sales tax was only a small part of the tax structure and it should be of such scope that it would embrace the whole taxation area.

The City Manager asked that if such a study was made that any conclusions as to what might be done about the sales tax after a year or two or three would be tempered by the findings of this study as it relates to all of the phases of local finances, not just the sales tax. Mayor Marks stated that was his position.

Councilman Arata stated that he considered the cities' offer of 5% adequate but if all of the cities in the county agreed to the compromise figure of 7½% that he would not oppose the action----"majority rules".

Councilman Anderson considered that once a rate of taxation has been established it would be difficult to decrease the rate.

Councilman Arata stated that "I don't think I can go with a 7½%-- whatever the answer is afterwards I will go along, but I'll still go with the 5% and get the facts and if the rest of the cities are willing to go for 7½% or go for 10% I'm not going to try to hold anything up."

Councilman Hammond considered that the 5% offer made to the county by all the cities was more than adequate; that the only reason for granting even 5% was the fact that the city had permitted exemptions to residents outside the city and the City now has the power to remove those exemptions. He considered that the county would be adequately reimbursed at the 5% rate merely to assume the city's burden of removing the exemptions. However, he stated, in the interest of settlement, that he would approve the compromise proposed by Mayor Marks on the 7½% basis---"But it is an out and out gift, as far as I'm concerned."

MOTION

That the City of Modesto agree to a compromise agreement on the uniform sales tax providing for the payment to the County by the City of 7½% of the local uniform sales tax collections within the city on the following basis:

1. That all other cities within the county agree to the same percentage;
2. That, at a time selected by the Board of Supervisors, a comprehensive analysis be made by an impartial professional organization of all fiscal relationships which exist in the local tax structure, including sources and allocation of funds (including uniform sales tax funds) and expenditure of these funds; and
3. That after the analysis has been completed, negotiations be undertaken to make any adjustments in local fiscal relationships which are necessary to assure maximum equity as indicated by the study.

Moved by Mayor Marks

Seconded by Adams

Mayor Marks declared that the motion was carried.

(Councilmen Arata and Anderson voted "no")

Mayor Enoch Christofferson, who was present, reported that Councilman Utendorffer, who had been appointed by the Council to represent

Turlock at the Farm Group meeting, had been unavoidably detained.

Before the vote was taken, Councilman Merrill stated that while he had been emphatic on a 5% stand that in order to expedite action that he would go along with the proposed compromise, providing that all of the other cities would agree to the 7½% figure.

Councilman Anderson agreed that a study should be made but that the city should "go along at a 5% rate", that if the city committed itself to a 7½% rate it would be difficult to lower the percentage later after the study.

Mayor Christoffersen asked that a copy of the motion be made available as soon as possible to other cities for their consideration and action. He considered personally that the study proposed of the whole tax structure would solve many of the problems for all the cities.

REPORT ON AGREEMENT WITH COUNTY FOR CONSTRUCTION OF AIRPORT IMPROVEMENTS
6-115

Director of Public Works Ray reported on a staff conference held with county officials relating to the construction of the new runway at the Modesto City-County Airport. Certain proposals for the handling of the construction work agreed on at the conference, were approved yesterday by the Board of Supervisors. He outlined the proposed basic points for Council information and recommended the execution of an additional agreement with the County covering these items.

Mr. Ray reported that the C.A.A. had orally stated that the proposed arrangements would be acceptable.

The draft of the proposed agreement will be prepared by the County for Council approval, Mr. Ray stated, due to the absence of City Attorney Grimes.

MOTION

That the preparation of an agreement for Council consideration for the construction of improvements at the airport including the basic points reported by the Director of Public Works be authorized.

Moved by Arata Seconded by Merrill Unanimously carried

DISCUSS OPEN HOUSE AT SEWAGE PLANT 7-40

The Director of Public Works reported on the plans for the open house program to be conducted at the newly completed sewage plant and recommended that the program be sponsored by the Council; invitations be sent out by Mayor Marks to industrial groups, mayors of the various cities in the county, various county and state officials; that the program be held on August 27. It was generally agreed that the program continue throughout the day and evening.

MOTION

That the open house program be held at the sewage plant on August 27 as outlined by the Director of Public Works and that the City Manager work out the program.

Moved by Merrill Seconded by Adams Unanimously carried

REPORT BY DIRECTOR OF PUBLIC WORKS ON SEALING INSTALLED ON VACUATOR 7-50

The Director of Public Works reported that the work of installing

the sealing coat on the vacuator at the sewage plant had been successfully completed. He reported on the savings to the city in electric costs in operating the vacuator since the installation.

REPORT ON REIMBURSEMENT OF FUNDS FOR CIVIL DEFENSE EQUIPMENT 7-90

The City Manager reported that reimbursement of \$4,289.97 had been received by the city from the federal government on Civil Defense equipment expenditures.

REPORT ON REQUEST OF CHAMBER OF COMMERCE FOR THE CITY MANAGER TO SERVE ON THE EXECUTIVE COMMITTEE OF THE MODESTO CHAMBER OF COMMERCE INDUSTRIAL COMMITTEE 7-95

A letter was read from the Chamber of Commerce asking that the City Manager serve on the executive committee of the Modesto Chamber of Commerce. Mr. Miller expressed willingness to serve on the committee with Council approval.

MOTION

That the City Manager be authorized to serve on the executive committee of the Modesto Chamber of Commerce Industrial Committee

Moved by Anderson Seconded by Merrill Unanimously carried

REPORT ON PROPERTY TAX RATE FOR 1956-57 7-105

Copies of a report on the property tax rate for 1956-57 were distributed to members of the Council. The City Manager pointed out that the city absorbed a 7.49% decrease in the total assessment roll and the city was approximately \$60,000 short of its anticipated revenue. The final budget, he stated, was set up on the basis of taking into account this decrease, but the anticipated reserve is reduced in that amount. He reminded the Council that there was a contingent liability existing to the city on holiday pay claims for policemen and firemen. It is possible to reduce the tax rate, he stated, but the rate could also be maintained at its present level and transfer of the reduction from the Library Fund to the General Fund could be considered. He asked the members to check direct with the Director of Finance during the week if they had any questions to be cleared.

Councilman Arata pointed out that the citizens of the City wanted more, not less services, and the rate should remain steady.

PRELIMINARY REPORT ON THE CAPITAL OUTLAY PROGRAM 1956-57 8-20

Copies of a report "Analysis of Proposed Financing of the 1956-57 Capital Improvements Program", prepared by the Planning Commission, were distributed for Council study. He reminded the Council that the items listed in the Capital Improvement Program report submitted by the Commission was for information and study, and not a firm recommendation that all of these things be done. He briefly explained the items shown in the report.

The City Manager called attention to the item of \$25,000, for suggested financing from Special Capital Outlay for street paving program. He stated that it should be cleared promptly, whether this amount would be made available to put a top improvement layer on some of the city paved streets which are in pretty serious condition. He stated that it was hoped to get as much as \$40,000 but it will be impossible this year. But if this amount could be spent for several years, he stated, it would be gaining instead of losing on these streets. He stated that the staff would like to clear this item by next week.

Mayor Marks asked the Council members to also be considering the item on "water companies survey".

MEMO FROM THE LEAGUE OF CALIFORNIA CITIES RE: BUSINESS LICENSE STUDY 8-70

The City Manager reported that the League of California Cities had set October, 1956, for the filing of an up-to-date report by their consultant, Malcolm Davison, on business license ordinances. Mr. Miller suggested that the City of Modesto obtain the service of Mr. Davison to prepare concurrently with his general report to the League, a report on the city's own situation so that by October, not only the League report but the city's would be available. He stated that the cost would be nominal and that he would recheck with Mr. Davison to be certain that this could be done.

MOTION

That the City Manager check with the League to determine if the study on the City's business license could be conducted concurrently with the League's report.

Moved by Merrill Seconded by Hammond Unanimously carried

DISTRIBUTION OF FINAL BUDGET FOR FISCAL YEAR 1956-57 TO COUNCIL MEMBERS
8-90

Copies of the final budget for the fiscal year 1956-57 were distributed to the Council members.

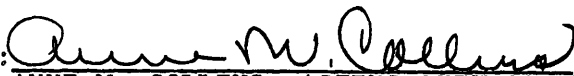
ADJOURNMENT

MOTION

That the Council meeting now in session adjourn.

Moved by Anderson Seconded by Merrill Unanimously carried

The meeting was adjourned at 6:00 P.M.

ATTEST: 
ANNE M. COLLINS, ACTING CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

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

Absent: Councilmen: Adams and Robinson

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

A few moments of silent prayer were observed.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of August 15, 1956, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM CITY MANAGER OF STOCKTON RE: CENTRAL VALLEY LEAGUE MEETING 1-20

A letter was read from City Manager J. C. Lilly of the City of Stockton asking Council approval for the changing of the night from Thursday to either Wednesday or Friday for the next meeting of the Central Valley Division of the League of California Cities being held in Stockton during the month of October, due to the difficulty of obtaining the Civic Auditorium. After a brief Council discussion, City Manager Miller was asked to communicate with Mr. Lilly advising that Friday would be suitable or a first or third Wednesday.

RESOLUTION FROM CITY OF TURLOCK REGARDING THE SALES TAX DIVISION 1-45

A resolution received from the City of Turlock was read, relating to the compromise agreement on the distribution of collections of Uniform Sales Tax in the County of Stanislaus. The proposed agreement conformed generally with the compromise of 7 $\frac{1}{2}$ % agreed on by the Modesto City Council at its meeting of August 15.

Mayor Marks stated that although, as reported in the Modesto Bee tonight, the Board of Supervisors at this point had declined to accept this compromise offer from four cities in the County (and it is presumed the other cities will join with them by next Monday), it was his sincere hope that the Board, on sober reflection and for the sincere good of the county as a whole, would reconsider its opinion in this light. Until the Board has an opportunity to do so, recognizing not only a responsibility of its position but the dignity of its position, Mayor Marks stated that it was his personal opinion that the Council should not further discuss the matter. He pointed out that the City-County Committee meeting was scheduled for next Monday, August 27.

Councilman Merrill asked the Acting City Attorney Wilmar Jensen if it would be possible for him to withdraw his affirmative vote on the motion agreeing to the proposed compromise adopted by the Council at the last meeting.

Mr. Jensen outlined the legal procedure necessary.

Councilman Hammond suggested that the Council hold no further discussion or action at this time.

Mayor Marks pointed out, to which Councilman Merrill concurred, that since the Council's motion was based on the condition that all of the cities in the county agree to a similar compromise, and all of the cities had not yet been heard from, that further discussion be delayed.

LETTER FROM SECRETARY OF DEFENSE WILSON RE RESERVE AWARD TO CITY OF MODESTO 1-90

A letter was read from Secretary of Defense C. E. Wilson stating that the City of Modesto had been awarded the Department of Defense Reserve Award in recognition of its outstanding record for cooperation with reservists and Reserve activities of the Armed Forces. The letter stated that the fact that the city had effected policies encouraging active participation in the Reserve activities was brought to his attention by Air Force Reservist Marion A. Grimes (City Attorney). The Reserve Award Pennant and citation would be delivered during appropriate presentation ceremonies to be arranged at the city's convenience, the letter stated.

Assistant City Manager Masonheimer (Naval Reserve Officer), at the request of Mayor Marks gave a resume of the background information on the award. A review of some of the things the city does to help and foster the military program could be given at the award ceremonies, he stated, to which the Council concurred.

Mayor Marks, on behalf of the Council, expressed appreciation to Mr. Masonheimer on the excellent performance of his duties.

Mayor Marks was authorized to write a letter of appreciation to Allen Grimes, City Attorney, and Bill Masonheimer, Assistant City Manager, expressing the city's appreciation to them for presenting the facts relating to the reserve activities in the city to the attention of Secretary of Defense Wilson which enabled the city to win the Defense Reserve Award.

LETTER FROM JOINT INDUSTRY, BUSINESS AND PROFESSIONAL COUNCIL RE: AUDIT OF CITY MANAGER'S EXPENSE ACCOUNT 2-15

A letter received from the Joint Industry, Business and Professional Council was read, declining the Mayor's invitation to clear any questions in public Council session, relating to the audits made of the City Manager's expenses by the City's auditor, C. D. Nattinger, and the organization's auditor, Frank Denny.

The Joint Industry Council's reason for declining the Mayor's invitation to publicly discuss Mr. Denny's audit was that "his employment was not for public purposes but as a matter of providing factual information for our files for such use as might be appropriate now, or later."

Mayor Marks suggested that Mr. Nattinger's claim of \$35.00 be approved but discussion of his report be deferred until representatives of the organization could be present. He stated that he would like to see all of the questions and criticisms answered publicly.

MOTION

That the claim of C. D. Nattinger, C.P.A., of \$35.00 for the audit of the City Manager's expenses be approved.

Moved by Hammond Seconded by Arata Unanimously carried

The City Manager asked that Mr. Nattinger's report be made a part of the public records of this meeting and that the Joint Industry indicate specifically and publicly whether its audit revealed anything

of any sort that should be cleared. He pointed out that the city welcomed people knowing the facts of the city. He asked that if anyone at any time had any information of any kind that they come in and present it and not operate in the shadows. This is public business, he stated, and if audits of public accounts are going to be made, these audits should be made public, particularly if anything is found that is not in order.

Mayor Marks pointed out that this also related to the fact that any citizen of this community who has any questions is entitled to have them answered and if they still have reservations they not only have the right but a duty to come before the Council and let the legislative body know all the facts.

The City Manager stated that this matter went to a broader question---an audit of his expense account had been made, which is perfectly in order---but as a matter of ordinary decency, this organization should indicate now, publicly, whether or not it found anything of any sort that is in any way out of order and that he requested this be done.

Councilman Hammond considered that the Council could not make this request. "The Council is here for a sounding board, and if they don't avail themselves of the opportunity then it stands that they are satisfied," he stated.

MOTION

That the report of C.D. Nattinger, C.P.A., on the audit of the City Manager's expenses be made a part of the record of this meeting.

Moved by Hammond Seconded by Arata Unanimously carried

Councilman Merrill considered that Mr. Miller's request on the audit made by Mr. Denny was in order. He considered that the Joint Industry and all other people who had complaints should take the time to appear before the Council and publicly state their problem. He pointed out that the Council was not infallible and made mistakes but the citizens, instead of standing out on the street corners and throwing the barbs at their public officials, should make their accusations publicly known. He pointed out that the Mayor had at all times allowed every person, citizens of the city or elsewhere, to present their problems before the Council.

ACCEPT BID OF M. J. RUDDY & SON FOR IMPROVEMENT OF HELEN AVENUE AND CARMEL DRIVE 2-75

A tabulation of the four bids received for the improvement of Helen Avenue and Carmel Drive were distributed for Council consideration. The Director of Public Works recommended acceptance of the low bid of \$9,584.80 submitted by M. J. Ruddy & Son. He pointed out that this was the first paving project in which property owners were participating, with the city paying 20% of the cost. He stated that the cost to the property owners would be about 13% below the estimated figures. After completion of the work, he stated, the balance will be distributed among the property owners on a pro rata basis.

The City Manager reported on the financing of the portion of the project to be paid for by the city. He stated that a report would be submitted later on the portion of the project relating to the curb and gutter construction around the park.

RESOLUTION NO. 56-347

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON FOR THE PAVING

OF HELEN AVENUE AND CARMEL DRIVE

Introduced by Hammond

Seconded by Merrill

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

Noes: None Absent: Adams and Robinson

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS 3-5

RESOLUTION NO. 56-348

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR IMPROVEMENT OF COLLEGE AVENUE BETWEEN GOLDWELL AVENUE AND CECIL WAY AND ON ORANGEBURG AVENUE BETWEEN COLLEGE AVENUE AND TIDEWATER SOUTHERN RAILROAD TRACKS

Introduced by Arata

Seconded by Anderson

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

Noes: None Absent: Adams and Robinson

RESOLUTION NO. 56-349

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE INSTALLATION OF WATER LINES IN McHENRY AVENUE BETWEEN ROSEBURG AVENUE AND JOHN STREET, AND MENSINGER AVENUE BETWEEN McHENRY AVENUE AND BRADY AVENUE

Introduced by Anderson

Seconded by Mayor Marks

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

Noes: None Absent: Adams and Robinson

Director of Public Works Ray reported that bids are to be opened on the street improvement Tuesday, September 11, at 3:30 P.M. and on the water line September 11, at 3:00 P.M. Plans for the two projects were presented by Mr. Ray for Council inspection.

MAYOR REQUESTS DISTRIBUTION OF EDITORIAL OF SAN FRANCISCO EXAMINER TO COUNCIL MEMBERS RELATING TO "PARKWAYS" 3-15

Mayor Marks requested that copies of an editorial which appeared in the San Francisco Examiner, on August 21, on "Parkways", be made available to the Council members and Traffic Engineer.

ADOPTION OF ORDINANCE NO. 107-C.S. HOUR FOR CLOSING BOWLING ALLEYS 3-20

ORDINANCE NO. 107-C.S., entitled

AN ORDINANCE AMENDING SECTION 4-1.201, ENTITLED "PERMISSIBLE HOURS" OF ARTICLE 2 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE

Introduced on August 8, 1956, 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: Anderson, Arata, Hammond, Merrill and Mayor Marks

Noes: None Absent: Adams and Robinson

ORDINANCE SETTING TAX RATES FOR FISCAL YEAR 1956-57 3-45

Reports on the 1956-57 tax rates which had been previously disbursed to the Council members for study, were briefly discussed. The City Manager pointed out that the budget adopted by the Council had been prepared on the basis that water lines and electrical installations would be done by city forces. The policy determined by the Council on these installations will result in some of the work being done by contract, possibly with some additional costs. The salaries of various city employees who do this type of work still remain in the budget and some adjustments may have to be made---reduction of city forces to make up the amounts paid for work done by contract or more money provided. As vacancies occur, he stated, it may be possible to fit some into other departments in the Public Works Department but the city still cannot work as many men for as many days as funds will not be available. The Council will be kept advised of this situation, he stated, as the year progresses.

The City Manager stated that it would be possible to reduce the tax rate. The 1920 bond issue is being retired. If the general fund rate was increased to offset the 4¢ decrease in the bond and interest redemption rate it would permit the general reserve increase of \$15,072 or a total of \$127,564. He outlined the reasons why this should be considered:

1. Pending claims for back holiday pay for police officers;
2. Extra costs for installations of water lines and electrical installations;
3. The present reserves do not provide for major changes in economic conditions.

Councilman Hammond recommended that the tax rate not be decreased but the taxes collected from the 4¢ be ear marked to be used in the street paving participating program, similar to the Helen and Carmel Drive project.

ORDINANCE NO. 108-C.S., entitled

"AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1956-57"

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

Moved by Anderson

Seconded by Merrill

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

Noes: None

Absent: Adams and Robinson

MOTION

That the City Attorney be instructed to prepare for Council consideration the necessary documents to transfer the funds collected from the 4¢ rate ear-marked for street improvements to a special fund.

Moved by Hammond

Seconded by Arata

Unanimously carried

DISCUSSION OF CAPITAL IMPROVEMENT PROGRAM 3-50

Council consideration was given, at this time, to the report

"Analysis of proposed financing of the 1956-57 capital improvements program", copies of which had been given to the members at the last meeting.

The City Manager pointed out the most urgent item to be cleared was, \$25,000 for street improvement, the reason being so that as much work as possible could be completed prior to the rainy season. For Council information, he listed the different funds which are allocated for street improvement purposes: 1) gas tax funds projects; 2) \$25,000 which was proposed in this report and which will be for the 20% participation paving program; 3) additional \$25,000 included in this report for the new surfacing of some of the city's major streets and 4) money from the 4¢ tax fund.

Director of Public Works Ray pointed out the advantage of resurfacing the streets to cut down on the maintenance expense. He listed a number of streets which were proposed to be resurfaced in the proposed program. Due to the late season, it would be impossible to complete all the street improvements this fall.

Councilman Anderson asked if it would help the Director of Public Works to know now that he would have \$50,000 to be used in street improvement; \$10,000 budgeted for street maintenance; \$25,000 in the capital improvement fund and approximately \$16,000 to be raised in the 4¢ tax rate previously earmarked by the Council for street improvement.

Mr. Ray pointed out that there would only be one contract for this type of work for the fiscal year 1956-57 and the work could be done any time during that year.

City Manager Miller suggested that the revenue derived from the additional 4¢ rate be held over until spring and if the city was confronted with a judgment on some of the holiday pay claims, it could be used for that purpose. He pointed out that no judgment was anticipated but if there was one there would then be funds to pay the judgment. He stated that the records indicated the city will have more streets worked this year than has ever been done in any past year.

Mayor Marks stated---Councilman Anderson is saying this--He thinks that the funds from the 4¢ rate, and the other members feel this way too, should be used for streets, added to the other sums would bring the program up to about \$50,000 for this year. Now, in the event the going gets tough it might be more important that the funds from the 4¢ rate remain in the reserve and can if the Council decides be pulled away from the street program and used on something else.

Mr. Ray pointed out that the funds were to be used on reconstruction of old paved streets. He suggested that the specifications and resulting contract be worded on the basis of the funds which are available with the right to increase them by whatever percentage would take this additional fund during the fiscal year and in the event the city finds in the spring that additional funds are available.

The City Manager stated that it is the staff's understanding that the funds from the 4¢ tax rate is to be used for streets but deferred until spring to be certain that funds are not needed for some other contingency.

At the suggestion of the City Manager, the Council considered each item in sequence as it appeared on the report:

Fire Station-McHenry Village Area \$35,000 and Fire Pumper 1250 GPM \$26,000

The City Manager stated that this was the No. 1 recommendation of

the Board of Fire Underwriters and the staff was in agreement. He stated that the man power for the station would not come up until next year's budget.

Dennett Dam \$50,000

The City Manager stated that this was 50% of a joint city-county project for the building of the Dennett Dam. He reported that the Board of Supervisors were now considering the County's appropriation.

Dryden Park Municipal Golf Course

The City Manager reported that \$5,000 allocation was included for the new Dryden Park Municipal Golf Course. He reported that the staff was still working with the members of the Golf Course Committee on the procedure to get started on the work they offered to do at the course.

The City Manager stated that it would be necessary to include in the Capital Improvement Program for "Parks and Recreation" two additional items, one of \$2500 for curbs and gutters around the John Muir Park since the Council had just approved a contract for the paving of Helen Avenue and Carmel Drive adjacent to the Park and an item of \$7100 for replacing water mains at the present golf course. Items of \$3,000 for the Whitmore Park of irrigation system and planting of lawn and trees; item of \$2,700 for lights at the Softball Field at Beard Brook Park and item of \$9,400, general park improvement various, were briefly discussed.

City Hall \$200,000

This proposed allocation, the City Manager stated, would permit the purchase of the other one-half block of the 15th Street site and planning to that point.

Traffic signals: Miscellaneous Traffic and Grade Crossing Signals \$25,000

The Traffic Engineer pointed out that this allocation would not permit the installation of all of the signals and grade crossing signals already approved by the Council since the cost of each grade crossing signal would be \$5,000. After a brief discussion it was decided to leave the amount of allocation as proposed and to determine at a later date any further allocations.

Downey Swimming Pool \$25,000

The City Manager pointed out that the city was already committed to the schools for the participation of \$25,000 of the costs for a swimming pool at the Downey High School.

Street Paving Program \$25,000

No discussion was held on this item.

Water Companies Survey \$10,000

No discussion was held on this item at this time.

Street Improvement \$25,000

Discussion held on this item previously.

Land Acquisition - Parks \$35,000

The City Manager reported that the acquisition of the Garrison

School site could be financed by funds from the park site acquisition fund paid by subdividers and the \$35,000 was proposed for the acquisition of a site in the LaLoma area. Director of Parks and Recreation Lowrey stressed the importance of land acquisition even if development could not be carried out for a number of years. He reported that plans for the development of Whitmore Park would be presented shortly.

Community Service Center \$6,000

This item was reported on later in the meeting by Assistant City Manager Masonheimer.

Tully Avenue Drainage Project \$7500

Director of Public Works reported briefly on the only method available to permanently correct the drainage problem in the Tully Avenue area which would call for the construction of a new storm sewer line to the river. He stated that the proposed drainage project was only a temporary solution.

Maddux Youth Center Cocling System \$2,100

The City Manager stated that the sum of \$2100 should be corrected to \$2400---that the work was already finished and was being carried over from the last year's budget and the funds must be reallocated this year.

Water Development-Industrial Area \$50,000

No discussion

RESOLUTION NO. 56-350

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR EXPENDITURE OF CERTAIN FUNDS FOR CAPITAL PROJECTS

Introduced by Arata

Seconded by Merrill

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

Noes: None Absent: Adams and Robinson

RESOLUTION WITHDRAWING COVELL ADDITION FROM THE MCHENRY DRY CREEK FIRE PROTECTION DISTRICT 7-30

RESOLUTION NO. 56-351

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE MCHENRY DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (COVELL ADDITION)

Introduced by Merrill

Seconded by Anderson

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

Noes: None Absent: Adams and Robinson

RESOLUTION APPROVING APPLICATION AND AUTHORIZING EXECUTION BY THE CITY MANAGER OF CIVIL DEFENSE EQUIPMENT 7-50

RESOLUTION NO. 56-352

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE APPLICATIONS FOR FEDERAL AND/OR STATE PARTICIPATING FUNDS FOR CIVIL DEFENSE EQUIPMENT

Introduced by Anderson

Seconded by Arata

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

Noes: None

Absent: Adams and Robinson

Assistant City Manager Masonheimer briefly explained the program proposed for the acquisition of communication and police equipment for the next two years. The total amount of the applications, he stated, is approximately \$24,000 and the federal participating portion of that amount would be approximately \$12,000.

APPROVE CONTRACT WITH C.S.A.A. FOR PURCHASE AND INSTALLATION OF NIGHT PARKING SIGNS 7-60

RESOLUTION NO. 56-353

A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA STATE AUTOMOBILE ASSOCIATION FOR THE PURCHASE AND INSTALLATION OF NIGHT PARKING SIGNS

Introduced by Anderson

Seconded by Merrill

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

Noes: None

Absent: Arata and Robinson

AUTHORIZE IMPROVEMENT OF THE EIGHTH STREET PARKING LOT 7-70

Proposed plans for the improvement of the parking area leased for a term of 5 years by the city from the Southern Pacific Railroad Company were presented by Traffic Engineer Carmody and as recommended by the Council Parking Committee. Mr. Carmody recommended the paving of the lot, redesigning the lay-out and cutting out some of the access point and thereby increasing the parking capacity from 91 to 118-- increase of 27 spaces. He asked for Council approval to prepare plans and specifications. He estimated the approximate cost to be \$12,000, plus additional expense for some type of ticket device. He outlined three types of machines which could be used. He recommended the slot type of machine which is being used successfully in Merced, which would issue a ticket to the parker to be placed on his car seat for the inspection of the Police Department during the parking period. This machine could be used on a trial basis and if it proves satisfactory could be purchased for approximately \$3/400, he reported. A brief discussion was held on whether a fee should be charged to recoup a portion of the city's expense for remodeling the parking area. Mr. Carmody reported that the city's expenses could be amortized over a period of six years if a fee of 15¢ a day was charged.

MOTION

That the preparation of plans and specifications for the improvement of the lot along the lines outlined by the Traffic Engineer be authorized and indicating that a fee of 20¢ a day would be the correct fee for parking.

Introduced by Hammond

Seconded by Anderson

Unanimously carried

AUTHORIZE NO PARKING ZONE ON G STREET AT NINTH STREET 8-35

RESOLUTION NO. 56-354

A RESOLUTION ESTABLISHING A NO PARKING ZONE ON THE NORTH SIDE OF

G STREET BETWEEN NINTH STREET AND THE ALLEY BETWEEN NINTH AND TENTH STREETS IN THE CITY OF MODESTO

Introduced by Hammond

Seconded by Merrill

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

Noes: None Absent: Adams and Robinson

AUTHORIZE YIELD SIGNS ALONG CARVER ROAD 8-40

RESOLUTION NO. 56-355

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Arata

Seconded by Hammond

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

Noes: None Absent: Adams and Robinson

These signs are to be located on Clayton Avenue at its intersection with Carver Road, facing westbound traffic; on Roseburg Avenue at its intersection with Carver Road; and on Hackberry Avenue, at its intersection with Griswold Avenue, the Traffic Engineer reported.

ESTABLISH STOP SIGN ON FIFTH STREET AT SIERRA DRIVE AND RESCIND STOP SIGN ON SIERRA DRIVE AT FIFTH STREET 8-55

RESOLUTION NO. 56-356

A RESOLUTION ESTABLISHING A STOP SIGN ON FIFTH STREET AT ITS INTERSECTION WITH SIERRA DRIVE AND RESCINDING THAT PORTION OF RESOLUTION NO. 9633 ESTABLISHING A STOP SIGN ON SIERRA DRIVE AT ITS INTERSECTION WITH FIFTH STREET IN THE CITY OF MODESTO

Introduced by Anderson

Seconded by Merrill

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

Noes: None Absent: Adams and Robinson

It was agreed by the Council that the stop sign be retained on Sierra Drive for a period of at least two weeks in order to acquaint the motorist with the new sign on Fifth Street.

TRAFFIC ENGINEER REPORT ON INSTALLATION OF TRAFFIC SIGNALS ON 19TH AND H STREETS 8-70

Traffic Engineer Camody reported that the traffic signals on 19th and H Streets had been completed and placed in operation.

REPORT BY CITY MANAGER ON PROPOSED PURCHASE OF SEYBOLD PROPERTY IN BLOCK 204 8-80

The City Manager reported that, as directed by the Council, negotiations had proceeded for the purchase of the Seybold property in Block 204 at James and LaLoma. If the one-way street program is approved, this property may not be needed, he stated, and Mr. Seybold is anxious to learn of the Council decision at an early date so that he could continue with his building plans for the property. A brief discussion was held by the Council on whether the property would be needed and on the one-way street program.

The City Manager was authorized to report to Mr. Seybold that the matter of purchase of his property would be considered again in two weeks at which time further consideration will be given to the one-way street system.

ACCEPT GRANT DEED FROM AMEDIO LORETELLI, ET UX, LOT Z ARBOR VILLA NO. 1
8-115

RESOLUTION NO. 56-357

A RESOLUTION ACCEPTING GRANT DEED FROM AMEDIO LORETELLI AND GUIDITH LORETELLI FOR ALLEY FOR PUBLIC UTILITY PURPOSES IN LOT Z OF ARBOR BILLA TRACT NO. 1

Introduced by Merrill

Seconded by Anderson

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

Noes: None

Absent: Adams and Robinson

RESOLUTION REVISING POSITION CLASSIFICATION PLAN FOR CITY OF MODESTO 9-5

Assistant City Manager Masonheimer briefly explained the proposed revision of the position classification plan, adopted by Resolution No. 54-229, providing for the abolishment of School Nurse and Police Clerk classifications and the creation of Graduate Nurse I and II, Police Clerk-Dispatcher and Jr. Stenographer-Clerk classifications. He stated that the proposed changes had been approved and recommended by the Personnel Commission.

RESOLUTION NO. 56-358

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO

Introduced by Hammond

Seconded by Arata

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

Noes: None

Absent: Adams and Robinson

REPORT ON INDUSTRIAL WASTE CHARGES 9-25

A report prepared by the Department of Public Works on industrial wastes charges in view of the experience gained through the season of 1955, a copy of which is on file with the records of this meeting, was discussed.

Director of Public Works Ray recommended in the report that the following consideration be given to the industrial waste fees:

1. The current rates for service, as set forth in Section 5-6.206 of the Municipal Code, be continued in effect without modifications;
2. The seasonal industrial user classification be dropped completely from the Code;
3. The season user classification deletion be made retroactive to March 1, 1955; refund of monies collected under this classification during 1955-56 to be made to the industries affected by crediting them with this amount against 1956-57 charges.

He stated that this report had been sent to each Council member previously for study and copies were sent to various industries operating on the system in the city.

Cecil Jones spoke briefly on the report.

The City Manager reported that it is recommended that the credit refund be made to March 1, 1955, but if this is not legally possible at least to July 1, 1956. This matter is being cleared with the City Attorney, he stated.

MOTION

That the City Attorney be instructed to prepare the amendments to the Municipal Code.

Moved by Merrill Seconded by Arata Unanimously carried

REPORT ON INSTALLATION OF WATER LINES IN COLLEGE DEVILLE SUBDIVISION 9-70

A letter was submitted by the Joint Industry, Business and Professional Council together with a copy of a report by Frank Denny, C.P.A., to the Board of Trustees, Plumbers and Pipe Fitters, Labor-Management Relations Foundation, relating to the installation of water lines by the city forces in College DeVille Subdivision.

It was agreed by the Council that copies of the report would be mailed to each Councilman and both this report and the report filed by the Director of Public Works on the installation of the lines be considered together at a later meeting.

MOTION

That this item be stricken from the agenda for this Council meeting.

Moved by Hammond Seconded by Merrill Unanimously carried

Mayor Marks noted that the letter head transmitting the report was entitled: "Joint Industry Council", while it was signed by John A. Rollins, as Executive Secretary of the "Joint Industry, Business and Professional Council".

MEETINGS TO BE ATTENDED BY COUNCIL MEMBERS 10-1

Mayor Marks reminded the members of the City-County Committee luncheon meeting on Monday, August 27; the open house being held at the City Sewage Plant on the same day; and the meeting being held on the Four Year College before the Subcommittee on State Colleges of the Assembly Interim Committee on Education at 2:00 P.M., August 27, in County Center No. 3.

FURTHER DISCUSSION ON COUNCIL CITY HALL POLICE BUILDING COMMITTEE 10-25

Councilman Anderson read excerpts from the Council minutes regarding the appointment of the Civic Center, City Hall and Police Building Council Committee. He contended that the committee, although the city hall site had been selected, had not been dismissed by Council action or by mutual understanding.

Mayor Marks stated that it was his opinion that the Council should until such time as they deem prudent, act as a committee of the whole on the City Hall matter, particularly as it pertained to the selection between the 15th Street city hall site and the old Hotel Modesto property.

Councilman Merrill stated that the job of the committee was not completed, it had not been abandoned and that it had not been the policy to abandon a committee until formal action was taken.

Mayor Marks considered that the matter on the Old Hotel Modesto property vs. the 15th Street site was of too much importance to have a small group of members take the full responsibility for the decision.

Councilman Anderson pointed out that the plans of the City Hall building had not been completed and that this was a duty of the committee and not the Council as a whole.

After further discussion on the assignment duties of the committee, Mayor Marks stated that, "I refuse to relinquish any rights to any committee on this matter until final decisions have been made." He outlined the reasons for his stand in the matter. Mayor Marks asked that further discussion on the matter of the committee be deferred until all the members were present.

REPORT ON REDEVELOPMENT OF THE COMMUNITY SERVICE BUILDING 11-20

Assistant City Manager Masonheimer reported on the meeting with the Council Committee on the redevelopment of the Community Service Building. He stated that after due investigations, it appeared that the building could be operated by the city. He reported on the result of a questionnaire distributed to various organizations qualified to manage the building. Some of the potential tenants contacted, he stated, have indicated their desire to rent from the city instead of a managing agency, with which they are not familiar. It is the recommendation of the committee that the staff be instructed to manage the building and to operate it in a self supporting manner. It would be the committee's proposal to furnish full time custodial service only for the public portion of the building and the tenant to furnish this service within their office space, he stated, and the rental fees collected should offset this expense.

The City Manager reported that it was the intention of the city to recoup the initial expenses as well as the operating expenses, over a period of years, from the rents collected.

MOTION

That the plans for the operation by the city of the Modesto Community Center Building, as presented by Assistant City Manager Masonheimer, be approved.

Moved by Mayor Marks Seconded by Arata Unanimously carried

REQUEST OF CITY CLERK FOR VACATION LEAVE 11-75

MOTION

That the City Clerk be granted vacation leave beginning September 2, 1956.

Moved by Arata Seconded by Anderson Unanimously carried

ADJOURNMENT 11-80

MOTION

That the Council meeting now in session adjourn.

Moved by Arata Seconded by Anderson Unanimously carried

The meeting was adjourned at 10:00 P.M.

ATTEST:


REX E. GAILFUS, City Clerk

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

The invocation was given by Rev. Mason L. Brown, pastor of the Fairmont Baptist Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of August 22, 1956, and the same being available for public inspection, and there being no objections, the minutes were approved.

(Councilmen Adams, Anderson, and Merrill arrived at 4:04 P.M.)

ORAL COMMUNICATION RE: NATIONAL NEWSPAPER WEEK AND WILLIAM RANDOLPH HEARST, JR. DAY

Mr. Percy Woods, President of the Modesto Exchange Club, appeared before the Council requesting that Mayor Marks issue a proclamation proclaiming November 14, 1956, as "William Randolph Hearst, Jr. Day". He also requested permission to display banners across the city streets on that day.

Mayor Marks reviewed the provisions of the resolution which permitted certain organizations to display banners in the business district. At the suggestion of Councilman Hammond, Mr. Woods was asked to contact the Merchants Association and ask that flags be displayed on this day in front of their stores. The City staff was authorized to assist the organization in its program.

RESOLUTION NO. 56-359

A RESOLUTION PROCLAIMING NOVEMBER 14, 1956, AS "WILLIAM RANDOLPH HEARST, JR. DAY" IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

Introduced by Merrill

Seconded by Robinson

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

Noes: None

Absent: None

COMMUNICATION FROM CITY OF OAKDALE RE: CELEBRATION OCTOBER 13 IN OAKDALE

A letter was read from the City of Oakdale regarding the Golden Jubilee Celebration to be held in Oakdale and inviting the City of Modesto to participate in the Golden Jubilee Parade to be held on Saturday evening, October 13, 1956.

The matter was referred to City Manager Miller.

LETTER FROM ATTORNEY NATHAN McVAY REQUESTING AMENDMENT TO MUNICIPAL CODE
RELATING TO HOURS FOR OPERATION OF SKATING RINKS 2-0

A letter was read from Attorney Nathan B. McVay, representing Mr. F. E. Alford, operator of a roller skating rink at 614 Eye Street, requesting that Section 4-1.802 of the Municipal Code be amended so as to permit skating rinks to operate every night in the week until twelve o'clock. Mr. E. Paul Fulfer, associate of Mr. McVay, also spoke on behalf of the request of their client.

The staff was instructed to study the request and report back to the Council at a later date.

HEARING ON AMENDMENT TO THE CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL
CODE, SECTION 10-2.801 2-30

Mayor Marks announced that the hour of 4:15 P.M. had arrived, the time set for the consideration of amendment to Chapter 2 of Title X of the Modesto Municipal Code, Section 10-2.801.

The City Clerk filed a statement that notice of public hearing was published in the official newspaper of the City of Modesto, the Modesto Journal and Valley Citizen, on August 16, 1956, as required by law, and that no written protests had been filed.

Mayor Marks asked if there were any oral protests or if anyone wished to make any comments, and there were none.

Resolution No. 337 adopted by the City Planning Commission was read, recommending to the Council amendments to Chapter 2 of Title X of the Modesto Municipal Code.

The changes were briefly reviewed for Council information.

ORDINANCE NO. 109-C.S., entitled

"AN ORDINANCE AMENDING SECTIONS 10-2.226, 10-2.253, 10-2.264, 10-2.302, 10-2.501, 10-2.701, 10-2.709, 10-2.801, 10-2.901, 10-2.1101, 10-2.1401, 10-2.1612, 10-2.1618, 10-2.1804, 10-2.1904 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 10-2.226.1 AND 10-2.1621 THERETO, RELATING TO ZONING REGULATIONS"

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

HEARING ON ASSESSMENT ROLL OF IMPROVEMENT DISTRICT NO. 4 (DOWNTOWN STREET
LIGHTING) 3-0

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for hearing protests against the assessment and/or against the work done under Resolution of Intention No. 248 (Improvement District No. 4).

The City Clerk filed an affidavit that the "Notice of filing of assessment and time of hearing thereon", had been published as required by law; that notices were mailed to each and every property owner

within the district on or before Friday, August 17, 1956; and that the following written protest, which was read, had been filed:

S. A. Robinette, Rte. 1 Box 791, Turlock, California

Mayor Marks asked if there were any oral objections or any other statements to be made by any person with relation to the assessment, and there were none.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 884-S.P.

RESOLUTION OVERRULING PROTESTS

Introduced by Arata Seconded by Anderson

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

Noes: None Absent: None

RESOLUTION NO. 885-S.P.

RESOLUTION CONFIRMING ASSESSMENT

Introduced by Adams Seconded by Robinson

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

Noes: None Absent: None

RESOLUTION NO. 56-360

A RESOLUTION APPROVING APPROPRIATION TRANSFER
RELATING TO IMPROVEMENT DISTRICT NO. 4

Introduced by Arata Seconded by Anderson

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

Noes: None Absent: None

Director of Public Works Ray reported that the final assessment costs were 5.64% below the estimated assessments sent out prior to the initial hearing on the project.

HEARING ON PROPOSED REZONING OF AREA ON STODDARD AVENUE AND M.I.D. LATERAL
NO. 4 3-60

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the consideration of the proposed rezoning of area on Stoddard Avenue and M.I.D. Lateral No. 4.

The City Clerk filed a statement that notice of public hearing was published in the official newspaper of the City of Modesto, as required by law.

Letters received from Harry S. Lester and Fred D. Allan were read, requesting that the public hearing be held over until September 12, so that all interested parties could be present to discuss the proposed change of zone classification.

MOTION

That the hearing be continued until September 12, 1956,
at 8:00 P.M.

Moved by Hammond Seconded by Robinson Unanimously carried
26-110 Page 3 9-5-56

FURTHER DISCUSSION ON USE OF HOTEL MODESTO PROPERTY FOR CITY HALL AND
POLICE STATION PURPOSES 3-95

Mayor Marks reviewed the action authorized by the Council on a preliminary study of the estimated costs per square foot for remodeling the Hotel Modesto building for use as a City Hall and Police Station, in comparison to the estimated cost to build a new city hall on the 15th and I Street site. He pointed out that at the present time the location selected by the Council for the city hall was still the 15th and I Street site.

He reviewed the background on the request of the Modesto Board of Realtors for an investigation of the possibility of using the hotel property instead of the 15th Street site.

A letter received from Frank Lowry, C.P.A., representative of Chester D. Nattinger & Co., hired by the city to audit the city records, was read. Mr. Lowry called attention to the crowded situation in the purchasing and accounting departments at the city hall.

Letters were read from Nathan Long and the Modesto Retail Merchants urging consideration of the Hotel Modesto site for a city hall.

The City Manager, as directed by the Council, reported on the preliminary estimates of costs of the city hall at the 15th Street location and police building in vicinity of Central Fire Station, a copy of which report is on file with the records of this meeting.

The City Manager stated that the report submitted by Robert Dewell, Civil Structural Engineer hired by the city to make an investigation of the Hotel Modesto building, was based on 1) does the building as it stands, comply with the code of this city as far as the structure is concerned and, 2) if not what generally would be required to bring it up to where it would comply. He stated that it had been cleared with the City Attorney that whoever used the building would be required to make it comply with the present city building code.

The City Manager reported that 1) assuming the Hotel Modesto property could be obtained for \$250,000 (the engineer's report indicated that there will need to be substantial structural strengthening); 2) the reported offer to reconstruct to a motel, exclusive of alteration to the basic structure is \$457,630; 3) the estimate of the structural engineer for basic strengthening of the structure of the building is \$231,000. He pointed out that some of the items in item 3 were also included in item 2, so that there was some overlapping. This was checked with the contractor involved in the earlier estimates and these items are the new concrete floors tying in the beams, plaster ceilings, column fire proofing existing, and stairways to be reconstructed. The total of these three items, he pointed out, would bring the estimated cost to remodel the building for a city hall and police station to approximately \$938,630.

He reported on the method used to arrive at an estimate of the value of the land alone, as \$150,000, which was based on the cost for developing the parking lot located north of the property. This will bring the construction cost to approximately \$788,630, or about \$12.00 per foot, based on a floor area of 65,000 sq. ft. He reported that all of the city departments, with the space indicated in the new city hall, could be fitted into this building and also the Police Department with space for a joint communication center and there would still be to the order of one full floor left for rental to other agencies or for future expansion. A general discussion was held on the placing of various departments into the building and the possibility of renting a portion of the building. The City Manager pointed out that the first and most important use of the building would be for a city hall. He pointed out that the costs as reported by the contractor included a double deck arrangement for parking of cars.

He pointed out the limitation of the figures quoted since they were preliminary rough estimates and could vary considerably.

The following persons from the audience spoke in favor of locating the city hall and police building on the Hotel Modesto property: Henry Zimmerman, Dave Fingerly, Floyd Benson, Phil Humphreys, Geo. Kounias, and Frank Andrews.

Various phases of the report filed by Robert Dewell, Civil Structural Engineer, a copy of which is on file with the records of this meeting, were discussed with Mr. Dewell, who was present, by the Council members.

He pointed out that the report as submitted covered only the condition of bringing the building up to a point where it would meet the existing building code standards. There is no way, of course, at this time in this very preliminary report to determine exactly what any structural costs or alterations might be, which might be entailed in conjunction with architectural changes, and of necessity, if the building were to be used as a city hall, or exactly how extensive they could be, he stated. He reported in detail as to why certain items were considered as structural features or parts of the structural framing in answering the City Manager's report on overlapping of costs in remodeling the building.

He called the Council's attention to the fact that the bid submitted for remodeling the building was based on the offer of remodeling the existing hotel building for a motel. He pointed out that there could be a considerable difference in cost in such remodeling for a motel as compared to the requirements for a city hall. He listed a number of items which would increase the cost. He asked that the Council recognize his report was a preliminary type of report and did not take into account any detail figures or detail design. He recommended that a much more detailed report be made jointly by the architect and the engineer before any final decision was made so that an estimate more close to the actual construction costs could be obtained and that such an estimate include probable alterations to meet the city's requirement for a city hall.

Councilman Robinson questioned Mr. Dewell regarding his statement relative to foundations, on page four of his report.

Mr. Dewell stated that due to the fact that there is presently a basement slab over the whole foundation structure that there was no way to determine what the existing foundations consist of, how deep they are or how large they are and for that reason nothing could be entered into his report as far as the cost of bringing the foundation up to the present code requirements. This cost could be between \$75/100,000 and might be as low as \$10,000 or possibly no cost would be involved. He discussed the difference in the weight load between a building built for a hotel and a building built for a city hall, at the request of Councilman Hammond. To a further question from Councilman Hammond, Mr. Dewell pointed out that it would be necessary to strengthen all the floors in the building--not only the main floor, and that all existing concrete in the floor should be removed.

Mr. Dewell stated to a question from Councilman Robinson that based on an average construction when the present structure was brought up to the code requirement that it would represent approximately 40% of the total cost of the building. He pointed out that the over-all area in the building was closer to 50,000 square feet than 65,000 as reported by the City Manager. The City Manager stated that this would bring the cost per square foot up to \$15.40 as compared to \$12.00.

A discussion on the approximate cost of bringing the foundation up to code standard was held at this time.

Phil Humphreys made a statement on the estimated value of the land as compared to the cost for acquiring the parking lots.

Mayor Marks read into the record a copy of a personal letter which he had transmitted to William Williams, representing the property owners of the Hotel Modesto relating to the effect the public discussion on the value of this property might have on any sale that he might be negotiating.

Mayor Marks stated that his reason for including the letter in the record of the meeting was that the City Council could not be accused at any future date of ever having hindered any use of that property for any purposes whatsoever.

Councilman Hammond suggested that further discussion be deferred until next week or until such a time the Council could discuss the functional differences which would occur between the Hotel Modesto Building and a new building at 15th and I Streets. Director of Planning Smeath was requested to send a report to the members of the discussion and which had been held on this subject during the meeting of the City Hall Council committee.

FURTHER REPORT ON PLANS FOR A CITY HALL BUILDING ON 15TH STREET

The City Manager reported that arrangements had been made for members of the city staff to confer with Architect Milton Pflueger tomorrow on the plans for the city hall on the 15th Street site. In view of the discussion on the Hotel Modesto site, he stated, further Council direction is needed.

MOTION

That any further consideration of the plans for the city hall building on 15th Street site be delayed until further direction from the Council.

Moved by Mayor Marks Seconded by Robinson Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS ON CONSTRUCTION OF
PUMP HOUSES AT PUMP STATION NOS. 3 AND 18 11-120

RESOLUTION NO. 56-361

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
THE CALLING FOR BIDS FOR THE CONSTRUCTION OF PUMP HOUSES AT PUMP
STATIONS NO. 3 AND 18

Introduced by Arata

Seconded by Robinson

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

Noes: None

Absent: None

Director of Public Works Ray reported that bids are to be opened
on September 24, 1956, at 2:00 P.M.

APPROVE SPECIFICATIONS AND CALL FOR BIDS ON PAVING MATERIALS 11-125

RESOLUTION NO. 56-362

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALLING
FOR BIDS FOR FURNISHING OF PAVING MATERIALS FOR FISCAL YEAR 1956-57

Introduced by Merrill

Seconded by Arata

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

Noes: None

Absent: None

Director of Public Works Ray reported that the bids are to be
opened on September 24, 1956, at 3:00 P.M.

RESOLUTION ON OPERATION OF TRAFFIC SIGNALS ON 14th AND J STREETS AND ON
19TH AND H STREETS 12-10

RESOLUTION NO. 56-363

A RESOLUTION CONFIRMING THE COMMENCEMENT OF THE OPERATION OF THE
AUTOMATIC TRAFFIC SIGNALS INSTALLED AT THE INTERSECTION OF FOUR-
TEENTH AND J STREETS AND NINETEENTH AND H STREETS IN THE CITY OF
MODESTO

Introduced by Arata

Seconded by Robinson

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

Noes: None

Absent: None

REPORT ON THE INSTALLATION OF WATER LINES IN COLLEGE DEVILLE SUBDIVISION
12-15

Consideration was given at this time to the reports on the
installation of water lines in the College DeVille Subdivision, copies
of which had been given to the Council members earlier.

Mayor Marks read a statement into the records relating to the
Joint Industry, Business and Professional Council's request that the
10% margin on the bids submitted be increased to 25%, a copy of which
is on file with the records of this meeting.

MOTION

That the policy of the Council be left as it now stands.

Moved by Hammond Seconded by Adams Unanimously carried

26.114

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RESOLUTION AUTHORIZING ACCEPTANCE AND RECORDATION OF DEED FOR PROPERTY PURCHASED FROM THE COUNTY OF STANISLAUS UNDER TAX SALE (ALL OF BLOCK C) AND (SUNSET ACRES FIRST ADDITION, LOT 74, PORTION OF GOLF COURSE) 12-60

RESOLUTION NO. 56-364

A RESOLUTION ACCEPTING DEED FROM THE COUNTY OF STANISLAUS CONVEYING TITLE TO THE CITY OF MODESTO OF CERTAIN TAX DEEDED PROPERTY

Introduced by Arata

Seconded by Adams

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

Noes: None

Absent: None

REQUEST BY FOURTH OF JULY CELEBRATION COMMITTEE FOR PAYMENT OF THE \$750 ANNUAL CONTRIBUTION 12-61

MOTION

That the request by the Fourth of July Celebration Committee for payment of the \$750 annual contribution be granted.

Moved by Merrill

Seconded by Arata

Unanimously carried

PRELIMINARY PRESENTATION BY TRAFFIC ENGINEER OF ONE-WAY STREET PROPOSAL 12-65

Traffic Engineer Carmody submitted maps of the proposed one-way street system for Modesto, for Council consideration. He stated that the text of the proposal would be submitted next week.

The Council considered further the proposal to extend G Street to LaLoma, and the purchase of the Seybold property in Block 204 at James and LaLoma. The City Manager reported that an offer of \$2,000 for the vacant lot had been submitted by Theodore and Dorothy Seybold.

MOTION

That the offer of Theodore and Dorothy Seybold of \$2,000 on the vacant lot at James Street and LaLoma Avenue, be accepted and the City Attorney be instructed to prepare the necessary documents.

Moved by Arata Seconded by Anderson Unanimously carried

Mr. Shimmel, representative of the J. M. Blair Company, who were proposing to construct a commercial building for the property owner, S. A. Shelbourn, on the west side of James Street at LaLoma, Block 204, agreed to work with the City staff on the location of the building in order not to conflict with the city's proposed plan for extension of G Street.

The Council set the date of September 26, 1956, at 8:00 P.M. as the time for further consideration of the one-way street proposal.

DISCUSS FISCAL SURVEY FOR COUNTY OF STANISLAUS 13-40

Mayor Marks stated that Mayor Enoch Christoffersen of Turlock had asked him to find out what the procedure would be to have a complete fiscal survey of the city-county relations made, so that it could be resolved in equity. He asked the Council members if they would be interested in having such a study made, and they agreed that a study should be made.

MOTION

That the Council approve, in principle, of having the study made and that the City Manager be instructed to work with other agencies in preparation of an outline for the study.

Moved by Merrill Seconded by Anderson Unanimously carried

RESOLUTION TRANSFERRING \$503 FROM THE MUNICIPAL AIRPORT GAS TAX FUND RESERVE TO CAPITAL CONSTRUCTION AT AIRPORT 13-80

RESOLUTION NO. 56-365

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR CONSTRUCTION AT MODESTO CITY-COUNTY AIRPORT

Introduced by Robinson Seconded by Merrill

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

Noes: None Absent: None

REQUEST OF ANDREWS ELECTRIC MOTOR WORKS FOR WAIVER OF PENALTY ON REVISED DEFICIENCY DETERMINATION 13-85

The City Manager read a request of Andrews Electric Motor Works for waiver of penalty on revised deficiency determination.

Director of Finance Lawrence recommended that the penalty in the amount of \$32.57 be waived on condition that the balance of the deficiency determination be paid within 10 days.

RESOLUTION NO. 56-366

A RESOLUTION AUTHORIZING WAIVER OF PENALTY CHARGES ASSESSED AS A RESULT OF DELINQUENT LICENSE FEE PAYMENTS UNDER THE MODESTO MUNICIPAL CODE

Introduced by Robinson Seconded by Arata

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

Noes: None Absent: None

RESOLUTION SETTING DATE FOR HEARING FOR AMENDMENT TO ZONING MAP SECTION 17 (CHANGE R-1 to R-2) OCTOBER 3, 1956 (PORTER PROPERTY ON TIMOTHY LANE)

13-100

RESOLUTION NO. 56-367

A RESOLUTION OF THE MODESTO CITY COUNCIL SETTING DATE FOR A PUBLIC HEARING ON AN AMENDMENT TO ZONING MAP SECTION 17

Introduced by Anderson Seconded by Merrill

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

Noes: None Absent: None

RESOLUTION FROM STANISLAUS COUNTY PLANNING COMMISSION RE: EMPLOYMENT OF PERSON IN CHARGE OF GENERAL CITY-COUNTY PLANNING STAFF 13-101

RESOLUTION NO. 56-368

A RESOLUTION OF THE MODESTO CITY COUNCIL APPROVING THE EMPLOYMENT OF ROY POTTER AS STAFF HEAD OF THE STANISLAUS COUNTY PLANNING

COMMISSION GENERAL PLANNING STAFF

Introduced by Robinson

Seconded by Adams

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

Noes: None

Absent: None

APPROVE AGREEMENT WITH COUNTY OF STANISLAUS ALLOCATING FUNDS TO THE CITY
FOR RECREATION PURPOSES FOR FISCAL YEAR 1956-57 13-110

RESOLUTION NO. 56-369

A RESOLUTION APPROVING AGREEMENT WITH STANISLAUS COUNTY FOR
RECREATION PROGRAM FOR THE FISCAL YEAR 1956-57

Introduced by Arata

Seconded by Hammond

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

Noes: None

Absent: None

REPORT ON PROPOSED SWIMMING POOL AT DOWNEY HIGH SCHOOL 13-120

The City Manager read a letter from James H. Corson, Superintendent of Schools, which stated that plans for the swimming pool at Downey High School had been approved by the Board of Education and ordered filed with the State Department of Architecture. A copy of the plans had also been submitted to the Director of Public Works, and were available at this meeting for Council inspection.

FURTHER REPORT ON USE OF COMMUNITY SERVICE CENTER 13-125

The City Manager reported that the staff had discussed with the Boy Scouts the proposed leasing of a section of the Community Service Center. He stated that the staff would prepare and submit to the Council an agreement, for consideration, providing for the leasing of the north-erly section of the building (two rooms with hallway between) for \$100 a month on a long term lease basis, if the Council would indicate its tentative approval of the proposition.

MOTION

That the Council approve in principle the leasing of a portion of the Community Service Center to the Boy Scouts at \$100 a month on a long term basis.

Moved by Anderson Seconded by Arata Unanimously carried

Assistant City Manager Masonheimer outlined the further provisions of the proposed agreement, for Council information.

REPORT ON STATE FAIR AWARDS ON MILK AND CREAM FROM LOCAL PROCESSORS 14-65

The City Manager reported that samples of milk and cream from local distributors and processors, under the inspection of the Modesto Health Department, were submitted to the California State Fair for judging on August 15, 1956. Out of the 12 samples submitted, he stated, 11 samples won medals; 6 gold and 5 silver.

Letters of commendation to the award winners were authorized.

REPORT ON CONFERENCE ON LOCAL GOVERNMENT AND INDUSTRIAL DEVELOPMENT
HELD IN BERKELEY AUGUST 29, 1956 14-75

The City Manager reported briefly on the Conference on Local Government and Industrial Development which was held in Berkeley on August 29, 1956. He stated that the minutes of the meeting would be available for distribution soon. The film "The Modesto Story", was shown, he stated.

REPORT ON MEETING IN SACRAMENTO ON AUGUST 29, 1956, ON PARTICIPATING
FUNDS AND SURPLUS PROPERTY FOR DISASTER AND CIVIL DEFENSE PURPOSES 14-90

Assistant City Manager Masonheimer reported that he had met with officials of the California Disaster and Civil Defense Office in Sacramento to discuss the new program for the distribution of Federal Surplus property. He reported briefly on the provisions of Public Law No. 655.

REPORT ON OPEN HOUSE AT SEWER PLANT 14-105

Director of Public Works Ray reported that 125 persons visited the sewer plant during the open house held on August 27, from 10:00 A.M. to 8:00 P.M. He expressed appreciation to the newspapers and radio stations for their cooperation in giving the open house full publicity.

PRESENTATION OF THE ANNUAL REPORT 14-115

The City Manager presented copies of the Annual Report for Council information. He stated that copies of the report will be mailed shortly to the people of the community.

ADJOURNMENT

MOTION

That the Council meeting now in session adjourn.

Moved by Arata Seconded by Hammond Unanimously
carried

The meeting was adjourned at 7:25 P.M.

ATTEST: 
ANNE M. COLLINS, ACTING
CITY CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor 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.

The invocation was given by Rev. J. U. Simmons, retired Methodist minister.

LETTER FROM MODESTO COUNCIL OF CHURCHES RE: EXPRESS APPRECIATION FOR USE OF
MANCINI BOWL FOR SUMMER SUNDAY SERVICES 1-45

A letter was read from the Modesto Council of Churches expressing appreciation for the use of Mancini Bowl for Sunday services during the past summer.

LETTER FROM SAVE MART OF LALOMA REQUESTING ADDITIONAL CURB CUT 1-50

A letter was read from the Save Mart of LaLoma requesting permission for one additional curb cut and widening of the two existing curb cuts at its store located at 1600 Yosemite Boulevard.

Director of Public Works Ray reported that at the present time the Save Mart had two driveways, one located on the west side of the property and one near the center, each of which is 30 feet in width. He stated that the store was requesting that each existing 30 foot driveway be widened 10 feet and a third 40 foot driveway be provided. Mr. Ray recommended that each existing driveway be widened 5 feet and an additional 35 foot curb cut be granted, upon payment of the curb replacement fees and the securing of an encroachment permit from the Division of Highways.

RESOLUTION NO. 56-370

A RESOLUTION GRANTING VARIANCE TO SAVE MART OF LALOMA FOR CURB CUTS
FOR ITS STORE LOCATED AT 1600 YOSEMITE BOULEVARD

Introduced by Arata

Seconded by Robinson

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

Noes: None

Absent: Anderson and Merrill

LETTER FROM CITY OF CERES RE: SEWER LINE CONSTRUCTED BY CITY TO TIDEWATER
INDUSTRIAL AREA 1-80

A letter was read from the City of Ceres requesting that the sewer line to be constructed by the City of Modesto to the Tidewater Industrial Area, be of sufficient size to take care of approximately 60 acres which is located in the area North of Whitmore Avenue to the 99 Stadium and between Morgan Road and the S.P. Railroad and which may be annexed to the City of Ceres in the relative near future.

The City Manager recommended that this matter be referred to the Council Sewer Committee and the staff for investigation and report.

MOTION

That the matter be referred to the Council Sewer Committee and staff for investigation and report.

Moved by Robinson Seconded by Hammond Unanimously carried

LETTER FROM GEORGE HANSEN SUBMITTING RESIGNATION FROM BOARD OF PLUMBER EXAMINERS 1-95

A letter from George Hansen was read stating that due to pressure upon his time he found it necessary to tender his resignation as a member of the Board of Plumber Examiners effective as soon as a new appointment can be made.

A brief discussion was held on the qualifications needed for the new appointment. The City Clerk was instructed to send the qualifications for a master plumber to each Council member for his information.

The City Manager suggested that the Council consider the possibility of a revision of the membership on this Board. The present membership includes the Health Officer, who, at that time, was a Sanitarian. The new Health Officer, he stated, is not a Sanitarian and would not have a direct relationship to the operation of the Board.

The City Attorney called the Council's attention to the requirements of the Board and stated that if the membership was changed, an amendment to the Code would be required.

This matter was held over until such time as a new appointment was made. The Mayor suggested that during the next two weeks the Council members consider who they would like appointed to the Board.

LETTER OF APPRECIATION FROM STANISLAUS COUNTY TUBERCULOSIS AND HEALTH ASSOCIATION FOR USE OF COUNCIL CHAMBER ON SEPTEMBER 6, 1956 1-125

A letter was read from the Stanislaus County Tuberculosis and Health Association expressing appreciation for the use of the Council Chamber for its Board of Directors' Meeting held on Thursday, September 6, 1956.

CONSIDER BIDS RECEIVED FOR IMPROVEMENT OF COLLEGE AVENUE BETWEEN COLDWELL AVENUE AND CECIL WAY; ORANGEBURG AVENUE BETWEEN COLLEGE AND TIDEWATER SOUTHERN RAILROAD TRACKS 2-0

A tabulation of the bids received for the improvement of College Avenue between Coldwell Avenue and Cecil Way and the improvements of Orangeburg Avenue between College and the Tidewater Southern Railroad Tracks, which had been opened Tuesday, September 11, 1956, at 3:00 P.M., was presented for Council consideration. Director of Public Works Ray recommended that the bid of M. J. Ruddy & Son, in amount \$23,381.40, which was the lowest bid submitted, be accepted.

RESOLUTION NO. 56 371

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON FOR THE IMPROVEMENT OF COLLEGE AVENUE BETWEEN COLDWELL AVENUE AND CECIL WAY AND IMPROVEMENT OF ORANGEBURG AVENUE BETWEEN COLLEGE AVENUE AND TIDEWATER SOUTHERN RAILROAD TRACKS

Introduced by Arata

Seconded by Robinson

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

Noes: None Absents: Anderson and Merrill

CONSIDER BIDS RECEIVED FOR INSTALLATION OF WATER LINES IN MCHENRY AVENUE,
BETWEEN ROSEBURG AVENUE AND JOHN STREET, AND IN MENSINGER AVENUE BETWEEN
MCHENRY AVENUE AND BRADY AVENUE 2-20

A tabulation of the bids received for the installation of water lines in McHenry Avenue, between Roseburg Avenue and John Street, and in Mensinger Avenue between McHenry Avenue and Brady Avenue, which had been opened Tuesday, September 11, 1956, at 3:30 P.M., was presented for Council consideration.

(Councilman Anderson arrived at 7:49 P.M.)

Director of Public Works Ray reported that the low offer submitted by Manuel Smith of Atwater, in the amount of \$3,310.00, exceeded the City's estimate by 46 percent, and recommended that the bids be rejected and authorization be given for installation of the water lines by City forces.

RESOLUTION NO. 56-372

A RESOLUTION REJECTING ALL BIDS FOR THE INSTALLATION OF WATER LINES
IN MCHENRY AVENUE AND MENSINGER AVENUE

Introduced by Robinson

Seconded by Adams

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

Noes: None Absent: Merrill

INTRODUCE ORDINANCE AMENDING MUNICIPAL CODE RELATING TO INDUSTRIAL WASTE
CHARGES 2-30

The City Manager briefly outlined the provisions of the proposed ordinance amending the Municipal Code relating to Industrial Waste Charges. He stated that the staff had recommended that if it were legally possible that some credit be given to those who have previously been paying the charge.

City Attorney Grimes stated that he had contacted Mr. Carpenter, Legal Council for the League of California Cities, in regard to retroactive payments, who advised that the City would be subject to a taxpayers' suit if such action was attempted.

(Councilman Merrill arrived at 7:53 P.M.)

ORDINANCE NO. 110-C.S.

AN ORDINANCE AMENDING SECTIONS 5-6.201, 5-6.206, 5-6.207, AND
5-6.208 OF ARTICLE 2 OF CHAPTER 6 OF TITLE V OF THE MODESTO
MUNICIPAL CODE, REPEALING SECTIONS 5-6.211 AND 5-6.213 OF SAID
CODE AND REPEALING ORDINANCE NO. 21-C.S. RELATING TO INDUSTRIAL
WASTE CHARGES

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

Moved by Robinson

Seconded by Hammond

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

Noes: None Absent: None

MOTION

That Mayor Marks be authorized to write letters to all Industrial
owners affected by the Ordinance to explain the reason the

charges could not be made retroactive.

Moved by Arata Seconded by Robinson Unanimously carried

CONSIDER AGREEMENT WITH E. K. FINNEY, ET AL, ON PURCHASE OF REAL PROPERTY
ADJOINING CITY-COUNTY AIRPORT 2-105

ORDINANCE NO. 111-C.S.

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY
THE CITY OF MODESTO FROM E. K. FINNEY AND MINNIE W. FINNEY

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

The City Attorney gave a brief report on the progress being
made on the purchase of the Maggl property at the airport.

CONTINUATION OF HEARING ON PROPOSED REZONING OF PROPERTY ON STODDARD AVENUE
NEAR M.I.D. LATERAL NO. 4 (DAN C. RICHARDSON PETITION) 3-55

Mayor Marks declared the hearing on the request for the rezoning
of property on Stoddard Avenue near M.I.D. Lateral No. 4, filed by Dan
Richardson, which had been held over from the Council meeting of September
5, reopened at 8:00 P.M.

The City Clerk certified that no additional written protests had
been filed.

At the request of the Mayor, a brief resume of the action taken by
the Planning Commission at its hearing on August 7, 1956, was given by
Planning Director Smeath. He pointed out that Mr. Richardson had applied
only for the rezoning of his own property located at 821 Stoddard Avenue
from R-2 (Two-Family Residential) Zone to the R-3 (Multiple Family) Zone.
Since it is the policy of the Planning Commission and staff, he stated,
not to recommend "spot zoning" or single property zoning, the staff had
made a study of the area and recommended to the Commission that this pro-
perty, plus certain additional parcels in the immediate vicinity be included.
On August 7, 1956, a public hearing was held by the Commission, he stated, and
Resolution No. 336, recommending to the City Council that this area be
rezoned from R-2 to R-3 was adopted.

In answer to a question from Councilman Anderson, City Attorney
Grimes explained that the zoning of that particular piece of property would
possibly constitute "spot zoning" and would be illegal, but by adding
the other properties it would tie into an adjacent R-3 zone and would be
a unit.

City Attorney Grimes stated that Mr. James Corson, Superintendent
of Schools, had contacted him today, and asked that it be conveyed to the
Council "that the Board of Education takes no position in this matter and
wishes the Council to consider it strictly on its merits."

The following persons protested the proposed rezoning:

Fred Allen	907 Stoddard
Harry Lester	430 Virginia
J. D. Hadley	Myrtle & Stoddard

Mrs. Dorothy Schreiner	901 Stoddard
representing John H. Smith	
Carol Savage	315 Orange
Herbert Cole	308 Orange
Mildred Brown	415 Virginia
Mrs. John M. Gomes	309 Orange
Mrs. Philip Carlson	409 Virginia

The protests were based on the following points:

1. That 10 students in a duplex building would be enough for a quiet residential section;
2. That at the present time there is not a need for more student housing;
3. That there would not be enough parking space available if the area was rezoned.

Mr. Dan Richardson and his son, Bill Richardson, outlined the reasons for the proposed rezoning:

1. That the request was based on the need for accommodations for the college students;
2. That the area proposed to be rezoned would tie in with multiple zoning already located on College Avenue;
3. That students living in an area would not disrupt the quietness of the neighborhood.

Fred Allen, speaking on behalf of some of the property owners, stated that they were not against rezoning the area west of the canal, but they considered the present zoning on the east side of the canal, which permitted 8 persons in a duplex, was sufficient at the present time.

The following people also expressed opposition to the rezoning of the area:

J. H. Taylor	422 N. Olive
Mrs. James Hadley	Myrtle & Stoddard
Phil Carlson	409 Virginia

Mayor Marks declared the hearing closed.

RESOLUTION NO. 56-373

A RESOLUTION REFERRING THE APPLICATION OF DAN RICHARDSON FOR THE REZONING OF CERTAIN PROPERTY ON STODDARD AVENUE BACK TO THE MODESTO PLANNING COMMISSION FOR A FURTHER REPORT

Introduced by Merrill

Seconded by Anderson

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

Noes: None Absent: None

MOTION

That the Council indicates, on the basis of the evidence presented, that the application does not appear to be justified.

Moved by Mayor Marks Seconded by Merrill Unanimously carried

CITY MANAGER PRESENTS NICK POROZOFF TO COUNCIL 8-35

The City Manager presented to the Council, Nick Porozoff, Industrial Manager, Modesto Chamber of Commerce, who will be leaving Modesto soon to accept the position of General Manager of the Montebello Chamber of Commerce.

FURTHER CONSIDERATION OF CITY HALL 8-45

Mayor Marks read a letter from W. N. Williams, Attorney-in-fact for Harry D. Crow, Isabel Heimann, Lenna Crow and Doris C. Williams, offering to sell to the City of Modesto, the Hotel Modesto property in the "sum of \$250,000, payable on delivery of the deed conveying good and merchantable title to the City." It further stated that the offer would remain open until October 1, 1956, and if not accepted by the City by that time the offer would be deemed revoked.

A letter was read from the Associated Plumbing Contractors urging the Council to give early consideration to the location of the City Hall on the 11th & H Street site.

Two petitions, which had been filed, were read; one, signed by 152 citizens, from "a cross section of Modesto, East of 9th Street, North and East to the City Limits of our city"; and one, signed by 171 citizens from the west side of the city. Both petitions urged that every effort be made by the Council to acquire the Hotel Modesto property as the site for the new City Hall and Police Station.

Norman West, 207 Stoddard, spoke in favor of acquiring the Hotel Modesto property for the new City Hall, since the location would be close to the Court House, Post Office and Title Offices, and there was sufficient room to include the Police Station.

The City Manager read a report which he had prepared on the cost of using the old Modesto Hotel as a City Hall. He pointed out that a preliminary analysis of space needs as presented to the Council, indicated that there would be sufficient room in the building for all the city hall departments and the police department; that up to one floor might be available for other uses, on the basis of present space needs.

Mayor Marks stated that he felt the people of the community should have a building which they could be proud of, and that there would be room enough in the hotel building for the joint communication center and police department, which is badly needed in the city. He considered that with the building of the city hall at this location, it would fit into the framework of what he felt was a true administrative center.

Councilman Merrill stated that "it had been reported many times that my mind had always been made up on the 15th Street site." He pointed out that he had been on the City Hall committee for 18 months or longer, and had given the matter diligent study and hard work and the committee had tried to be fair and not to favor one site over another. He stated that he was one of the Council members who had been in favor of the 15th Street site, when the Council made its decision, however, he had always tried to keep an open mind on all matters, because he was an elected representative of the people. Personally, he stated, he would like to see the Hotel property cleaned up, either for a City Hall or any modern type building, but would like to make it clear that as far as he is personally concerned, his mind has never been settled; that he wanted to do what is best for the community.

Mayor Marks pointed out that many cities have spent thousands of dollars in clearing up slum areas which are adjacent to the business district. The Hotel property, he stated, is nothing more nor less than a slum area that has affected the assessed valuation of the entire east end of the

downtown district. He stated that many citizens felt the price for the site was rather high, but that he felt the money would come back to the City and the County, through property taxes, many times over.

Mr. Tierney, Hughson Hotel, stated that he felt the city should build the City Hall on the 15th Street site, so that the County might have the opportunity to purchase the Hotel property for additions to the Court House Building.

Mayor Marks pointed out that the County had had an opportunity to purchase the Hotel property on many occasions, but had not wished to do so.

Councilman Hammond pointed out that the most of the money which the structural engineer had estimated would be needed to reconstruct the Hotel building, would add to the structure of the building; that it would be the same as the cost of the building if it were new.

The City Manater stated that in his judgement the offer of Mr. Williams and his associates, was the best possible one which could be obtained at this time.

RESOLUTION NO. 56-374

A RESOLUTION RESCINDING RESOLUTION NO. 56-205 ENTITLED "A RESOLUTION DESIGN TING THE SITE FOR THE CONSTRUCTION OF A NEW CITY HALL FOR THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 55-409"

Introduced by Hammond

Seconded by Robinson

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

Noes: None

Absent: None

MOTION

That the City Attorney be instructed to draw up the necessary documents to purchase the property at 11th and H Streets, known as Hotel Modesto property, for a City Hall Site, on the basis of the offer submitted by Mr. Williams.

Moved by Hammond

Seconded by Robinson

Before a vote was taken, Mayor Marks called attention to the fact that the Western Union Telegraph Company held a five-year lease on a part of the building, commencing January 8, 1956. The City Manager stated that a call had been placed today with the Western Union Company in San Francisco and Mr. Williams had talked with them. He stated that they had assured Mr. Williams that the Company would be glad to work with the City, if the building was purchased, for different arrangements on the space, but that costs would be involved in moving of basic equipment.

In answer to a question from Mayor Marks, City Attorney Grimes reviewed for the Council its rights under condemnation proceedings and the

dangers, if any, as far as the price was concerned.

The City Attorney pointed out that there is a calculated risk involved in a condemnation proceeding and that one advantage of the proceedings is that the jury or court decides what the fair market value of the property is, and after the process of the law has been exhausted, that is the final figure.

He called the Council's attention to the fact that the City had a contract with Architect Milton Pfleuger to design a new building, and as the structural engineer pointed out, the architectural fees on a remodeling job are approximately 12% as opposed to the 8% indicated in the contract for a new building.

The City Manager reminded the Council that \$200,000 was made available in the Capital Improvement Fund for the City Hall. The City Attorney asked if the payment of \$250,000 was to be in cash and was told that that was correct. He also asked if the owner was to pay the policy of title insurance, as was the custom in Stanislaus County, and was informed that they would.

The Mayor called for a vote on the Motion and it was unanimously carried.

Phil Humphreys, of the Board of Realtors, commended the members of the City Council and the Administrative Staff for the fine cooperation they have given on this matter.

(Councilmen Merrill and Arata left the meeting at 10:05 P.M.)

CONSIDER AGREEMENT WITH COUNTY RELATING TO THE CONSTRUCTION OF IMPROVEMENTS
AT THE CITY-COUNTY AIRPORT 11-95

RESOLUTION NO. 56-375

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO
AND COUNTY OF STANISLAUS

Introduced by Hammond

Seconded by Anderson

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

Noes: None

Absent: Arata and Merrill

ACKNOWLEDGE RECEIPT OF PUBLICATION OF NOTICE OF INTENTION TO CIRCULATE
PETITION FOR ANNEXATION OF GARRISON SCHOOL ADDITION 11-100

RESOLUTION NO. 56-376

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 "GARRISON SCHOOL ADDITION" TO THE CITY OF MODESTO AND AN AFFIDAVIT OF PUBLICATION THEREOF AND APPROVING THE CIRCULATION OF A PETITION.

Introduced by Adams

Seconded by Anderson

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

Noes: None

Absent: Arata and Merrill

(Councilman Arata returned at 10:10 P.M.)

ACCEPT GRANT DEED FROM McHENRY VILLAGE DENTAL CENTER INC., FOR WIDENING OF
GRANGER AVENUE 11-105

RESOLUTION NO. 56-377

A RESOLUTION ACCEPTING GRANT DEED FROM McHENRY VILLAGE DENTAL CENTER INC., FOR THE WIDENING OF GRANGER AVENUE

Introduced by Anderson

Seconded by Hammond

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

Noes: None

Absent: Merrill

ACCEPT GRANT DEED FROM THE GRANGE COMPANY FOR THE WIDENING OF TULLY AVENUE
AT NORTH 99 HIGHWAY 11-110

The City Attorney asked and received permission to take up an item which was not on the agenda. He presented, for Council approval, a grant deed from the Grange Company for the widening of Tully Avenue at North 99 Highway.

RESOLUTION NO. 56-378

A RESOLUTION ACCEPTING GRANT DEED FROM THE GRANGE COMPANY (WIDENING OF TULLY AVENUE AT N. 99 HIGHWAY)

Introduced by Anderson

Seconded by Hammond

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

Noes: None

Absent: Merrill

The City Manager reported on the progress made in clearing rights of way for the improvement of the south end of Tully, and the problems encountered farther north.

AUTHORIZE LOADING ZONE ON 12th STREET AT D STREET 11-120

RESOLUTION NO. 56-379

A RESOLUTION DESIGNATING A FREIGHT LOADING ZONE ON TWELFTH STREET AT D STREET IN THE CITY OF MODESTO

Introduced by Arata

Seconded by Adams

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

Noes: None

Absent: Merrill

CONSIDER RELEASE OF BOND FILED BY ARTHUR J. WYLIE TO GUARANTEE IMPROVEMENTS
IN ROOSEVELT PARK TRACT 12-0

The Director of Public Works presented a certification that the improvements were completed in Roosevelt Park Tract and recommended the bond guaranteeing subdivision improvements be released to subdivider Arthur J. Wylie.

RESOLUTION No. 56-380

A RESOLUTION AUTHORIZING THE RELEASE OF SURETY BOND TO GUARANTEE IMPROVEMENTS IN ROOSEVELT PARK TRACT FILED BY ARTHUR J. WYLIE

Introduced by Anderson

Seconded by Adams

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

Noes: None

Absent: Merrill

(Councilman Merrill returned at 10:15 P.M.)

DISCUSSION OF SUPPLEMENTAL BUDGET REQUESTS BY THE McHENRY PUBLIC LIBRARY
BY LIBRARIAN HAMILTON 12-15

Librarian Carl Hamilton presented, for Council approval, the following supplemental budget requests for the McHenry Public Library:

1. Outside bulletin board to be used for announcements of Library activities, etc. Cost to be approximately \$450. (Illuminated, waterproof sign, complete with letters)
2. \$800 to take care of the additional personnel costs due to the increase in the service of the Library.
3. \$8,000 to air condition the Library Building; (two 5 ton units on roof, and one 2 ton unit in the working area up-stairs).

A brief discussion was held by the Council on the items requested. Councilman Hammond stated that there had been some discussion on remodeling the Library and he felt that the air conditioning should be installed at that time. Librarian Hamilton stated that he did not know of any plans for remodeling; that the present plans were for a new building in approximately 10 years.

MOTION

That the requests for additional funds for personnel and installation of air conditioning units be approved, and authorize the staff to bring back the necessary documents for Council approval.

Moved by Anderson

Seconded by Adams

Unanimously carried

MOTION

That the request for the outside bulletin board be denied.

Moved by Merrill

Seconded by Anderson

Unanimously carried.

PROPOSED SERVICE AGREEMENT WITH RAY'S RADIO FOR RADIO AND ELECTRONIC EQUIPMENT
13-25

The City Manager reported that if the agreement was approved, all the radio maintenance care would be consolidated under one contract, which would be for three years with a release claim. He stated that the contract would not cover Dictaphone equipment.

RESOLUTION NO. 56-381

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODLESTO AND RAY'S RADIO SHOP

Introduced by Anderson

Seconded by Robinson

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

Noes: None

Absent: None

CONSIDER PURCHASE OF SHAV-O-DISC ATTACHMENT FOR ROAD GRADER 13-40

The City Manager reported that the Shav-O-Disc Attachment had been provided in the budget and recommended that it be purchased.

RESOLUTION NO. 56-382

A RESOLUTION AUTHORIZING PURCHASE OF SHAV-O-DISC ATTACHMENT FROM THE SHAV-O-DISC MANUFACTURING COMPANY OF BAKERSFIELD, CALIFORNIA

Introduced by Arata

Seconded by Robinson

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

Noes: None

Absent: None

PRESENTATION OF ONE-WAY STREET REPORT BY TRAFFIC ENGINEER 13-50

Traffic Engineer Carmody presented, for Council consideration, a report on a one-way street program for the City, a copy of which is on file with the records of this meeting.

REPORT ON PROPOSAL FOR ANALYSIS OF BUSINESS LICENSE ORDINANCE 13-70

The City Manager reported that a meeting had been held with Malcolm Davisson, Councilman Hammond and the Director of Finance, and that he would be available, at the request of the Council, for whatever assistance the Council might wish on revising the Business License Ordinance, at the rate of \$50.00 per day, including all traveling expenses, etc.

A discussion was held by the Council on whether Mr. Davisson's services should be secured before the report on business licenses was submitted to the League of California Cities, in October.

Councilman Robinson suggested the possibility of having a citizens' committee work with Mr. Davisson on the business License Ordinance. He suggested that a chairman be appointed and have him work on the initial stages along with Mr. Davisson.

The City Manager suggested that the Council make it clear in the beginning that the purpose of the study and any revisions which might be made, would not be to raise more money but to provide more equity.

MOTION

That the Staff proceed on the basis as outlined by the City Manager.

Moved by Adams Seconded by Robinson Unanimously carried

REPORT ON PROPOSED IMPROVEMENT AT FOURTH STREET, E STREET AND SIERRA DRIVE
14-20

The City Manager reported that the proposed improvement at Fourth Street, E Street and Sierra Drive was being considered by the Planning Commission. He stated that it would involve the closing of E Street at 4th Street. No action is needed by the Council at this time, he stated.

ATTENDANCE OF CITY ATTORNEY TO ANNUAL CONFERENCE OF NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICERS AT OMAHA, OCTOBER 8-10, INC. 14-30

MOTION

That the City Attorney be granted permission to attend the annual conference of National Institute of Municipal Law Officers at Omaha, from October 8-10, inc.

Moved by Anderson Seconded by Hammond 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 10:45 P.M.

ATTEST:


ANNE M. COLLINS
Acting 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 Pro Tempore Hammond presiding.

The Acting City Clerk called the roll and there were

Present: Councilmen: Adams, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond
Absent: Councilmen: Anderson and Mayor Marks

The Acting City Clerk reported that she had personally delivered a notice to each member of the Council and to the Modesto Bee, 24 hours before the time of the meeting, as required by Section 2-1.02 of the Municipal Code.

RESOLUTION DIRECTING COLLECTION OF ASSESSMENTS LESS THAN \$25.00 UPON TAX ROLL FOR IMPROVEMENT DISTRICT NO. 3 (FREMONT-GRANGER-COLLEGE VILLAGE ADDITIONS)

RESOLUTION NO. 56-383

A RESOLUTION DIRECTING COLLECTION OF ASSESSMENTS UPON TAX ROLLS

Introduced by Arata

Seconded by Merrill

Ayes: Adams, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Anderson and Mayor Marks

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT BETWEEN THE CITY AND COUNTY FOR COLLECTION OF ASSESSMENTS

City Attorney Grimes outlined the provisions for a proposed agreement between the City and County for the collection of assessments less than \$25.00 on improvement districts. He reported that the county rates for collections would be on the basis as the prior agreement which expired on September 12, 1956, but that the contract could be terminated by separate action by either party, with one year's notice.

RESOLUTION NO. 56-384

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR COLLECTION OF IMPROVEMENT ASSESSMENTS OF LESS THAN \$25.00

Introduced by Adams

Seconded by Robinson

Ayes: Adams, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Anderson and Mayor Marks

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Merrill Seconded by Arata Unanimously carried

The meeting was adjourned at 11:40 A.M.

ATTEST:


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 21.01 of the Modesto Municipal Code, in the Council Chamber at the McHerry 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.

A few moments of silent prayer were observed.

LETTERS FROM MODESTO MOTOR CAR DEALER'S ASSOCIATION AND MODESTO USED CAR DEALER'S ASSOCIATION RE: MILL LICENSE FEES ON USED CARS 1-10

Letters were read from the Modesto Motor Car Dealer's Association and the Modesto Used Car Dealer's Association requesting that "the amendment to the Mill Tax Ordinance removing exemption and requiring that fees be paid to the City on sales of Vehicle Trade Ins be suspended until such time as the pending Business License Survey is completed and acted upon."

The City Attorney listed alternatives which could be considered by the Council 1) delay the matter pending the business license study; and 2) instruct the City Attorney to prepare an amendment to the Code exempting mill license fees on trade ins.

MOTION

That the City Attorney be instructed to prepare an amendment to exempt all trade ins from the mill license fees.

Moved by Hammond

Died for lack of a second

After discussion it was agreed that the matter should be considered with the revision of the Business License Ordinance.

MOTION

That letters of explanation be sent to all new and used car dealers, as well as other business concerns taking trade ins.

Moved by Arata

Seconded by Robinson

Unanimously carried

LETTER FROM R. B. MACBRIDE REQUESTING WAIVER OF PENALTY ON DEFICIENCY DETERMINATION 2-5

A letter was read from R. B. MacBride requesting a waiver of penalty on deficiency determination of the City sales tax, due to a misinterpretation of the ordinance.

A report from Director of Finance Lawrence was read recommending that the request be denied on the basis that it is not possible under the Sales Tax Ordinance.

MOTION

That the City Attorney be instructed to advise R. B. MacBride that it is not legally possible to grant a waiver of penalty

at this time

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on delinquent payments of sales tax.

Moved by Mayor Marks Seconded by Merrill Unanimously carried

REQUEST FROM UNITED CRUSADE TO ERECT SIGN ON COURTHOUSE PARK 2-25

Saxon L. Downs, Chairman of the Publicity Committee for the United Crusade, who was present, requested permission to erect a billboard sign on the courthouse park, 11th and I Streets, to promote the annual drive for funds, during the month of October. Permission was also requested to display a banner across 10th Street at J Street.

The City Manager pointed out that a resolution would be adopted later in the meeting, which would allow the request for displaying a banner across the street to be handled administratively.

MOTION

That permission be granted to the United Crusade to erect and maintain a wooden sign in the Courthouse Park during the month of October providing it complies with the structural safety regulations.

Moved by Adams Seconded by Anderson Unanimously carried

LETTERS FROM BUILDING AND CONSTRUCTION TRADES COUNCIL AND CARPENTERS LOCAL NO. 1235 RE: DIAGONAL PARKING ON F STREET BETWEEN 9TH AND 11TH STREETS 2-45

Letters were read from the Building and Construction Trades Council and the Carpenters Local No. 1235 requesting that diagonal parking be restored on F Street between Ninth and Eleventh Streets.

MOTION

That the request be referred to the staff for investigation and report back to the Council.

Moved by Robinson Seconded by Arata Unanimously carried

LETTER FROM ARCHITECT MILTON PFLUEGER RE: USE OF OLD HOTEL MODESTO AS A CITY HALL 2-105

City Manager Miller read a letter regarding the use of Old Hotel Modesto as a City Hall, from Architect Milton Pflueger, copies of which were sent to the Council members, which stated that he questioned the thought that conversion of this structure is feasible, or even more economical than a new structure of similar area on the same site."

A letter was read from R. L. Watson suggesting that the Council cancel the agreement with Mr. Pflueger, if possible to do so, and extend an invitation to local architects and engineers to draw plans and specifications for the remodeling of the Hotel building.

A general discussion was held by the Council and the following points were brought out:

1. That Mr. Pflueger should be invited to come to Modesto and discuss the matter with the Council;
2. That the Council meet as a committee of whole with Mr. Pflueger at a public meeting;
3. That local engineers & architects be called in to look at the building and submit their opinions to the Council;

4. That the Council has a contract with Mr. Pflueger and he has never had an opportunity to discuss this matter with the Council.

MOTION

That Mr. Pflueger be invited to speak to the Council and interested citizens on the methods of remodeling and the complete scope of remodeling or rebuilding the City Hall at the 11th and H Street site.

Moved by Adams Seconded by Hammond Unanimously carried

The Council suggested that October 2, 1956, be set as the date for the public meeting with Mr. Pflueger, if this could be arranged. It was also suggested that Mr. Pflueger be invited to inspect the Hotel Modesto building.

Phil Humphreys, who was present, stated that he felt the Council was on the "right track" in inviting Mr. Pflueger to discuss the matter with them. If the facts are known to the people and there is an opportunity to discuss them, he stated, than the Council should be able to come up with the right answer.

Councilman Robinson suggested that a volunteer citizen's group made up of citizens active in the building industry, look at the building and present the Council with a "construction man's" report on the remodeling of the building.

City Manager Miller suggested that the Council also invite Mr. Robert Dewell, Structural Engineer, to the meeting on October 2.

MOTION

That the City Manager invite Robert Dewell, Structural Engineer, to be present at the meeting to be held with Architect Pflueger.

Moved by Hammond Seconded by Robinson Unanimously carried

Mayor Marks read a letter from Frank Andrews relating to the construction of the Crown-Zellerbach building in San Francisco.

Further discussion was held on appointing a citizen's committee to inspect the building. Councilman Robinson pointed out that he felt the Council should have other facts and figures, submitted by local building people, to compare with those submitted by Mr. Dewell and Mr. Pflueger.

H. G. Zimmerman, who was present, felt that local building contractors should be asked to inspect the building and submit a report to the Council on their estimate of the cost to remodel the building. He also urged that the Council consider hiring a local architect to plan the City Hall building.

Mayor Marks pointed out that Mr. Pflueger had been hired by the former City Council because he was a specialist in planning public buildings. The City Manager pointed out that the contract with Mr. Pflueger provides that John Bomberger, a local architect, be associated with Mr. Pflueger in planning the City Hall building.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF STORM RELIEF PUMP STATION AT NINTH AND M.I.D. LATERAL NO. 4 6-55

The City Manager reminded the Council that the plans and specifications for the storm pump station at 9th Street and M.I.D. Lateral No. 4 had been approved previously by the Council and had gone to bid

but that all bids had been rejected. The fact that the water might be in the canals at the time of construction, he stated, was the reason the bids submitted had been so high. The staff was instructed to resubmit the plans and specifications in the fall, he stated.

Director of Public Works Ray stated that the only change in the plans and specifications was a notice to the effect that ordinarily the water is out of the canals by October 15. He stated that bids are to be received by Monday, October 8, 1956, at 2:00 P.M.

RESOLUTION NO. 56-385

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF STORM RELIEF PUMP STATION AT NINTH AND MODESTO IRRIGATION DISTRICT LATERAL NO. 4

Introduced by Adams

Seconded by Robinson

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

Noes: None Absent: None

FINAL ADOPTION OF ORDINANCE NO. 109-C.S. AMEND MUNICIPAL CODE RELATING TO CHANGES IN ZONING REGULATIONS 6-75

ORDINANCE NO. 109-C.S. entitled

AN ORDINANCE AMENDING SECTIONS 10-2.226, 10-2.253, 10-2.264, 10-2.302, 10-2.501, 10-2.701, 10-2.709, 10-2.801, 10-2.901, 10-2.1101, 10-2.1401, 10-2.1612, 10-2.1618, 10-2.1804, 10-2.1904, OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 10-2.226.1 AND 10-2.1621 THERETO, RELATING TO ZONING REGULATIONS,

was introduced on September 5, 1956, 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 Robinson

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

Noes: None Absent: None

ORDINANCE AUTHORIZING 30 M.P.H. SPEED LIMIT ON BRIGGSMORE AVENUE BETWEEN MCHENRY AVENUE AND TULLY AVENUE 6-80

ORDINANCE NO. 112-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 SECTION 2 OF ORDINANCE NO. 103-C.S.

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

CONSIDER AGREEMENT FOR PURCHASE OF HOTEL MODESTO PROPERTY 6-85

City Attorney Grimes reported that the ordinance approving agreement for the purchase of the Hotel Modesto property was not ready for introduction.

The City Manager reported on the method for financing the purchase of the property. He stated that \$200,000 had been allocated to the City Hall and Police Building Fund, but the balance would have to be transferred from other funds. He presented a detailed statement of Capital Outlay items in the current budget.

Mayor Marks suggested that consideration be given to transferring a portion of the money needed from the Parking Fund. The City Attorney pointed out that in order to use parking funds for a portion of the property it would have to be pro rated in relation to the area that would be used for parking.

MOTION

That the staff make a study to determine the allocations to be made from the Parking Fund.

Moved by Hammond Seconded by Arata Unanimously carried

CONSIDER AGREEMENT FOR PURCHASE OF T. SEYBOLD PROPERTY 7-20

ORDINANCE NO. 113-C.S., entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THEODORE W. SEYBOLD AND DOROTHY W. SEYBOLD"

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

The City Manager recommended that the funds for the purchase be charged to the General Street Improvement item in the Capital Outlay Program.

MOTION

That the funds for the purchase of the Seybold property be paid out of the General Street Improvement Fund.

Moved by Merrill Seconded by Arata Unanimously carried

RESOLUTION TRANSFERRING LIBRARY FUND 7-30

RESOLUTION NO. 56-386

A RESOLUTION APPROVING APPROPRIATION TRANSFER WITHIN THE LIBRARY FUND

Introduced by Adams Seconded by Arata

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

Noes: None Absent: None

REPORT ON PROGRESS OF DRYDEN PARK MUNICIPAL GOLF COURSE 7-35

The City Attorney presented a check in the amount \$2,200 for advance green fees on the Dryden Park Municipal Golf Course, on behalf of the Golf Course Committee. He outlined for council consideration, the provisions of the resolution authorizing the Director of Finance to accept payment of advance green fees.

RESOLUTION NO. 56-387

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ACCEPT THE PAYMENT OF ADVANCE GREEN FEES FOR THE PROPOSED EIGHTEEN HOLE GOLF COURSE AND TO ISSUE RECEIPTS THEREFOR, AND TO MAKE SUCH FUNDS AVAILABLE FOR USE IN FINANCING THE DEVELOPMENT OF THE EIGHTEEN-HOLE GOLF COURSE.

Introduced by Adams

Seconded by Robinson

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

Noes: None

Absent: None

The City Attorney reported on an offer from Leonard L. Whipple, "to provide skilled operators for the operation of equipment offered to the City without cost, to be utilized in rough grading of the proposed eighteen-hole municipal golf course" at a rate of \$2.50 per hour.

MOTION

That the Council indicate its willingness to accept the proposal of Mr. Whipple and authorize the City Manager to proceed in accordance with the proposal.

Moved by Merrill

Seconded by Arata

Unanimously carried

The City Manager reported that the staff was still working on the possibility of including a "hiking and riding trail" around the golf course.

FURTHER CONSIDERATION OF REQUEST FOR SEWER SERVICE - SWOPE PROPERTY 7-120

Planning Director Smeath submitted a report on the Montgomery Village Subdivisions No. 1 and No. 2 relating to its location near the Cavil Drain. He presented the following proposal which the Council Committee and the staff had worked out:

1. That, if agreeable to the M.I.D., recommended by the City, there be a 20' alley immediately south of the south property line of the subdivision and occupying the north 20' feet of the Cavil Drain 50' easement and that the utility easements, sewer and water, be placed in this 20' alley if an irrevokable or non-revokable easement is obtained;
2. That the other 30' of the right of way or easement would be M.I.D. use exclusively and the entire 50' would be available for M.I.D. purposes when needed.

He stated that if the alley or utility easement was not available, then the recommendation was that the City approve the subdivision with streets and with utilities and garbage and trash collection coming in the streets facing the lots.

Councilman Adams, member of the Council Committee, stated that the above proposal was the Committees' recommendation to the Planning Commis-

sion after having studied the matter. Before any further action can be taken, he stated, the Council should approve the proposal in principle. Councilman Adams pointed out that the services and utilities could be provided in the street in front of the houses at a nominal cost.

MOOTION

That the Council approve in principle the recommendations of the Council Committee on the Civil Drainage.

Moved by Mayor Marks Seconded by Arata Unanimously carried

Director of Public Works reported on the furnishing of sewer service to the Montgomery Village, Map No. 2. He pointed out that Montgomery Village has been formally designated as the Francek property which was granted conditional approval for sewer service by the Council in January. He stated that there are approximately 900 feet of 10 inch subtrunk sewer service to be installed which estimated cost would be about \$4500. The city is the owner of a parcel of 90 acres, he stated, would be \$2500 with the balance to be paid by the subdivider of the Montgomery Village. He stated that he would like an agreement with the subdividers should be provided whereby they would guarantee the construction of a certain number of lots in order to insure some return on the investment of the City in this project.

MOOTION

That the Council approve in principle the recommendations of the Director of Public Works to furnish sewer service to this area.

Moved by Arata Seconded by Adams Unanimously carried

RESOLUTION AUTHORIZING GENERAL CITY ENGINEERING WORK ON NEEDHAM AVENUE AT 15TH STREET § 115

RESOLUTION NO. 56 888

A RESOLUTION RESCINDING A PORTION OF RESOLUTION NO. 9498 M.S. ENTITLED "A RESOLUTION ESTABLISHING 10 PARKING ZONES ON NEEDHAM AVENUE ON THE SOUTH SIDE BETWEEN ST. PERRY'S STREET AND L STREET AND ALSO ESTABLISHING A CROSSWALK ACROSS NEEDHAM AVENUE IN THE CITY OF MODESTO

Introduced by Merrill Seconded by Robinson

Ayes: Adams Anderson Arata Hancock Merrill Robinson and Mayor Marks
Noes: None Opponents: None

RESOLUTION AUTHORIZING YIELD SIGNS ON SANTA CRUZ AT HADDON § 120

RESOLUTION NO. 56 889

A RESOLUTION AUTHORIZING THE ERECTION OF YIELD RIGHT OF WAY SIGNS ON CERTAIN STREETS IN THE CITY OF MODESTO

Introduced by Robinson Seconded by Arata

Ayes: Adams Anderson Arata Hancock Merrill Robinson and Mayor Marks
Noes: None Opponents: None

RESOLUTION AUTHORIZING OFFER OF SETTLEMENT OF THE CASE OF THE CITY OF
MODESTO vs. JOHN J. MAGGI, ET AL 8-120

RESOLUTION NO. 56-390

A RESOLUTION AUTHORIZING OFFER OF SETTLEMENT OF CITY VS. JOHN J. MAGGI, ET AL (AIRPORT PROPERTY)

Introduced by Arata Seconded by Anderson

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

Noes: None Absent: None

RESOLUTION ESTABLISHING POLICY ON GRANTING OF PERMITS TO DISPLAY BANNERS
AND DECORATIONS ON STREETS AND RESCINDING RESOLUTION NO. 56-113 8-125

The City Manager reported that the proposed resolution would provide that the administrative staff would be authorized to grant approval for the placing of the banners on the city streets.

RESOLUTION NO. 56-391

A RESOLUTION ESTABLISHING POLICY ON GRANTING OF PERMITS TO DISPLAY BANNERS AND DECORATIONS OVER AND ACROSS STREETS IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 56-113

Introduced by Robinson Seconded by Hammond

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

Noes: None Absent: None

RESOLUTION ESTABLISHING RENTAL SCHEDULE AND OPERATING POLICY FOR MODESTO
COMMUNITY SERVICE CENTER 9-10

RESOLUTION NO. 56-392

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ESTABLISHING A RENTAL SCHEDULE AND OPERATING POLICY FOR THE MODESTO COMMUNITY SERVICE CENTER

Introduced by Merrill Seconded by Arata

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

Noes: None Absent: None

RESOLUTION ACCEPTING THE MILLER AVENUE TRUNK SEWER 9-15

A RESOLUTION ACCEPTING THE CONSTRUCTION OF MILLER AVENUE SANITARY TRUNK SEWER FROM CONTRACTOR WILLIAM H. SHALLOCK

Introduced by Adams Seconded by Robinson

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

Noes: None Absent: None

REPORT ON EDITORIAL IN THE JUDGES, MARSHALLS AND CONSTABLES MAGAZINE OF
JUNE, 1956, ON PROPOSAL FOR MORE SEVERE PENALTIES FOR TRAFFIC VIOLATIONS 9-20

The City Manager reviewed a report by Police Chief Neel on

stepped up traffic enforcement and accidents, a copy of which is on file with the records of this meeting.

An editorial in the Judges, Marshalls and Constables Magazine of June, 1956, was read by the City Manager, regarding a proposal for more severe penalties for traffic violations.

MOTION

That the Council favor a general program of a more persistent, vigorous drive for a reduction in accidents.

Moved by Adams Seconded by Robinson Unanimously carried

REPORT ON ACTION BY BOARD OF SUPERVISORS ON FRANCHISE FOR GARBAGE DISPOSAL AREA 9-105

The City Manager reported on a meeting of the Board of Supervisors which he had attended in regard to the granting of a franchise for a garbage disposal area. He stated that the Board has granted a 10 year franchise to Mr. Greer for a disposal area. He advised the members of the Board, he stated, that he would recommend to the Council that it continue to have or obtain a disposal area closer to the City. The Council agreed that the staff proceed on that basis.

FURTHER REPORT ON REQUEST OF THE COUNCIL FOR INFORMATION ON SALES TAX EXEMPTIONS 9-125

At the request of the City Council, the City Manager reported on the amounts that would be involved if the sales tax exemptions were eliminated. From the information available, he stated, approximately \$100/110,000 is granted each year by the City on the exemptions.

MOTION

That the City Attorney be instructed to prepare an ordinance to remove the exemption in the Sales Tax provision relating to property which is purchased for use solely in connection with a business operated outside the city.

Moved by Robinson Seconded by Arata Unanimously carried

REPORT ON PROPOSED COUNTY BOND ISSUES 10-55

Mayor Marks read a report which he had requested the City Manager to prepare, regarding the proposed County \$5,000,000 bond issue for county roads and bridges, and what effect it would have on the City.

A general discussion was held by the Council on whether it should take a stand on supporting the bond issue and whether the County should be asked to allocate a part of the bond money to the cities for street improvements.

The City Manager suggested that the matter be discussed at the next City-County Meeting, before the Council took any action on it.

MOTION

That the matter of the bond issue for county roads and bridges be placed on the agenda for the next City-County meeting.

Moved by Hammond Seconded by Robinson Unanimously carried

REPORT ON THE HEARINGS REGARDING THE MODESTO STATE HOSPITAL 11-20

The City Manager reported that he had attended the hearing on the Modesto State Hospital and had presented to the Committee of the Assembly, the statement which had been issued by Mayor Marks regarding the situation at the hospital. He stated he had told the Committee that the City considered the institution an important part of the community and pointed out how the City had cooperated with the hospital in every way possible. He assured them of the city's interest in seeing the matter cleared appropriately and that the City would work with them to assure that the institution would be a credit to the Department and to the State.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Hammond Seconded by Anderson Unanimously carried

The meeting was adjourned at 6:35 P.M.

ATTEST: Anne M. Collins
ANNE M. COLLINS, ACTING CITY
CLERK

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Pro Tempore Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Adams, Anderson, Arata, Merrill Robinson and Mayor
Pro Tempore Hammond
Absent: Mayor Marks

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

Rev. Raymond Thompson, pastor of the McHenry Avenue Grace Brethren Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of September 5, 12 and 17, 1956, and the same being available for public inspection and there being no objections, the minutes were approved.

RESOLUTIONS FROM VETERANS ORGANIZATIONS RELATING TO OBSERVANCE OF UNITED STATES DAY 1-42

Resolutions from the American Legion and Veterans of Foreign Wars urging the observance of United States Day on October 23, 1956, were read. Charles V. Duncan spoke on behalf of both organizations requesting the issuance of a proclamation by the Mayor. Mayor Pro Tempore Hammond directed that copies of the resolutions be sent to the Council members for their study and the matter be considered further at the next regular council meeting.

LETTER FROM FRANK ANDREWS RELATING TO FRANCHISE FOR MODESTO IRRIGATION DISTRICT 1-95

A letter from Frank Andrews was read demanding that the city bill the Modesto Irrigation District for money due for the use of the city streets during the past four years and to require the District to obtain a franchise from the city as set forth in Section 1406 of the Charter.

Frank Andrews spoke on behalf of his recommendation.

City Attorney Grimes reviewed the opinion he had rendered on this matter when a prior request was presented by Mr. Andrews. He outlined the alternatives available to the Council and pointed out that it was a matter of policy for the Council to decide what action it wished to take.

MOTION

That the matter be referred to the Cavil Drain Committee for further study.

Moved by Adams Seconded by Merrill Unanimously carried

City Manager Miller pointed out that the Council had asked that if there was any question about this franchise provision that as a matter of equity they consider different rates for governmental agencies when they did use the streets, etc. There was no favorable action on this request by the District, he reported.

LETTER FROM MODESTO CITY SCHOOLS OFFERING TO SELL PORTION OF OLD FRANKLIN SCHOOL FOR CITY PARK PURPOSES 2-50

A letter from the Modesto City Schools offering to sell a portion of the Old Franklin School property for city park purposes for \$6700, was read. The City Manager pointed out that this park would replace the Maze Wren Park which would be needed in the Freeway project and which was being condemned by the state for this purpose. He reported that the staff had been working with the state on the appraisal of the improvements at the park and the matter would be presented as soon as a firm report was available. He recommended that the city purchase this site for a park replacement.

MOTION

That the City Attorney be instructed to prepare the necessary documents to purchase the property for Council consideration.

Moved by Arata Seconded by Anderson Unanimously carried.

LETTER FROM EILEEN SCHMIDT 2-70

A letter from Eileen Schmidt, 619 13th Street, was read relating to city activities, and ordered filed.

REQUEST FROM CHURCH WORLD SERVICE CENTER FOR RESERVED PARKING 2-85

A request was filed by the Church World Service Center that parking be prohibited in the two parking meter spaces directly in front of its 1010 Ninth Street building for the hours from 6:00 P.M. to 9:00 P.M. on Thursday, September 27, on the occasion of its open house celebration.

MOTION

That the request be granted and the staff be authorized to work out the traffic details

Moved by Merrill Seconded by Arata Unanimously carried

The City Manager pointed out that many similar requests were filed and asked if the Council wished to authorize the staff to handle these special cases administratively in the new Traffic Ordinance which will be presented for Council consideration shortly. The Council indicated its willingness for the staff to handle these cases in this manner and that provisions be included in the new ordinance.

LETTER FROM STATE OF CALIFORNIA - GOVERNOR'S TRAFFIC SAFETY COMMITTEE 2-120

A letter was read from the State Governor's Traffic Safety Committee congratulating the city for winning awards for traffic safety activity and inviting the city to be represented at the banquet being held October 3 during the conference. The City Manager stated that no Council action was necessary and that Traffic Engineer Carmody planned to attend and would represent the city, which was approved by the Council.

LETTER FROM FRANKLIN AND DOWNS 3-1

A letter addressed to Mayor Marks from Mr. Lew Franklin was read, commending the elected officials in selecting the site for the city hall at 11th and H Streets.

HEARING ON ONE-WAY STREET PROPOSAL 3-20

Mayor Pro Tempore Hammond announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the proposal for a one-way street program in the city.

He read a letter from Dan Soranno and Everett Shelbourne objecting to the one-way street program.

A letter from Morey Appelbaum, President of the Modesto Retail Merchants, Downtown Division, was read. The letter stated that the Board of Directors of the Association had voted to approve the establishment of Stage No. 1 of the one-way street program.

The City Manager reported on the publicity given to the hearing being held at this time.

Mayor Pro Tempore Hammond asked for oral comments.

Edward T. Taylor, Sr., 1016 12th Street, asked upon what basis the one-way street proposal was being made--whether it was made on traffic count and what elements entered into the proposal.

Mayor Pro Tempore Hammond asked Traffic Engineer Carmody to briefly outline the proposed program.

Mr. Carmody reviewed his report, copies of which had been previously distributed to the Council and filed with the City Clerk. He cleared several matters raised in the letter from Soranno and Shelbourne which were erroneous--that the city has no jurisdiction over the parking in the courthouse park and that left hand turns were permitted on one-way streets. He displayed charts outlining the proposed stage one which would call for traffic to travel south on Tenth Street from D to Needham and north on Eleventh Street and east on H Street and west on I Street. He also displayed charts showing the proposed complete one-way street system for the city, and outlined the reasons for the proposed system. He reported on the proposed location of traffic signals for the one-way street system. He stated that stage one was designed to separate rather than to cross major movements.

Mr. Taylor asked 1) if the traffic count was made on an all day basis or separated into hours so that the peak load of the traffic was determined, 2) if it would not be better to remove the side street parking and double the size of the streets or 3) have a one-way street for certain hours during the rush hours, 4) whether the other cities which have the one-way streets are comparable in size to Modesto, 5) whether the city actually needs one-way streets at this time.

Mr. Carmody stated that recording counters had been used in the traffic count, and the traffic determined over a 24 hour period for a seven day period and that seasonal counts had also been made. He stated that the department had assembled a great deal of data on all of the principal streets in the downtown area over a period of years. He reported on the data assembled on various cities throughout the nation which had established one-way streets. He discussed the problems of convertible one-way streets proposed by Mr. Taylor, which would result in some confusion and accidents and a larger expense since the street must be converted either manually or with signs. This type of street would also require many more traffic signal, increasing the cost materially. He pointed out that no parking suggested by Mr. Taylor would increase the capacity of the streets but that was severe for what was needed. Parking is necessary and costly, he pointed out.

Questions and points raised by Walter Crow and Dr. Ruston Maino were answered by Traffic Engineer Carmody.

Mayor Pro Tempore Hammond declared the hearing closed.

DISCUSSION ON COSTS OF PLACING THE ONE-WAY STREET PROGRAM IN FORCE 5-80

The Traffic Engineer estimated the cost for stage one of the one-way streets for 7 traffic signals and signing to be approximately \$24,000 less

\$1500 for state participation in the cost of the signal at 10th and D Streets, which could be financed with the \$25,000 allotted in the Capital Improvement program for 1956-57.

The City Manager reminded the Council that the grade crossing protection, which is now being considered by the Public Utilities and Railroad, would have to be financed in a different manner if all these funds were used for one-way streets.

MOTION

That the matter of one-way streets be taken under submission for one week until a more detailed report of the cost, of both the traffic signals, signing and grade crossing protections and the element of timing can be furnished by the staff.

Introduced by Anderson Seconded by Arata Unanimously carried

ACCEPT BID OF JESSE E. WAGONER FOR CONSTRUCTION OF PUMP HOUSES 5-110

A tabulation of the bids received for the construction of pump houses at Wells No. 3 and 18, which had been opened at 2:00 P.M., September 24, were distributed for Council consideration. Director of Public Works Ray recommended that the bid of \$2,386 submitted by Jesse E. Wagoner be accepted as it was the lowest bid.

RESOLUTION NO. 56-394

A RESOLUTION ACCEPTING THE BID OF JESSE E. WAGONER FOR THE CONSTRUCTION OF PUMP HOUSES NO. 3 AND 18

Introduced by Robinson Seconded by Adams

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore
Hammond

Noes: None Absent: Mayor Marks

ACCEPT BID OF M. J. RUDDY & SON FOR PAVING MATERIALS FOR FISCAL YEAR 1956-57 5-125

A tabulation of the bids received for the furnishing of paving materials for the fiscal year ending June 30, 1957, which had been opened at 3:00 P.M. September 24, was furnished the Council for its consideration.

The Director of Public Works recommended the acceptance of the bid submitted by M. J. Ruddy & Son as it was the lowest bid submitted.

RESOLUTION NO. 56-395

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON FOR THE FURNISHING OF PAVING MATERIALS FOR THE FISCAL YEAR ENDING JUNE 30, 1957

Introduced by Merrill Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore
Hammond

Noes: None Absent: Mayor Marks

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR STORM AND INDUSTRIAL SEWER BY PASSES AND OUTFALLS 6-1

Plans and specifications for storm and industrial sewer by-passes and outfalls were presented for Council consideration.

RESOLUTION NO. 56-396

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR STORM AND INDUSTRIAL SEWER BY-PASSES AND OUTFALLS

Introduced by Robinson

Seconded by Adams

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks

The time set for the opening of bids was 2:00 P.M., October 15, 1956.

ADOPTION OF ORDINANCE NO. 110-C.S. RELATING TO INDUSTRIAL WASTE CHARGES 6-50

ORDINANCE NO. 110-C.S. entitled:

"AN ORDINANCE AMENDING SECTIONS 5-6.201, 5-6.206, 5-6.207 and 5-6.208 OF ARTICLE 2 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE, REPEALING SECTIONS 5-6.211 AND 5-6.213 OF SAID CODE AND REPEALING ORDINANCE NO. 21-C.S. RELATING TO INDUSTRIAL WASTE CHARGES"

introduced on September 12, 1956, 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: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks

ADOPTION OF ORDINANCE NO. 111-C.S. PURCHASE OF FINNEY PROPERTY 6-55

ORDINANCE NO. 111-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM E. K. FINNEY AND MINNIE W. FINNEY"

introduced on September 12, 1956, 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 Anderson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks

APPROVE AGREEMENT WITH SCHOOLS FOR NURSING SERVICES 6-60

RESOLUTION NO. 56-397

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY SCHOOL DISTRICT, THE MODESTO HIGH SCHOOL DISTRICT AND THE MODESTO JUNIOR COLLEGE DISTRICT FOR NURSING SERVICES TO THE SCHOOLS

Introduced by Merrill

Seconded by Robinson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks

APPROVE AGREEMENT WITH SCHOOLS FOR AFTER SCHOOL RECREATION 6-62

RESOLUTION NO. 56-398

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 Anderson

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Mayor Marks

ORDINANCE APPROVING AGREEMENT FOR THE PURCHASE OF REAL PROPERTY FROM ISABEL M. HEIMANN, HARRY D. CROW, LENNA B. CROW AND DORIS E. WILLIAMS 6-75

Terms of a proposed agreement between the City and Isabel M. Heimann, Harry D. Crow, Lenna B. Crow and Doris E. Williams, relating to the purchase of lots 10 to 16, inc., in Block 69, (Hotel Modesto) for the sum of \$250,000 were outlined by City Attorney Grimes for the consideration of the Council.

ORDINANCE NO. 114-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 by Merrill

Seconded by Anderson

Before the vote was taken, Mayor Pro Tempore Hammond asked if there was anyone in the audience who wished to make any comments.

Robert Bomberger recommended that the city have the property appraised by competent appraisers and if necessary go to condemnation proceedings to buy the property. He considered that the asking price of \$250,000 was out of line. He stated that the Council would be subject to severe criticism by the taxpayers for arbitrarily attempting to set a value on a piece of property of that type, when there are people who make a speciality of appraising property who are in much better position to place a value on the property than the City Council. He stated that the appraisal might be higher than the asking price, \$250,000 but he did not believe that the property was worth that much and a lot of other taxpayers did not believe it either. After a complete study was made of the structural soundness of the existing building, he stated, it might be possible that the property would be worth the value of the land, less the cost of removing the existing building. He stated that he was not arguing the location--that he was not in favor or not against---but he believed before any agreement was made by the city to purchase it, it should be appraised. He contended that waiting for 30-45-60 days would not make any difference in getting a city hall built if it would save the taxpayers \$50/75,000 difference in cost. He estimated the cost of an appraisal to be \$500/\$1,000. The property has been in this condition since 1944-45, he stated, and on the market most of these years at prices ranging from \$350,000 down; there had not been a buyer yet and the city should not worry about somebody buying the property ahead of them for \$250,000. He pointed out that this was not the only blighted spot in the city and this should not be taken into consideration.

Points made in the Council discussion:

- 1- That there are other values and other contingencies that were considered in connection with the proposal to buy the property;

- 2- That the price had been predicated on the adjacent property recently purchased by the Parking Authority;
- 3- That an insurance company had appraised the property for a loan for a greater amount than the city was paying;
- 4- That if the council procrastinated to have an appraisal it would cost the taxpayers more money by not getting a new city hall;
- 5- That the Council had weighed the advantages and disadvantages of condemnation proceedings;
- 6- That the Council was interested in removing a blighted spot in the town.

The City Manager stated that the Council had chosen this location, taking into consideration many factors, but that no precise appraisal had been made, although estimates had been presented by a number of persons.

The City Attorney stated, for the protection of the Council, he wished to point out that in determining the site it was proper to take into consideration all of these factors that had been mentioned, but in determining the price, the Council had the responsibility only to pay a fair compensation for the property---its market value. In a condemnation proceeding, that would be determined by the jury based on evidence given by competent appraisers hired on both sides.

Tod Campbell considered the Council was moving too fast---that the property should not be purchased until after the hearing scheduled for next Monday night when Mr. Dewell and Mr. Pflueger would discuss the soundness of the existing hotel building for remodeling as a city hall. He brought up the point of the type of remodeling proposed---whether it would be sub-standard.

Mayor Pro Tempore Hammond pointed out that the type of construction would be decided after the public hearing on Monday night.

The City Manager advised the Council that if it wished to take the time that it could get a reasonably firm judgment on the part of professional people on the value of this property within a few days.

The City Attorney informed the Council that while this sounded unfair that---public agencies did not have to go through with the condemnation proceedings if the price is more than the agency is willing to pay that they can abandon the proceedings by paying the court costs that are involved. He outlined the procedure used by an appraiser when appraising property, which normally might take 100/200 hours of investigation and work in determining the value of property and the price may run from \$500/\$1,000.

The City Manager pointed out that he had suggested that the way to determine the value of the land was to get an appraiser and that informal estimates indicated that the value of the land was substantially lower than the figures used by others.

Councilman Robinson suggested that an appraisal be made on the land only.

Councilman Anderson considered that when there was a possibility of saving the tax payers \$50,000 that an appraisal should be considered. He withdrew his second to the motion for the adoption of Ordinance No. 114-C.S.

The City Manager suggested that if there was any doubt of the value of the land that before the final decision was made the Council should have an appraisal. He pointed out that the Council would be in a stronger position since it could go to court if necessary.

Councilman Anderson considered that the owners should not be adverse to extending their option which will expire on October 1, for a longer term.

Mayor Pro Tempore Hammond stated that the Council had spent a lot of time discussing this property from many angles---the possibility of saving money from the condemnation standpoint. He considered that as a representative of this community that the Council would be serving the best interest of the community by proceeding with the purchase of the property at this time.

Councilman Robinson seconded the motion on the adoption of Ordinance No. 114-C.S.

Ayes: Adams, Arata, Merrill, Robinson, and Mayor Pro Tempore Hammond

Noes: Anderson Absent: Mayor Marks

The City Attorney pointed out that the adoption of the ordinance could be made final at the next regular Council meeting or five days after its introduction and 3 days after its publication in the official newspaper of the city. He pointed out that it would be legal to consider the final adoption at the proposed adjourned meeting to be held on Monday, October 1, the final date of the option on the property.

MOTION

That the owners be contacted and be asked by the City Manager for an extension of the option in order to make an appraisal of both the land and building which would be fair to both the city and the owners and that the appraisal be made by a competent appraiser, who is a member of the American Institute of Appraisers.

Moved by Anderson

Seconded by Adams

Councilman Robinson moved to amend the motion to withhold any contact with the owners and to attempt to obtain this appraisal before next Monday's meeting and after that time decide whether the city should contact the owners. He later withdrew his proposed amendment to the motion.

Phil Humphreys, Realtor, stated that on a comparable basis, giving no weight to the corner influence the figure somewhere in the range of \$180,000/185,000 is a resulting comparable figure for the land, giving no weight to the value of any improvements that may exist on the property at the present time. On that basis there is a value of somewhere in the range of \$60,000 for the improvements at the present time.

The City Manager reminded the Council that this was the sort of figure which it had had on values and that the parking property adjoining the Hotel property was bought without any formal appraisal.

Mr. Frank Andrews stated that when he was circulating the petition, which was previously filed with the Council relating to the purchase of this property, he had only found 1% of the persons contacted opposed to the purchase. He objected to the delaying tactics of Mr. Bomberger.

Mayor Pro Tempore Hammond directed the Clerk to call the roll on the motion at this time.

Ayes: Adams, Anderson, Robinson

Noes: Arata, Merrill, Hammond

Mayor Pro Tempore Hammond declared that the motion did not carry.

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR THE HOTEL MODESTO PROPERTY 10-90

The City Manager presented a report on funds which could be used in financing the City Hall, a copy of which is on file with the records of this Council meeting. The City Manager reported that he had checked with the County and learned that there was no specific allocation in this year's budget for the construction of Dennett Dam, and the prospects for the construction this year were not bright. The report called for the appropriation transfer of \$103,000 to the city hall project, \$40,000 from the Parking fund; \$62,912 from the Capital Outlay fund (\$40,000 Dennett Dam and \$12,912 from Land acquisition-Parks, the latter being the amount expended for the Moose property.)

Councilman Anderson also presented a suggested method for financing the purchase and construction of the property for a city hall.

RESOLUTION NO. 56-399

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR THE PURCHASE OF PROPERTY FOR A CITY HALL SITE

Introduced by Merrill

Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Nees: None Absent: Mayor Marks

There was a general discussion on the proposal to transfer parking meter funds to be used in the purchase of the property, which was based on a premise that a portion of the site would be used for public off-street parking. Robert Bomberger raised a number of questions on the proposal which were explained by Traffic Engineer Carmody. The City Manager pointed out that the allocation could be changed as developments occurred but the figure of \$40,000 was made on the basis of the estimate of the value of the corner lot, divided by two and on the basis that approximately one-half of it would be public parking.

Mr. Bomberger again protested to the purchase of the property without an appraisal.

City Attorney Grimes stated that to clear the legal point again that he wished to express the legal principle involved so that all members of the Council may know what they are doing in the event of a taxpayers suit. That if any of the parking meter funds are expended for this property there must be devoted for off-street public parking a portion of the total value of the property equal to the amounts of money taken from the parking meter fund.

LETTER FROM C. D. NATTINGER & CO. RE: ANNUAL AUDIT OF CITY RECORDS 11-120

A letter received from Chester D. Nattinger & Company was read relating to its audit of the city records for fiscal year ending June 30, 1956.

The City Attorney suggested, to which the Council concurred, to consider the adoption of Ordinance No. 114-C.S. at the adjourned regular Council meeting to be held on Monday, October 1, since the option would expire on October 1.

RESOLUTION DENYING THE APPLICATION OF DAN C. RICHARDSON FOR REZONING OF PROPERTY ON STODDARD AVENUE 12-5

Resolution No. 347 adopted by the Modesto City Planning Commission on September 18, reaffirming its recommendation to the Council regarding the request of Dan C. Richardson for an amendment to Zoning Map Section 29,

reclassifying certain properties on Stoddard Avenue near the M.I.D. Lateral No. 4 from R-2 to R-3 Zone, was read.

RESOLUTION NO. 56-400

A RESOLUTION DENYING APPLICATION OF DAN C. RICHARDSON FOR AN AMENDMENT TO ZONING MAP, SECTION 29

Introduced by Arata

Seconded by Merrill

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

AUTHORIZE RELEASE OF SUBDIVISION BOND FILED BY JOE MINENI, JR. TO GUARANTEE IMPROVEMENTS IN THE DOWNEY MANOR SUBDIVISION 12-25

A report was filed by the Director of Public Works stating that the improvements in the Downey Manor Subdivision had been completed by the subdividers, Joe Mineni, Jr., Nina Mineni, and Retha Fukui and that it was in order to release the surety bond filed to guarantee the improvements.

RESOLUTION NO. 56-401

A RESOLUTION AUTHORIZING THE RELEASE OF SURETY BOND TO JOE MINENI, JR., NINA MINENI AND RETHA FUKUI TO GUARANTEE IMPROVEMENTS IN DOWNEY MANOR SUBDIVISION

Introduced by Anderson

Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

MATTERS RELATING TO DEFENSE RECREATION COMMITTEE AND PARKING COMMISSION 12-30

The City Attorney recommended that since the Defense Recreation Committee and the Park Commission had been inactive for the past five years, that Resolution No. 5851-N.S. and Ordinance No. 573-N.S. be cancelled.

RESOLUTION NO. 56-402

A RESOLUTION RESCINDING RESOLUTION NO. 5851-N.S. ENTITLED A RESOLUTION RESCINDING RESOLUTION NO. 5665-N.S. ENTITLED A RESOLUTION AUTHORIZING THE RECREATION COMMISSION TO HANDLE DEFENSE RECREATION AND APPOINTMENT OF MEMBERS OF THE DEFENSE RECREATION COMMITTEE OF MODESTO

Introduced by Merrill

Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

ORDINANCE NO. 115-C.S. entitled

AN ORDINANCE REPEALING ORDINANCE NO. 573-N.S. ENTITLED 'AN ORDINANCE PROVIDING FOR THE CREATION AND ORGANIZATION OF A BOARD OF PARK COMMISSIONERS AND REPEALING ORDINANCES NO. 377-N.S., 439-N.S. AND ORDINANCE NO. 83-N.S. ENTITLED 'AN ORDINANCE REGULATING THE PLANTING, REMOVAL AND CARING FOR TREES AND SHRUBS IN THE STREETS OF THE CITY OF MODESTO AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

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

Moved by Arata

Seconded by Adams

Ayes: Adams, Anderson, Arata, Merrill, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks

CLEAR SALES TAX EXEMPTIONS TO BE INCLUDED IN PROPOSED AMENDMENT TO MUNICIPAL CODE 12-40

The City Attorney stated that in drafting the proposed amendment to the Code, which the Council had directed, relating to the elimination of certain sales tax exemptions, he had encountered two problems. The present code regulations eliminates sales tax for state and other political subdivision and also on the construction, repair, and alteration of public works or buildings belonging to or constructed on behalf of any public agency. The new model League ordinance, he stated, does not include these exemptions. Although the city was not yet under the uniform act, the Council agreed that it would be in order for the City Attorney to eliminate these two exemptions.

MOTION

That the City Attorney be instructed to remove the two exemptions in the draft of the ordinance.

Moved by Merrill

Seconded by Anderson

Unanimously carried

CONSIDER MATTERS RELATING TO PARKING 12-75

It was agreed by the Council members that copies of the report of the Council Parking Committee should be sent to them and that the consideration of the recommendations in the report be placed on the agenda of the next regular Council meeting.

was read

An offer from J. C. Crouch of Giddings Brothers to sell to the city for parking purposes lots 10 to 13, inc., in Block 86 and for lease, lots 22 to 24, inc., in Block 86. This offer was referred to the Council Parking Committee and staff for study and recommendation.

The Traffic Engineer reported on signed offers received for leasing properties located on the west side of Tenth Street, between K and L Streets, to be used for off-street parking. Councilman Hammond recommended that the matter of leasing these properties be held over until the Council Parking Committee's report was again reviewed.

MOTION

That the matter of the leases be referred to the Council Parking Committee for investigation and recommendation.

Moved by Arata

Seconded by Anderson

Unanimously carried

SET DATE FOR HEARING ON APPLICATION OF EDWARD T. TAYLOR FOR AMENDING ZONING MAP NO. 32 TO REZONE LOTS 13 AND 14, BLOCK 340 FROM R-2 TO R-3 13-80

RESOLUTION NO. 56-403

A RESOLUTION OF THE MODESTO CITY COUNCIL SETTING DATE FOR A PUBLIC HEARING ON AN AMENDMENT TO ZONING MAP SECTION 32 (TAYLOR PROPERTY)

Introduced by Merrill

Seconded by Arata

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

The time set was 4:30 P.M. October 17, 1956, in the Council Chamber.

REPORT FROM PLANNING COMMISSION REFERRING THE UNITED STATES TIRE SALES CASE TO THE COUNCIL 13-70

A letter from the Modesto City Planning Commission referring the U. S. Tire Sales and Service case to the Council without any recommendation was read.

A request was filed by Attorney Francis W. Halley to forego consideration of this problem until October 10.

The City Manager suggested that the matter be held over until this time to give the Council an opportunity to investigate the matter.

No special time was assigned for the consideration of the matter, but the Clerk was directed to send a copy of the agenda to Attorney Halley and to send the Council members a copy of the file on the case prior to the meeting.

MOTION

That the matter be held over until the Council Meeting of October 10.

Moved by Anderson Seconded by Arata Unanimously carried

Councilman Merrill left the meeting at this time.

SET DATE FOR CLOSING OF E STREET BETWEEN FOURTH AND SIERRA DRIVE 13-85

Resolution No. 346 adopted by the Planning Commission recommending to the Council, the closing of E Street between Fourth and Sierra Drive, was read.

RESOLUTION NO. 886-S.P.
 RESOLUTION OF INTENTION NO. 254

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF E STREET BETWEEN FOURTH STREET AND SIERRA DRIVE IN THE CITY OF MODESTO

Introduced by Arata Seconded by Adams

Ayes: Adams, Anderson, Arata, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Merrill and Mayor Marks

The time for the hearing was set for 4:15 P.M., October 17.

RESOLUTION APPROVING RENEWAL OF LEASE AGREEMENT WITH CARL W. SHANNON FOR THE OFFICE OF THE CITY ATTORNEY TERM OF ONE YEAR COMMENCING OCTOBER 16, 1956 13-90

RESOLUTION NO. 56-404

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 Arata Seconded by Adams

Ayes: Adams, Anderson, Arata, Robinson and Mayor Pro Tempore Hammond

Noes: None Absent: Merrill and Mayor Marks

APPROVE AGREEMENT FOR RENTAL OF OFFICE SPACE IN THE MODESTO COMMUNITY SERVICE CENTER TO THE YOSEMITE AREA COUNCIL BOY SCOUTS OF AMERICA 13-100

As directed by the Council, the City Attorney presented an agreement for Council consideration between the city and the Yosemite Area Council Boy Scouts of America for the rental of office space in the Modesto Community Service Center for a term of five years. Conditions of the agreement were outlined by the City Attorney for Council information.

ORDINANCE NO. 116-C.S. entitled

AN ORDINANCE APPROVING A LEASE AGREEMENT WITH THE YOSEMITE AREA COUNCIL BOY SCOUTS OF AMERICA RELATING TO THE RENTAL OF CERTAIN ROOMS 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 Anderson

Seconded by Arata

Ayes: Adams, Anderson, Arata, Robinson and Mayor Pro Tempore Hammond

Noes: None

Absent: Merrill and Mayor Marks

Councilman Merrill returned at this time.

GRANT PERMIT TO CARSON TAYLOR FOR OPERATION OF SOUND TRUCK IN THE BUSINESS AREA 13-120

Carson Taylor appeared before the Council on behalf of the Stanislaus County Democratic Campaign Committee, requesting permission to operate a loud speaker in the commercial zone during the morning hours on October 3 for approximately two hours to advertise the candidacy of Richard Richards, State Democratic Senator.

MOTION

That the request be granted on the conditions set forth in the municipal code.

Moved by Anderson

Seconded by Robinson

Unanimously carried

WORLD WAR I BARRACK FILE RESOLUTION REGARDING VETERANS DAY 14-10

F. G. Patterson representing the World War I Barrack appeared before the Council and read a resolution adopted by the group relating to Veterans Day November 11.

The Clerk was instructed to send copies of the resolution to the Council members and to place the matter on the agenda for further consideration at the next Council meeting.

REPORT BY POLICE CHIEF NEEL ON CHANGE IN HOURS OF OPERATION OF SKATING RINKS 14-120

Police Chief Neel reported on the request filed by Attorney Nathan McVay on behalf of F. Alford, operating the Merry Garden Skating Rink, for an amendment to the code to extend the hours of operation of skating rinks. He stated that a new rink would also be operating on Tully Avenue near the Junior College. The operator of this rink he stated is also interested in having the hours changed.

Attorney Fulford associated with Attorney McVay and H. S. Henshaw the operator of the new rink both presented their requests for the extending

of the hours of operation.

MOTION

That the City Attorney be instructed to prepare an amendment to the Municipal Code to provide for the closing hours of the skating rinks to be midnight of each night except on Friday and Saturday and the closing hour be 12:30 A.M. and that the amendment should also delete the provision relating to the securing of approval of residents within 200 feet radius of the skating rink before a permit could be granted by the city to an operator.

Moved by Merrill Seconded by Arata Unanimously carried

FURTHER REPORT ON GRADING OF NEW GOLF COURSE 15-30

At the suggestion of the City Manager this matter was held over for a later meeting so that certain matters relating to grading could be cleared.

FURTHER REPORT ON REFUSE DISPOSAL AREA 15-40

The City Manager reported that another "unplanned" fire had occurred at the city refuse disposal area located at the Modesto City-County airport.

Some preliminary work has been done on this by the staff, he reported, but additional study was needed before a firm, specific recommendation could be offered to the Council. He stated that the staff would also check with the Council Committee working on the disposal area.

PROGRESS REPORT ON NEGOTIATIONS FOR RIGHTS OF WAY AT LALOMA AND GRAND STREETS 15-45

The City Manager reported that the staff was negotiating for rights of way on LaLoma and Grand Street but additional time would be needed to clear certain matters.

ADJOURN COUNCIL MEETING UNTIL MONDAY, OCTOBER 1 15-50

MOTION

That the matter of the old Hotel Modesto site be considered at an adjourned meeting.

Moved by Arata Seconded by Merrill Unanimously carried

MOTION

That this meeting be adjourned until 7:30 P.M. October 1.

Moved by Arata Seconded by Merrill Unanimously carried

The meeting was closed at 11:00 P.M.

ATTEST:


REX E. GAILFUS, City Clerk

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

FURTHER DISCUSSION ON THE CITY HALL

Mayor Marks stated that the adjourned meeting was being held to consider matters relating to locating the city hall on the Hotel Modesto property at 11th and H Streets. The first question, he stated, that of locating the city hall at this location, has been answered already by the Council by its action; as to the procedure and method of purchase and price---that is another matter to be discussed at this meeting. He stated that the Council had considered an out-right purchase for the sum of \$250,000, the asking price of the owners. Through misunderstanding of the condemnation proceedings, he stated, the Council did not realize that if the property was priced out of reach by the court, that the city could withdraw from the purchase. He reported on his unsuccessful attempts to secure a reduced price on the property from Mr. Williams, representing the property owners. He read excerpts from the Council meeting of September 12, which explained the facts relating to the action of the Council on instructing the City Attorney to prepare the necessary documents for submission to the Council for the purchase the property for the asking price instead of condemnation proceedings. He also read excerpts from the Council meeting of June 13 referring to his statement recommending condemnation proceedings for the purchase of the property. He stated that he believed "that in any acquisition of property like that, it should be condemned, the price set by court, based on competent appraisal". He stated that he would like to see this property condemned because a great deal of information had come to light since inspections by experts--engineers and architects and it appeared that the structure was not in good shape. He stated that the information relating to the existing lease with the Western Union which still had four years to run was a definite liability. For the public good, he stated, condemnation proceedings should be started, since leases would be included.

In response to a question from the Council, the City Attorney stated that condemnation cases were entitled to priority on the court calendar.

Councilman Merrill pointed out that the Council had considered various sites for the city hall for many months, but now a final decision had been made on the Hotel site. He questioned that the recommendation made by Bob Bomberger at the meeting of September 26, to have the property appraised, should be considered. Waiting for a condemnation suit would cost the tax payers thousands of dollars. He urged that no further delay be considered because 1) the Crow family had established a price on this property; 2) the city has agreed to pay the price; and 3) many substantial citizens supported that price. He pointed out that the city had previously purchased many properties without having them appraised.

A Council discussion was held on the question of whether plans for the building either remodeling or the construction of a new one would be delayed because of the suit.

Points made:

1. That there might possibly be, but not likely, a calculated risk that the court would establish a higher price than set by the owners;

2. That even if the price was a few thousand dollars higher, that this should be the site for the city hall;
3. That the people from the Chamber of Commerce, banks, title companies and tax payers from the west side and many others had approved the site wholeheartedly; (the Mayor read a resolution from the Chamber endorsing the site)
4. That over 95% of the people in the community were in favor of the site and that it was settled that this should be the site; the only thing now under consideration---what do we pay for it?
5. The time element was very important. If it would be necessary to wait until after the property was condemned to have access to the property to prepare plans and specifications that it would be at least 1 1/2 years before the building could be started;
6. That the owners might be willing to grant access to the building at once.

The City Attorney reviewed the procedure in condemnation proceedings for the Council's information. He pointed out that it would only be necessary to have the money available to acquire the property at the time of the court decision. The owners could, if they so desired, he stated, voluntarily grant the right to the city to enter the premises for engineering surveys and studies.

Councilman Hammond considered that if condemnation proceedings were instituted that the city would pay as much or more for the property as the asking price, due to the cost of the proceedings, plus the loss of time in constructing a city hall.

Robert Bomberger stated that he had not recommended condemnation proceedings, as had been intimated, but only that the property be appraised.

Mayor Marks recommended that since the city could withdraw from the suit, that condemnation proceedings be instituted in order to determine the true value of the property. If the city has the property appraised, he continued, it should go through with the condemnation proceedings and not buy the property on the appraisal basis only.

Questions raised by various Council members at this point were answered by both Architect Pflueger and Robert Dewell, structural engineer (verbatim transcript of the questions raised and the answers given is on file with the records of this meeting.)

Councilman Arata questioned if the city would be saving money by condemnation proceedings due to the time consumed. The City Attorney estimated the approximate time for the completion of condemnation proceedings to be between 3-6 months.

RESOLUTION NO. 56-405

A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE A CERTAIN PARCEL OF REAL PROPERTY WITH IMPROVEMENTS IN THE COUNTY OF STANISLAUS TO BE USED AS A SITE FOR PUBLIC BUILDINGS AND GROUNDS

Moved by Mayor Marks

Seconded by Robinson

Ayes: Adams, Robinson and Mayor Marks

Noes: Anderson, Arata, Merrill, Hammond

Absent: None

Mayor Marks declared that the motion did not carry.

Councilman Arata stated that the reason he had voted "no" was that it would take too long and delay plans for the building for six months or a year and the savings would be minor. By voting "no", he continued, it was his belief that he could save the people some money.

The City Attorney read the portion of the condemnation law relating to "right of entry".

Mayor Marks pointed out that the only argument brought out in the discussion against condemnation proceedings was the question of delay in building the city hall.

Since the owners of the property are interested in the community, it was considered by the Council members that they would not offer any objections to the city to enter the property.

Councilman Robinson raised a number of questions regarding the usable floor space which he stated would influence his vote on the final adoption of the ordinance providing for the purchase of the property and received answers from both Mr. Pflueger and Mr. Dewell.

Mr. Charles Riise, 808 Carmel Drive, contended that he was not opposed to buying the property but that the Council should "take a longer look". He recommended that the city have the property appraised. He considered that the asking price was excessive.

Mr. Pete Ruffino opposed the 11th and H Street site and recommended the city hall be built at the 15th and H Street site.

Mr. Roy Correa, 117 Covena, stated that at the first, when the Hotel Modesto property was considered, that the tax payers were sold on the idea that it would save one-half of the expense of a new city hall. He recommended that the 15th and I Street site be used. He asked if a survey had been made of the customers at the city hall. Mayor Marks stated that the Council had been studying this problem for years. He answered the questions raised by Mr. Correa.

Mayor Marks read a letter from the Yosemite Sheet Metal Contractors Association relating to the location of the city hall and the hiring of local architects and engineers.

The memorandum submitted to the Council by the City Manager relating to the purchase and use of the property was discussed by the Council, a copy of which is on file with the records of the meeting.

A general Council discussion was held on the value of the land itself, with various members giving reasons for their stand on the question to be resolved---final adoption of the ordinance approving the agreement with the property owners for the purchase of the property for the sum of \$250,000.

Councilman Merrill asked for the Mayor to call for a vote on

ORDINANCE NO. 114-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM ISABEL M. HEIMANN, HARRY D. CROW, LENA B. CROW AND DORIS E. WILLIAMS"

introduced on September 26, and having been printed and published as required by the Charter and coming on for final consideration failed of adoption.

Moved by Merrill

Seconded by Arata

Before the vote was taken, the City Attorney cleared the question that public agencies could enter upon the property they were condemning prior to the judgment, for the purposes of collecting engineering data.

Mayor Marks ordered the clerk to call the vote on the final adoption of the ordinance at this time.

Ayes: Anderson, Arata, Merrill

Noes: Adams, Hammond, Robinson and Mayor Marks Absent: None

Alternatives now available to the Council were listed by the City Attorney.

The Mayor stated that the reason he had voted "no" was on the basis that this property ought to be condemned. He asked if someone who had voted "no" on the resolution would ask for a reconsideration of the vote.

MOTION

That the vote on the resolution relating to condemnation be reconsidered.

Moved by Hammond

Seconded by Adams

At the order of the Mayor, the City Clerk called the roll on the motion.

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

Noes: Merrill Absent: None

The Clerk then called the roll on the reconsideration of the vote on the resolution calling for condemnation proceedings on the property:

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

Noes: Merrill Absent: None

Mayor Marks declared the results of the vote.

MOTION

That the Mayor be authorized to contact the owners for the right of entry, stating why the city so wishes it.

Moved by Anderson Seconded by Mayor Marks Unanimously carried

Mayor Marks asked if any of the Councilmen had any questions they desired to ask Mr. Pflueger or Mr. Dewell.

Councilman Robinson raised the question of time---he asked Mr. Pflueger if he would be able to proceed immediately on the engineering survey. The verbatim discussion of both Mr. Pflueger and Mr. Dewell and the Council members is set forth in document on file with the records of this meeting. The question of the difference in the fees between a new building and a reconverted building was also discussed. The recommendation of both Mr. Dewell and Mr. Pflueger, that the city consider a new building instead of remodeling the present one, was discussed at some length. The question of salvage value of the present building, the difference in the cost of a new building and a reconverted building, were also discussed at some length.

MOTION

That the City Manager be instructed to proceed with securing whatever expert testimony is necessary in order to evaluate the true fair market value of the property in question,

Moved by Mayor Marks Seconded by Merrill Unanimously carried

Further questions raised by the Councilmen on the present structure were answered by Mr. Dewell.

Councilman Adams asked that further consideration be held over until the information brought out in this discussion could be considered. He also asked that the City Manager give another "quick estimate" as to what the salvage value would be, what the excavation might be worth as far as construction toward a new building.

Mayor Marks asked Mr. Pflueger to make certain comparisons on the floor space.

RESOLUTION RELATING TO ADVANCE PLANNING FUNDS

The Planning Director reported on the funds appropriated by the Council for the operation of the Advance Planning Department.

RESOLUTION NO. 56-405A

A RESOLUTION TRANSFERRING FROM THE GENERAL RESERVE TO ADVANCE PLANNING THE SUM OF \$3,000

Introduced by Arata

Seconded by Merrill

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 Arata Seconded by Merrill Unanimously carried

The meeting was adjourned at 10:45 P.M.

ATTEST: 
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., 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.

The invocation was given by Rev. Paul Miller, pastor of the LaLoma Grace Brethren Church.

LETTER FROM ATTORNEY NATHAN B. McVAY RELATING TO JOHN J. MAGGI PROPERTY
BEING CONDEMNED BY THE CITY AND COUNTY FOR AIRPORT PURPOSES 1-15

A letter was read which had been received from Attorney Nathan B. McVay offering to sell to the city and county the John J. Maggi property which is now under condemnation proceedings, for the sum of \$34,000.

MOTION

That the offer be referred to the staff and representatives of the Council and of the Board of Supervisors to consider and that the City Manager make arrangements for a meeting in his office.

Introduced by Anderson Seconded by Robinson Unanimously carried

LETTER FROM CITY OF OAKDALE RE: GOLDEN JUBILEE PARADE ON SATURDAY OCTOBER
13, 1956 1-25

City Manager Miller stated that arrangements were being made for someone to be present to represent the city. Mayor Marks stated that arrangements would be made for a representative of the Council to also be present.

DISCUSSION ON ONE WAY STREETS 1-35

A letter was read from the Modesto Safety Council stating that the Council had unanimously approved the adoption of Stage 1 of the one-way street program.

Mayor Marks asked if there was anyone in the audience who wished to make any comments on the adoption of stage one of the one-way street pattern. He asked also if anyone was opposed to stage two of the proposed one-way street pattern. No comments were made.

As directed by the Council, the City Manager reported on, 1) the cost of all traffic signals previously considered which would tie in with the one-way street pattern, and 2) on the timing which would be involved. He reported that the approximate cost of the traffic signals (8) would be \$22,500; safety lighting \$1700; and the signs \$6300, being a total of \$30,500. He also reported on the approximate costs of the other signals considered by the Council throughout the city. Some of the signals, he pointed out, probably cannot be completed during the fiscal year and further studies are being made on the improvement of the intersection of Needham with Kansas Avenue. He estimated the total cost to be \$54,000, plus.

Councilman Arata recommended that the revenue derived from the 4¢ tax rate, which had not yet been appropriated, be used to finance these installations, which was generally agreeable to the Council.

Traffic Engineer Carmody reported on the timing of the one-way system. He estimated that stage one could be completed in 120 days, that it was a matter of drawing up the plans and calling for bids.

RESOLUTION NO. 56-407

A RESOLUTION DESIGNATING CERTAIN STREETS AS ONE-WAY STREETS IN THE CITY OF MODESTO

Introduced by Hammond

Seconded by Robinson

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

Noes: None

Absent: None

AUTHORIZE LOADING ZONE ON C STREET BETWEEN NINTH AND TENTH STREETS 2-100

RESOLUTION NO. 56-408

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 Adams

Seconded by Robinson

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

Noes: None

Absent: None

CONSIDERATION OF REPORT OF THE COUNCIL COMMITTEE ON PARKING 2-110

The recommendations of the Council Parking Committee, previously presented to the Council, were briefly reviewed by Councilman Hammond, Chairman of the Committee.

RESOLUTION NO. 56-409

A RESOLUTION THAT THE RECOMMENDATIONS OF THE COUNCIL PARKING COMMITTEE BE ADOPTED BY THE COUNCIL

Introduced by Hammond

Seconded by Robinson

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

Noes: None

Absent: None

Mayor Marks asked if anyone in the audience desired to make any comments on the matter. No comments were made.

MOTION

That the City Attorney be instructed to prepare the necessary legislation to change the off-street parking rates.

Moved by Adams

Seconded by Anderson

Unanimously carried

DISCUSSION OF PROPOSALS FOR LEASING PROPERTIES FOR OFF STREET PARKING 3-35

The Traffic Engineer reported that he had been successful in securing options from three property owners on the west side of Tenth Street between K and L Streets, for the leasing of their property for a ten year period for an off street parking lot which is now occupied by used car lots and owned by Gus Allibert, Mrs. Jessie Trueblood and Sid Loshier. This lot would permit 119 stalls, and the estimated revenue would be \$15,000 based on a parking fee of 10¢ per hour, he stated. He estimated the operating expenses would be \$1500 annually, leaving a net income of \$13,500 which would be split among the owners in accordance with the square foot of pro-

partly owned. He stated that Mrs. Trueblood owned 31% of the total property, Mr. Lecher 41.7%, and Mr. Allibert 27%. All the taxes would be paid by the owners, he stated. The owners have agreed to these arrangements but they have reserved the right of 120 days cancellation notice and for that right have agreed to pay back to the city a pro rata share of the improvement costs which would be approximately \$11,000. He pointed out that if the owner of the middle section sold her property that the city would then have two parking lots or if they wished could buy the property itself. He estimated that the southerly 2/3 of the lot could be improved and in operation by Thanksgiving. The northerly one-third, he stated, is leased to a used car operator who has a 90 day cancellation provision.

Further discussion on the matter was held up until all the interested parties could be present later in the meeting.

CONSIDER PURCHASE OF PROPERTY ON ROSS STREET AND JAMES STREET FOR STREET PURPOSES 4-20

Director of Planning Smeeth reported on the proposed acquisition of property for the widening of Ross Street and the extension of G Street into LaLoma, listing the properties to be acquired--both total and portions.

The City Manager stated that prompt action was needed at this time since specific improvements were proposed by some of the property owners which would increase the acquisition costs to the city. He stated that the alternatives available to the Council were 1) either arrive at a price by negotiations, or 2) to institute proceedings for obtaining the properties through condemnation. He reported on four major city street projects which had already been approved by the State and upon which the city was still unable to proceed to the extent planned due to delay in securing rights of way. He pointed out that these funds (\$135,000) could be reallocated to projects which could be cleared such as this one and upon which the city could proceed after approval by the state is obtained. He recommended that the staff be authorized to take the necessary action of transferring the necessary gas tax funds needed to acquire those portions of property which would be required for this project and if necessary commence condemnation proceedings and that consideration be given where it is in the public interest, to acquire full parcels instead of portion of parcels. He pointed out that all purchases should be based on appraisals.

Attorney Frank Collier spoke on behalf of his client, Mr. Shelbourne. Mr. Jones, owner of the corner property at James and Ross asked for clarification if all of his property would be purchased since he wished to either wreck the house and build an apartment house or a duplex. It was pointed out by the staff that it would be necessary to purchase all of Mr. Jones' property.

Mr. Smeeth gave a rough preliminary estimate of the cost to acquire the properties needed for this project, as \$35,000. Councilman Anderson questioned whether the land, owned by Mike Angelo, along Burney Street would be needed at this time. The City Manager pointed out that there were some improvements proposed on the property which might substantially increase the acquisition costs at a later date.

MOTION

That the recommendation of the City Manager for the acquiring of the necessary properties be approved.

Moved by Adams Seconded by Arata Unanimously carried

The City Manager stated that if it was necessary to start condemnation proceedings on any of the property that further direction from the Council would be requested.

LETTER TO GOVERNOR KNIGHT AND OTHERS RELATING TO INVESTIGATIONS AT THE
MODESTO STATE HOSPITAL 5-50

Mayor Marks read a letter which he proposed sending to Governor Knight and copies to Attorney General Brown, Assemblyman Allen and Senator Short, relating to the recent news report regarding the investigations of conditions and practices at the Modesto State Hospital, and asked for Council approval of this action.

MOTION

That the Mayor be authorized to send this letter to the aforementioned individuals

Moved by Hammond Seconded by Robinson Unanimously carried

HEARING ON APPLICATION OF J. V. PORTER FOR THE REZONING OF PROPERTY ON
TIMOTHY LANE FROM R-1 TO R-2 TO PERMIT THE CONSTRUCTION OF A DUPLEX 5-75

Mayor Marks announced that the hour of 4:15 P.M. had arrived, the time set for the public hearing on the application of J. V. Porter for an amendment to Zoning Map, Section 17, to reclassify the east one half of Block 6133 from R-1 to R-2.

The City Clerk certified that the notice of the public hearing had been published in the official newspaper of the city, The Modesto Journal, as required by the Municipal Code, on September 13; that notices had been mailed to all interested parties in the area surrounding the Porter property; and that no written protests had been filed.

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

Resolution No. 340, adopted by the Modesto City Planning Commission on August 21, 1956, recommending to the Council an amendment to Zoning Map Section 17, as requested by Mr. Porter, was read.

The Planning Director reviewed the background of the various applications filed by Mr. Porter for the rezoning of the property, or the granting of a variance to cut the property into two lots, which had previously been presented to the Modesto City Planning Commission, Board of Zoning Adjustment and the City Council, and denied by all bodies until the present application was approved by the Commission.

Mayor Marks read an excerpt from the Commission's meeting of August 21 at which time the present application was approved. He asked Mr. Porter, who was present, if he wished to make any statement. Mr. Porter did not make any comments at this time.

Mayor Marks declared the hearing closed and asked the City Attorney to outline the legal alternative available for Council consideration.

ORDINANCE NO. 117-C.S. entitled

AN ORDINANCE AMENDING SECTION MAP 17 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 Anderson

Seconded by Merrill

Before the vote was taken, Councilman Robinson suggested that additional time be taken to study the matter. A general Council discussion

was held on the application and it was pointed out that no new facts had been presented in the final application, which had been approved by the Commission. At the request of the Council, the Director of Planning explained the problems involved in the case and discussed the concepts of zoning.

The Mayor ordered the Clerk to call the roll on the motion to introduce Ordinance No. 117-C.S.

Ayes: Anderson, Merrill

Noes: Adams, Arata, Hammond, Robinson and Mayor Marks

Absent: None

Mayor Marks declared that the motion did not carry.

Mr. Smeath stated that the Planning Department was preparing a group of zoning regulation changes, which would be proposed to the Planning Commission, one of which would provide for a certain lapse of time before a person could file a new application after being denied by the Commission or Council. This was generally agreeable to the Council.

At this time Mr. Porter outlined the reasons why he considered his application should be granted.

RESOLUTION NO. 56-410

A RESOLUTION REFERRING THE APPLICATION OF J. V. PORTER FOR THE AMENDING OF SECTION MAP 17 OF THE ZONING MAP TO RECLASSIFY THE EAST ONE-HALF OF BLOCK 6133 FROM R-1 TO R-2 TO THE PLANNING COMMISSION FOR A FURTHER REPORT AND RECOMMENDATION AS REQUIRED BY THE ZONING REGULATIONS

Introduced by Anderson

Seconded by Hammond

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

Noes: None

Absent: None

FURTHER DISCUSSION ON PARKING LOT LEASE 8-45

Since all of the interested parties were now present, Mayor Marks again opened the meeting for discussion of the proposed leasing of the property on the west side of Tenth Street between K and L Streets for off-street parking purposes.

Howard Chenault, operator of a used car lot on the property proposed to be leased by the city, expressed opposition to the plan on the grounds that the demand did not warrant its establishment. Hoover Long and Al J. Woods, operators of private parking lots both spoke opposing the proposal. They considered that the demand for parking at this location except during the Christmas shopping season would not be sufficient to warrant the establishment of the lot.

Councilman Hammond pointed out that the Council committee had discussed the matter of competition of public parking with the private operators prior to arriving at its recommendations to the Council and it was agreed that if the new rate, 5¢ per one-half hour, was established that private lots could compete satisfactorily against municipal lots which were "park yourself" type. He considered that the location of the proposed lot would not detract from Mr. Long's business at 12th and J Streets, due to the habit of the parkers in selecting the closest facility to avoid walking any additional distance.

The Traffic Engineer cleared a number of points which had been raised by the private operators. He reported on the revenue received from street parking meters in the vicinity of the proposed lot and he estimated that the revenue of \$120 annually per parking space would be received from the off-street lot, over the 10 year lease period.

Mr. Long suggested that during the Christmas season parking down the center of I Street be considered. He was asked to discuss this recommendation with the parking committee and the Traffic Engineer. Mr. Carmody pointed out that this suggestion would become practical with the one-way streets.

MOTION

That the City Attorney be authorized to prepare the necessary leases for the new off-street parking lot on 10th Street and the preparation of plans and specifications for the improvement of the lot be authorized.

Moved by Hammond Seconded by Adams Unanimously carried

Mayor Marks asked the lessees of the properties to work with Mr. Carmody on the length of time they would be permitted to continue to occupy the premises.

LETTER FROM INTERIM PLANNING COMMITTEE FOR A COMMUNITY COORDINATING COUNCIL 10-30

A letter was read from Mrs. Robert Crabb, Chairman of the Interim Planning Committee for a Community Coordinating Council. A suggested resolution enclosed with the letter for consideration by the City Council expressing approval of the efforts of the citizens' group working to form a coordinating council, and recognizing the desirability of such an organization, was also read.

Assistant City Manager Masonheimer who had been working with the organization, at the direction of Mayor Marks, reported on the organizations which would be involved in the coordinating council, its duties and purposes.

The City Manager suggested that since the matter was not clear to the Council members, and since it was not urgent, that the statement on the organization be resubmitted to the members who had not seen the previous statement, for study before any action was taken by the Council.

ORAL COMMUNICATION FROM F. E. MARTICH RE: MATTER OF TRAFFIC CONTROL IN THE CITY OF MODESTO 10-110

The City Manager reported that due to a prior commitment, Mr. F. E. Martich had been compelled to leave the meeting before he could be heard. This matter, he stated, could be placed back on the agenda at a future time if he so requests.

INVITATION FROM AMERICAN MUNICIPAL ASSOCIATION TO ATTEND 33RD ANNUAL CONGRESS TO BE HELD IN ST. LOUIS NOVEMBER 25-28 10-115

The letter was read and ordered filed.

LETTER FROM FRANK ANDREWS RE: HIRING LOCAL ARCHITECTS FOR THE CITY HALL 10-120

The letter and accompanying notice of intention to circulate a petition on the subject---shall the City of Modesto purchase for the total of \$250,000---with payments of \$50,000 per year at not over four per cent interest, was read and ordered filed.

LETTER FROM MODESTO RETAIL MERCHANTS-DOWNTOWN DIVISION RE: REQUEST FOR BUDGETED AMOUNT OF \$3,000 FOR CHRISTMAS LIGHTS FIXTURES 11-5

A letter was read from the Modesto Retail Merchants requesting payment of the \$3,000 which had been budgeted in this year's budget for Christmas decorations.

RESOLUTION NO. 56-417

A RESOLUTION AUTHORIZING PAYMENT TO THE MODESTO RETAIL MERCHANTS THE SUM OF \$3,000

Introduced by Anderson

Seconded by Arata

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

Noes: None Absent: None

LETTER FROM UNITED AIRLINES REGARDING RESERVATIONS FOR LEAGUE CONFERENCE IN LOS ANGELES

A letter from the United Airlines was read regarding transportation reservations for the League of California Cities convention being held in Los Angeles, October 29-31.

The City Manager was asked to contact the various Council members and city officials to determine the number of reservations.

LETTER FROM STANISLAUS COUNTY CHAMBER OF COMMERCE 11-20

A letter was read from the Stanislaus County Chamber of Commerce advising that it was hosting a group of industrial leaders from the Los Angeles area to be held in Los Angeles, Monday, October 22. Arrangements for representation from the City of Modesto was referred to the City Manager.

LETTER SENT BY MAYOR MARKS TO MR. WILLIAM WILLIAMS, ATTORNEY IN FACT FOR THE HEIRS TO THE CROW PROPERTY (HOTEL MODESTO) 11-25

A copy of a letter which was sent by Mayor Marks to Mr. William Williams, Attorney-in-fact, representing the owners of the Hotel Modesto property, was read.

MAYOR AND COUNCILMAN ROBINSON OFFER TO CONTRIBUTE TO A FUND FOR SECURING AN ADDITIONAL EXPERT TO CHECK THE HOTEL MODESTO PROPERTY 11-20

Mayor Marks and Councilman Robinson offered to contribute to a fund, if Mr. Frank Andrews was successful in collecting sufficient funds, for the hiring of another expert structural engineer to survey the Hotel Modesto property.

CITY ATTORNEY REPORTS ON CONDEMNATION PROCEEDINGS ON HOTEL MODESTO PROPERTY 11-85

The City Attorney reported that the condemnation complaint on the Hotel Modesto property was filed this date.

ADOPTION OF ORDINANCE NO. 112-C.S. ESTABLISH SPEED LIMIT ON CERTAIN STREETS 11-90

ORDINANCE NO. 112-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 REGU-

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LATION, AND REPEALING SECTION 2 OF ORDINANCE NO. 103-C.S."

introduced on September 19, 1956, 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

ADOPTION OF ORDINANCE NO. 113-C.S. AUTHORIZE PURCHASE OF SEYBOLD PROPERTY
11-91

ORDINANCE NO. 113-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THEODORE W. SEYBOLD AND DOROTHY W. SEYBOLD"

introduced on September 19, 1956, 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, Robinson and Mayor
Marks

Noes: None

Absent: None

INTRODUCTION OF ORDINANCE AMENDING THE CODE RELATING TO EXEMPTIONS FROM SALES AND USE TAX
11-95

The City Attorney presented for consideration, as directed by the Council, an ordinance relating to exemptions from sales and use tax. He pointed out the question to be resolved was the effective date. The Council agreed that the effective date of the ordinance should be the beginning of the next quarter, January 1, 1957.

ORDINANCE NO. 118-C.S. entitled

"AN ORDINANCE AMENDING SECTION 8-2.106 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO EXEMPTIONS FROM SALES AND USE TAX"

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

Moved by Hammond

Seconded by Merrill

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

Noes: None

Absent: None

RESOLUTION RECOMMENDING APPROVAL OF BOND MEASURE NO. 2 - COURTHOUSE
11-100

RESOLUTION NO. 56-411

A RESOLUTION RECOMMENDING THE APPROVAL OF COUNTY BOND MEASURE NO. 2 (COURTHOUSE) BY THE CITIZENS OF THE CITY OF MODESTO AT THE COMING ELECTION

Introduced by Mayor Marks

Seconded by Robinson

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

Noes: None

Absent: None

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INTRODUCTION OF ORDINANCE RELATING TO REGULATION OF SKATING RINKS

ORDINANCE NO. 119-C.S. entitled

"AN ORDINANCE AMENDING SECTION 4-1.802 OF THE MODESTO MUNICIPAL CODE RELATING TO THE REGULATION OF SKATING RINKS"

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

The change in hours provided that the skating rinks may remain open until 12:00 P.M. each night, except Friday and Saturday nights when they may remain open until 12:30 A.M.

DISCUSSION ON REMOVAL OF EXEMPTIONS ON SALES AND USE TAX

Councilman Hammond stated that the adoption of Ordinance No. 118-C.S. relating to exemptions from sales and use tax was based on the need of the city for funds to construct its city hall.

INTRODUCTION OF ORDINANCE NO. 120-C.S. APPROPRIATING ADDITIONAL REVENUE 12-15

ORDINANCE NO. 120-C.S. entitled

"AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR EXPENDITURE DURING THE 1956-57 FISCAL YEAR AND ALLOCATING THEM FOR THE GENERAL RESERVE"

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

Moved by Arata

Seconded by Anderson

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

Noes: None

Absent: None

The City Manager reported that the questions raised relating to the grading of the golf course had been resolved with those who had raised them on the basis outlined in the memo previously transmitted to the Council members.

APPROVE PROVISIONAL APPOINTMENT OF ELLIS HOLDEN, BUILDING INSPECTOR AND FRANK BUCHANAN, JANITOR 12-20

MOTION

That the provisional appointment of Ellis Holden as Building Inspector by the City Manager to December 7, 1956, and Frank Buchanan as Janitor to November 30, 1956, be approved.

Moved by Merrill

Seconded by Anderson Unanimously carried

The City Manager reviewed the conclusions reached at a meeting at which the staff had cleared with the parties concerned about this matter. The proposal for clearing it was presented and approved by the Personnel Commission yesterday. He stated that the minimum requirements for the building inspector will be set forth in the personnel system rather than

individual codes. If approved, an administrative order will be issued setting the minimum requirements for the Building Inspector, who will be a specialist in plumbing, as five years experience and qualification as a journeyman plumber, as defined in the Plumbing Code. This is permissible under the personnel rules and would not be changed without checking again. This would not require any action by the Council except that this would mean that the provisions which are currently in the plumbing code would be repealed by an ordinance. He stated that everybody who is officially concerned has agreed to this arrangement.

MOTION

That the staff proceed on this basis

Moved by Arata Seconded by Adams Unanimously carried

AUTHORIZE HIRING OF ADDITIONAL FIREMEN 12-50

The City Manager reminded the Council that it had authorized six additional firemen positions for the full year and two more beginning January 1. He reported that only one of these positions had been filled up to the present time, but it is now possible to fill them all and there would be sufficient funds to do this which has already been appropriated. He stated that it would be best from a training standpoint.

MOTION

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

Moved by Adams Seconded by Hammond Unanimously carried

RESOLUTION RELATING TO OBSERVANCE OF UNITED STATES DAY IN THE CITY OF MODESTO 12-60

RESOLUTION NO. 56-412

A RESOLUTION RECOMMENDING THE OBSERVANCE OF UNITED STATES DAY IN THE CITY OF MODESTO

Introduced by Robinson

Seconded by Anderson

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

Noes: None Absent: None

RESOLUTION RECOMMENDING THE OBSERVANCE OF VETERANS DAY 12-65

RESOLUTION NO. 56-413

A RESOLUTION RECOMMENDING THE OBSERVANCE OF VETERANS DAY IN THE CITY OF MODESTO

Introduced by Anderson

Seconded by Hammond

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

Noes: None Absent: None

ACCEPT WATER LINES IN NORTHGATE SUBDIVISION NO. 1 FROM W. M. LYLES COMPANY 12-67

The Director of Public Works reported that the construction of the water lines in Northgate Subdivision No. 1 had been completed by W. M. Lyles Company in accordance with the contract agreement and recommended that the installation be accepted by the Council, that notice of completion be filed with the County Recorder and that payment of amounts due be

authorized.

RESOLUTION NO. 56-414

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATER LINES IN NORTHGATE SUBDIVISION NO. 1 FROM W. M. LYLES COMPANY, AUTHORIZING THE FILING OF NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND PAYMENT OF AMOUNTS DUE AS PROVIDED BY THE CONTRACT.

Introduced by Merrill

Seconded by Hammond

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

Noes: None Absent: None

HOLD OVER MATTER RELATING TO REIMBURSEMENT TO HAROLD S. FRANCE 12-70

The consideration of reimbursement to Harold S. France for sanitary sewer line was held over for further investigation at the request of the staff.

APPROVE AGREEMENT WITH CHAMBER OF COMMERCE 12-75

Terms of a revised agreement with the Chamber of Commerce were presented by the City Attorney.

RESOLUTION NO. 56-415

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CHAMBER OF COMMERCE 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

HOLD OVER MATTER OF AMENDING CODE RELATING TO AMUSEMENT DEVICE REGULATIONS 12-99

The City Manager requested that the matter of amending the Code relating to amusement device regulation be held over.

CONSIDER AGREEMENT WITH JOE D. MILLER PERMITTING CONNECTIONS TO SANITARY SEWER IN IMPROVEMENT DISTRICT NO. 5 12-100

The Director of Public Works reported that some of the property owners in Improvement District No. 5 had requested permission to connect with the sewer laterals prior to completion of the entire district. He outlined the conditions and terms by which this could be accomplished with the contractor, Joe D. Miller.

MOTION

That the staff be authorized to proceed on this basis.

Moved by Anderson Seconded by Adams Unanimously carried

AUTHORIZE PURCHASE OF TWO SEWER BUCKETS 12-115

A report was made by the Director of Public Works on the informal quotations received for the purchase of two sewer buckets, funds for which had been included in this year's budget. He recommended that the bid received from the Southwest Sewer Tool Company of \$3,336.14 be accepted

since the equipment offered was of heavier construction and would do the required work in a more satisfactory manner.

RESOLUTION NO. 56-406

A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER BUCKET MACHINE FROM THE SOUTHWEST SEWER TOOL COMPANY

Introduced by Merrill

Seconded by Robinson

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

Noes: None Absent: None

INTRODUCTION OF ORDINANCE APPROVING LEASE AGREEMENT WITH LEAGUE OF WOMEN VOTERS 13-0

Terms of a proposed agreement with the League of Women Voters for space in the Modesto Community Service Center were outlined by the City Attorney.

ORDINANCE NO. 121-C.S. entitled

"AN ORDINANCE APPROVING A LEASE AGREEMENT WITH THE LEAGUE OF WOMEN VOTERS OF MODESTO, RELATING TO THE RENTAL OF ROOM NO. 200 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 Adams

Seconded by Robinson

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

Noes: None Absent: None

REPORT ON FAILURE TO COMPLY WITH BUILDING CODE AT THE MERRY GARDEN SKATING RINK 13-15

The City Attorney and Fire Chief Wemyss reported on the failure of F. E. Alford to correct certain conditions at the Merry Garden Skating Rink which were in violation of the law. The City Attorney stated that he wished the Council to be informed of the matter before he proceeded to start legal proceedings to enforce compliance. It was generally agreed by the Council that action should be instituted immediately to enforce compliance with the law.

AUTHORIZE PURCHASE OF SLURRY SEAL MATERIALS 13-40

RESOLUTION NO. 56-416

A RESOLUTION APPROVING THE PURCHASE OF SLURRY SEAL COATING MATERIAL FROM GEORGE REED

Introduced by Arata

Seconded by Hammond

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

Noes: None Absent: None

ANNUAL FINANCIAL REPORT FOR CITY FOR FISCAL YEAR ENDED JUNE 30, 1956 FILED 13-50

The financial report for the City of Modesto for the fiscal year ending June 30, 1956, was filed.

The City Manager stated that he regretted to report that Director of Finance Lawrence had accepted a position with the City of San Diego as Comptroller and Auditor---a gain for San Diego and real rough for the City of Modesto. During the few weeks he will remain in Modesto, the City Manager stated, he would like to have him, with the Council's approval, concentrate primarily on the redrafting of the business license ordinance. He asked if the Council wished to appoint a citizen committee to work with Mr. Lawrence on this ordinance.

MOTION

That the Mayor be authorized to appoint a citizen committee representing a cross section of the community to work with the Director of Finance on the redrafting of a business license ordinance.

Introduced by Hammond Seconded by Robinson Unanimously carried

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Arata Seconded by Hammond Unanimously carried

ATTEST:



REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chamber at the McHenry Public Library, 14th and I Streets, Mayor Marks presiding.

The City Clerk called the roll and there were

Present: 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. Lewis Whitehead, pastor of the Wesley Methodist Church, gave the invocation.

APPROVAL OF MINUTES

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

APPLICATION OF THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY TO ESTABLISH RATES FOR EXTENDED SERVICE IN MODESTO AREA 1-17

A letter from Lee H. Davies, local manager of the Pacific Telephone & Telegraph Company was read, explaining the reasons for the company's application to the Public Utilities Commission for authority to establish rates for extended service in its Modesto, Hughson and Riverbank exchanges in lieu of present exchange rates and to cancel and withdraw message toll telephone service rates now in effect between Modesto and Hughson and between Modesto and Riverbank.

RESOLUTION NO. 56-418

A RESOLUTION APPROVING THE PROGRAM OF THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY AS OUTLINED IN ITS APPLICATION TO THE PUBLIC UTILITIES COMMISSION FOR THE ESTABLISHING OF RATES FOR EXTENDED SERVICE IN ITS MODESTO, HUGHSON AND RIVERBANK EXCHANGES

Introduced by Hammond

Seconded by Arata

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

Noes: None

Absent: None

REQUEST OF REPUBLICAN CENTRAL COMMITTEE FOR PERMISSION TO USE LOUD SPEAKER IN THE COMMERCIAL AREA IN CONNECTION WITH THE VISIT OF SENATOR KUCHEL 1-75

MOTION

That the Republican Central Committee be granted permission to use a loud speaker in the commercial area of the City of Modesto in connection with the visit of Senator Kuchel, Thursday, October 18, under the conditions set forth in the Municipal Code.

Moved by Arata Seconded by Hammond Unanimously carried

OPEN LETTER TO THE MAYOR AND COUNCIL FROM FRANK ANDREWS 1-83

An open letter to the Mayor and Council from Frank Andrews relating to the Hotel Modesto property was read and ordered filed.

LETTER FROM W. N. WILLIAMS RELATING TO HOTEL MODESTO PROPERTY 1-110

A reply to the Mayor's letter to W. N. Williams, Attorney-in-Fact for the owners of the Hotel Modesto property, was read. Mr. Williams stated in his letter that the city did not have the right to condemn the hotel property for city hall purposes, as it was not a necessary site but merely one which seems to be preferred by a large segment of the people of Modesto. He stated that application was being made through the proper channels for an extension of time for the owners to reply to the condemnation action so that they could properly prepare their case. Permission could not be granted, Mr. Williams stated, under the circumstances, to permit the city to go on the property for further studies and tests as requested in the Mayor's letter.

Mayor Marks stated that he had pointed out to Mr. Williams, in his conversations with him, that the city was the only body which had the legal authority to determine that it was in the public interest and welfare and the Council had already determined that that was the site that was proper and right for a city hall.

The City Attorney stated that the resolution adopted by the Council on condemnation speaks for itself but on the issue of "necessity", the court eventually decides the public necessity to acquire the property for a city hall site.

When questioned by the Council on the question of "timing", the City Attorney pointed out that an appeal could always be taken on the judgment of the court, but the law provides that after the judgment is rendered that the city can deposit the money and take possession. He stated that by virtue of law, condemnation suits are entitled to precedence on the setting calendar to be heard, over all other actions.

The City Attorney stated that on the question of "right of entry" that the city has the authority to enter the premises for the purpose of making surveys, examinations and maps. In as much as the owners have indicated that they will not voluntarily give that, he stated, it then behooves the city to request a court order under the statute provisions to have the authority to enter the building. The Council generally agreed that the city should proceed along these lines as recommended by the City Attorney.

MAYOR MARKS REPORTS ON COMMITTEE APPOINTED TO DRAFT A NEW BUSINESS LICENSE ORDINANCE 2-60

Mayor Marks reported, as directed by the Council, he had appointed the following persons on a committee to confer with the staff on the drafting of the new business license ordinance: Tom Reneau, Bob Kauffman, Bill Falger, Al Hamaway, Lee Damir, Paul Huddleston, Louie Hammer, George Mellis, Dr. Hans Hartman, Ed Walter, Norman West, Ed Griswold, Ad Saathoff and Mary Johnson.

REQUEST OF FRANCES DIAS THAT THE CITY OF MODESTO ASSIST IN FINANCING THE POWDER PUFF DERBY FOR YEAR 1958 2-75

Frances Dias, Newman, representing the 99 Incorporated organization of licensed women pilots appeared before the Council and asked that the Council assist in sponsoring the All Women Transcontinental Air Race known as the "Powder Puff Derby", along with Stanislaus County for the 1958 air race, which is approved and sanctioned each year by the National Aeronautics Association. She stated that there was a good chance of having the 1958 race start or finish in the City of Modesto. She outlined the procedure for submitting bids for the concession to the Board of Directors of the T.A.R. organization and pointed to the outstanding publicity which would be given to the city and county throughout the nation if the race were to start or finish in this city. She stated that in order for Modesto

to have the start or finish of the race it would cost approximately \$5,000. She stated that she believed that Stanislaus County Chamber of Commerce would put up one-half of the money. If the Council is interested, she stated, the Modesto Chamber of Commerce and City of Modesto Council could possibly appropriate the balance of the money.

Points made in the general Council discussion were:

1. That in this type of request there is always a question of propriety as to where a legislative body fits;
2. That the City of Modesto already donates money to the Modesto Chamber of Commerce on the basis of the promotion;
3. Whether it would be proper to contribute to a publicity program of this type;
4. That as far as the law is concerned--publicity for the city was a legal purpose to spend money and that it would be a matter of Council policy;
5. That before the Council takes any action on the proposal that all the ramifications should be explored from the standpoint of setting a precedent.

It was agreed that the Council should confer with the Modesto Chamber of Commerce regarding the project and Mrs. Dias should contact the Council in two weeks to determine the decision.

INFORMAL HEARING ON THE MATTER OF UNITED STATES TIRE RECAPPING SERVICE AT
13TH AND H STREETS 3-77

Mayor Marks declared the informal hearing/^{open} on the United States Tire Sales and Service case which had been referred to the Council by the Planning Commission on September 26 without recommendation since the Commission had agreed that it could find no justification for an amendment to either the text of the zoning regulations or to the zoning map which would legalize the tire recapping operations of the company in its present location. He pointed out that reports had been submitted to the Council members previously and they were aware of the facts in the case but the purpose of the public hearing was to give everyone an opportunity to be heard.

A letter from the U.S. Tire Sales & Service Co. was read, a copy of which is on file with the records of this meeting. The Company stated that "in order to avoid further controversy it would be willing, at considerable expense, to install a washing process so that the air emerging from smoke stacks may be subjected to streams of water for the purpose of eliminating any dust or odors and to erect a concrete fence between its property and the adjoining property on the south which would do a lot toward eliminating noises arising from its normal operations."

Attorney John Trimbur, representing Mrs. M. Borello, 722 13th Street, owner of the residential property adjoining the tire shop on the south, stated that his client objected to the recapping operations for the following reasons:

1. That the original business license issued to the company did not indicate that there would be recapping; and that the building permit issued during the years from 1951 to 1954 did not mention that tire recapping would be conducted on the premises;
2. That they have been bothered a great deal by the operations of the tire recapping machinery which have not only created objectionable

- fumes and noise but have caused electrical fixtures to fall;
3. That at the time the business license and permits were issued and at present, tire recapping is not allowed in this area under the law;
 4. That the Commission has been asked a number of times to abate this nuisance since it is a contravention of the zoning ordinance;
 5. That property is being depreciated in this area due to the fact that manufacturing--tire recapping--is being permitted;
 6. That there is danger to the health of the people in the surrounding area;
 7. That it is up to the city administration when infractions of this type exist, to remedy the conditions;
 8. That the only other solution would be to abate the nuisance created by the recapping or manufacturing of tires;

Attorney Francis W. Halley, representing the U.S. Tire Sales & Service Co., contended there were two matters to be considered, 1) if Mrs. Borello feels a nuisance is being committed, she has recourse to the civil courts---she has a remedy and is not without her rights; if it is proved that the company is creating a nuisance there will be some liability to her but it is up to her to prove this and not up to the City Council or Planning Commission to decide; 2) whether or not the company is operating properly. This matter, he stated, was set forth in detail in the letter previously read and the company considers it is operating properly. The license is for tire sales and service and the word service, he stated, encompasses among other things tire recapping. He pointed out that in the same C-2 zone there were other tire recapping firms operating. He considered that the company could establish in court the fact that it had a right to operate at this location and that the city should not go into this controversy due to peculiar circumstances which exist here.

The Council discussed the question of whether the provisions of Ordinance No. 858-N.S. under which the original license was issued, permitted tire recapping. The City Attorney pointed out that the wording of the ordinance was not clear. He referred to his opinion on the case, dated April 12, copies of which had been previously sent to the Council and the Planning Commission, which ruled that at the time of its commencement the institution of tire recapping activities on the premises appeared to be in violation of the zoning regulations existing at that time and therefore could not lawfully be continued upon the premises. He discussed the ambiguity of the uses permitted under the ordinance which made it difficult to interpret whether tire recapping was incidental to tire sales and service.

He reported on his discussion on the case at the recent Conference of the National Institute of Municipal Law Officers from which he had returned today. A national expert in zoning with whom he had discussed the case had pointed out the 1) unwisdom of pressing cases for zoning violation where the equities were strictly not on the side of the city; 2) more harm can be done to zoning concepts in the long run by taking bad cases before the courts and losing them than enforcing those violations which according to the law and the facts are clear; 3) where a considerable period of time is allowed to elapse where the business started that the courts are nearly not as anxious to enforce violations as when the violation is noticed immediately and taken to court; 4) an argument could be made that tire recapping is an incidental use to the manufacture of tires sales and service as a logical extension of the activity; 5) another fact that should be considered is that this business is located in a general business zone and if the zoning ordinance is any good, that it was an area set aside

for commercial activity and no longer considered appropriate for residential activities; 6) there are some cases where some courts have taken the view that a business license has been issued to conduct a specific business by an administrative official, that although it is in violation of the zoning ordinance, it is quite persuasive that the court, since the courts do not like to have one department of the city tell a person they can do something and another department come along later after the company has spent money to establish the business, that the company is in violation of some city regulation.

The City Attorney pointed out that the protestant would have recourse in the court on the abatement of a nuisance.

Councilman Hammond pointed out that during the transitional period from R-1 to C-2 that this was one of the prices property owners would have to pay to get a higher valuation on their property. He contended that recapping of tires was the rehabilitation of used equipment and not a manufacturing process and that it was the Council's responsibility to clear up the wording of what is meant by the term, sales and service.

Travis Townsend explained the process proposed to be installed at the U.S. Tire Shop to take care of the odor and dust. He reported on vibration tests which had been made by the company.

Director of Planning Smeath reviewed the background of the case as it was considered by the Department and the Planning Commission. He pointed out that the matter was a legal and not a planning problem, as to what was permitted under the ordinance in effect at the time the license was issued. He pointed out that it was clear and implicit in the present zoning regulations that tire recapping is not permitted in the C-2 zone. He stated that it would be helpful if these businesses are to continue to operate in the downtown area that some kind of change in performance standards was adjusted by the operators.

To a question from the City Attorney, Attorney Halley stated that there was some wholesale activities conducted at the U.S. Tire Shop, but it was incidental to the retail operations.

The City Manager pointed out that he had seen nothing which would indicate any action of this city in issuing either a building permit or the business license which included tire recapping.

The City Attorney reported that he had seen a list of activities authorized in the C-2 zone prior to the present regulations which included tire recapping. Whether this list was relied upon in obtaining this permit, is not now known.

Attorney Trimbur contended that the company's operation created a health problem for the adjacent residents, and should be investigated by the Health Department.

Mayor Marks suggested that this investigation be held up until the changes had been made by the company, as outlined in its letter.

Councilman Anderson moved that the matter be referred to the City Attorney for a further report to the Council. Since the motion was not seconded, the motion died for lack of a second.

Attorney Halley stated that the company had every intention of going ahead with the changes outlined in the letter but that it involves an expenditure of several thousand dollars and the company did not want to make the changes if it was going to become involved in a controversy with the city.

John Pflock, operator of a tire shop on 15th and I Streets, stated that the federal government did not classify tire recapping as a manufacturing process.

MOTION

That based on the facts and evidence presented at this hearing the Council does not find sufficient evidence to warrant directing the City Attorney to commence proceedings to abate the activities conducted on the premises.

Moved by Hammond Seconded by Merrill Unanimously carried

The City Attorney pointed out that the action taken by the Council would not preclude the residents from filing suit to abate the private nuisance, if they so desired. The three companies now operating in the C-2 area are operating on a non-conforming basis and operations cannot be enlarged or expanded unless the Council were to change the zoning regulations relating to tire recapping.

It was agreed by the Council that the City's Health Officer be notified immediately and be requested to investigate the conditions and that the U. S. Tire Company be given an opportunity to make the changes outlined in its letter to see if it will correct the conditions.

MOTION

That the City Manager furnish the Council with a report on why recapping is classified as manufacturing process.

Moved by Hammond Seconded by Adams Unanimously carried

ORDINANCE AUTHORIZE SALE OF SURPLUS, USELESS AND UNCLAIMED PERSONAL PROPERTY 9-42

The City Attorney presented for Council approval an ordinance providing for the sale of surplus, useless and unclaimed personal property, at a time and place to be set by the City Manager.

ORDINANCE NO. 122-C.S. entitled

"AN ORDINANCE PROVIDING FOR THE SALE OF SURPLUS, USELESS AND UNCLAIMED PERSONAL PROPERTY"

introduced and ordered printed and published as required by the Charter

Moved by Anderson Seconded by Arata

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

Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 115-C.S. REPEALING ORDINANCE CREATING PARK COMMISSION 9-50

ORDINANCE NO. 115-C.S. entitled

"AN ORDINANCE REPEALING ORDINANCE NO. 573-N.S. ENTITLED AN ORDINANCE PROVIDING FOR THE CREATION AND ORGANIZATION OF A BOARD OF PARK COMMISSIONERS AND REPEALING ORDINANCES NO. 377-N.S., 439-N.S. AND ORDINANCE NO. 83-N.S. ENTITLED AN ORDINANCE REGULATING THE PLANTING REMOVAL AND CARING FOR TREES AND SHRUBS IN THE STREETS OF THE CITY OF MODESTO AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH"

26-179

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introduced on September 26, 1956, 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, Robinson and Mayor Marks

Noes: None

Absent: None

ADOPTION OF ORDINANCE NO. 116-C.S. APPROVING LEASE AGREEMENT WITH YOSEMITE AREA COUNCIL BOY SCOUTS 9-52

ORDINANCE NO. 116-C.S. entitled

"AN ORDINANCE APPROVING A LEASE AGREEMENT WITH THE YOSEMITE AREA COUNCIL BOY SCOUTS OF AMERICA RELATING TO THE RENTAL OF CERTAIN ROOMS IN THE MODESTO COMMUNITY SERVICE CENTER IN THE CITY OF MODESTO"

introduced on September 26, 1956, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Merrill

Seconded by Arata

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

Noes: None

Absent: None

INTRODUCTION OF ORDINANCE REGULATING AND LICENSING AMBULANCES IN THE CITY OF MODESTO 9-53

The City Attorney presented for Council consideration a proposed ordinance providing for the licensing and regulating of ambulances in the city. Questions raised by the Council members relating to the age of drivers and attendants and limits of insurance required and first aid equipment were cleared by the City Attorney and by Councilmen Merrill and Arata, who had recommended the ordinance. Finance Director Lawrence reported on the costs involved for various limits of liability insurance.

The City Manager pointed out that the ordinance, as proposed, prohibited any person who handled the dead from engaging in the ambulance business.

ORDINANCE NO. 123-C.S. entitled

"AN ORDINANCE ADDING CHAPTER 7, ENTITLED "LICENSING AND REGULATION OF AMBULANCES" TO TITLE III OF THE MODESTO MUNICIPAL CODE

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

REPORT ON APPOINTMENT TO BOARD OF PLUMBER EXAMINERS 9-123

Mayor Marks stated that George Hansen's term on the Board of Plumber Examiners would expire on January 1, 1957, and that he had changed his mind about resigning at this time.

MOTION

That the letter of resignation filed by George Hansen be withdrawn at his request.

Moved by Merrill Seconded by Arata Unanimously carried

REQUEST FOR AMENDMENT TO MUNICIPAL CODE RELATING TO AMUSEMENT DEVICES 9-125

Attorney William R. Lundgren spoke on behalf of his client, Paul J. Ritchie, operating The Flame Bar, 929 11th Street, and asked that the Council amend Section 4-1.105 of the Municipal Code relating to the license fee required for amusement devices. He objected to the present provision which required an annual license fee of \$1,000 plus \$25.00 per year for each amusement device operated in the city, on the basis that the \$1,000 fee created a monopoly and prevented a person from placing an amusement device in his own place of business. He contended that since the fee created a monopoly it was unconstitutional.

The City Manager pointed to the administrative advantages of having the pin ball operations in the city under one or a few operators instead of under many operators.

Councilman Hammond considered that the control factor required on this type of operation was of great importance. The people of the community, he pointed out, have to be assured that the machines are regulated properly so while it may be a hardship on one individual to operate one machine in his own establishment that the people who operate them do so on a percentage basis and it works to the mutual advantage of all concerned.

Mr. Lundgren pointed out that the ordinance provided "that every operator of the machine" must pay the fee which would mean that each person having one of the machines in his place of business should be paying the fees.

The City Attorney disagreed with this premise and contended that the term "operation" means the person who secures the license and distributes the machines.

MOTION

That the request of Attorney Lundgren for the amending of Section 4-1.105 of the Municipal Code be denied.

Moved by Hammond Seconded by Merrill Unanimously carried

REPORT ON NEED FOR "STEPPED-UP" RIGHT OF WAY ACQUISITION PROGRAM 10-125

The City Manager reported that the city's appraiser, John Knorr, was leaving the city on October 15 and it would be necessary to make different arrangements. He reported on discussions held with Mr. Knorr and Mr. Robert Ford, who had been assisting Mr. Knorr in the city's appraisal work. He pointed out that city was getting farther behind on right of way and acquisition problem. A tabulation of the 22 current pending projects indicates that there are approximately 150 parcels of property on which acquisition action has been requested. He pointed out that the delay was not in the Attorney's office but was in the field and was due to the fact the Appraiser has not had the time to give to the work. He recommended to the Council the consideration of the authorization of a person full time for whatever period of time is required to get the work "on the way".

Mr. Knorr suggested that the city could use a full time negotiator for more reasons than just acquiring the rights of way for streets. He pointed out that while acquiring rights of way citizens posed many questions which could be answered or handled by a full time negotiator in a more satisfactory manner. He stated that an appraiser on the salary basis could do a lot of jobs which he had been unable to do, due to the limit of time, such as sitting in on conferences, etc.

Mr. Ford stated he believed that the employment of a full time salaried negotiator would mean a financial savings to the city.

Mayor Marks asked Councilmen Arata and Anderson to study the matter and report their findings to the Council.

HOLD OVER CONSIDERATION OF REIMBURSEMENT TO HAROLD S. FRANCE FOR SANITARY SEWER LINE CONSTRUCTION 11-105

Due to the absence of Director of Public Works Ray, the consideration of reimbursement to Harold S. France on the construction of the sanitary sewer line in the College DeVillie Subdivision was held over.

CONSIDER MATTER OF MODESTO CITY SCHOOLS' REQUEST FOR EXEMPTION FROM CITY'S ADMISSION TAX 11-110

Director of Finance Lawrence reported that the City Schools had previously requested the Council to exempt all student body activities from the city's admission tax. He pointed out that the code presently provides for the exemption of athletic activities carried on in secondary schools. He estimated the revenue derived from this city to be approximately \$5/600 annually.

MOTION

That the request for the exemption be denied and that no change be made in the municipal code.

Moved by Robinson Seconded by Merrill Unanimously carried

Mayor Marks was asked to write a letter of explanation to the Schools.

CONSIDERATION OF RESOLUTION APPROVING COORDINATING COUNCIL HELD OVER 12-30

This matter was held over until the Council representatives who planned to attend the public meeting to be held Thursday, October 11, could report.

REPORT ON OFFER OF MAGGI FOR PROPERTY AT AIRPORT 12-40

The City Attorney reported that pursuant to direction from representatives of the Council, Board of Supervisors and administrative staff, he had written to the Attorney for Mr. Maggi offering, on behalf of the city, a sum of \$500 for consideration of obtaining the right of immediate possession and indicating that the city and county were unwilling to counter offer on the price of \$28,000 for the property. The reply from the Counsel for Mr. Maggi indicated that the counter proposal from the city was not acceptable and that his client was demanding a jury trial.

The City Attorney reported that the matter had been set for trial for January 23, 1957, at 10:00 A.M.

The City Manager reported that at the Board of Supervisor's meeting held on October 8 approval of the position that the city and county proceed on the basis of the \$28,000 price was indicated.

ACCEPT ANNUAL AUDIT OF CITY RECORDS FROM C. D. NATTINGER & COMPANY AND AUTHORIZE PAYMENT OF CLAIM FOR \$1250 12-60

RESOLUTION NO. 56-419

A RESOLUTION ACCEPTING THE AUDIT OF THE CITY OF MODESTO RECORDS FOR THE YEAR ENDING JUNE 30, 1956, FROM C. D. NATTINGER & COMPANY

AND AUTHORIZING PAYMENT FOR AUDIT THE SUM OF \$1250

Introduced by Merrill

Seconded by Arata

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

Noes: None

Absent: None

TRANSFER FUNDS FOR TRAFFIC SIGNALS 12-65

RESOLUTION NO. 56-420

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$15,072 FROM GENERAL RESERVE TO TRAFFIC ENGINEER DEPARTMENT, CAPITAL OUTLAY AND \$12,000 FROM SPECIAL CAPITAL OUTLAY RESERVE TO CAPITAL IMPROVEMENTS PROGRAM FOR TRAFFIC SIGNALS, GRADE CROSSINGS, TRAFFIC SIGNS, CHANNELIZATION AND LIGHTING

Introduced by Arata

Seconded by Anderson

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

Noes: None

Absent: None

AUTHORIZE PAYMENT OF FUNDS TO CHAMBER OF COMMERCE 12-72

MOTION

That payment of the budgeted fund of \$5,000 be authorized to the Modesto Chamber of Commerce

Moved by Hammond

Seconded by Arata

Unanimously carried

Councilman Arata expressed the opinion that the Chamber's past industrial program left something to be desired.

The City Manager asked Don West, President of the Chamber, if it would be agreeable that payment of this fund be approved on the basis that the city would continue to work with the Chamber on the formulation of the program. Mr. West indicated that this would be satisfactory.

ACCEPT IMPROVEMENTS ON HELEN AND CARMEL AVENUES 12-85

The City Manager reported that there would be a refund to all the property owners on Helen Avenue of about 22% and 18% on Carmel Drive, since the actual cost of the improvement was lower than the estimated cost.

RESOLUTION NO. 56-421

A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENT OF HELEN AVENUE BETWEEN HIGH STREET AND MUIR ROAD AND IMPROVEMENT OF CARMEL DRIVE BETWEEN HIGH STREET AND HELEN AVENUE FROM CONTRACTOR M. J. RUDDY & SON AND AUTHORIZING RECORDATION OF NOTICE OF COMPLETION AND PAYMENT OF AMOUNTS DUE.

Introduced by Anderson

Seconded by Merrill

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

Noes: None

Absent: None

AUTHORIZE SPECIAL PARKING ZONE ON CAMPUS WAY AT VOCATIONAL WORK SHOP 12-100

RESOLUTION NO. 56-422

A RESOLUTION ESTABLISHING A SPECIAL PARKING ZONE ON CAMPUS WAY IN THE CITY OF MODESTO

Introduced by Arata

Seconded by Robinson

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

Noes: None

Absent: None

Mrs. W. Tash, supervisor of the Vocational Workshop located on Campus Way at Stoddard, assured the Council that there would be no abuse of the parking privilege granted under this resolution for the handicapped people who attended the work shop.

AUTHORIZE TWO HOUR PARKING LIMITS ON 14TH STREET, L STREET AND NEEDHAM AVENUE 13-20

RESOLUTION NO. 56-423

A RESOLUTION ESTABLISHING A TWO HOUR PARKING ZONE ON FOURTEENTH STREET BETWEEN L STREET AND NEEDHAM AVENUE; ON L STREET BETWEEN FOURTEENTH STREET AND NEEDHAM AVENUE; AND ON NEEDHAM AVENUE BETWEEN L STREET AND FIFTEENTH STREET 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

DEMONSTRATION OF NEW PAINTING MACHINE

Traffic Engineer Carmody demonstrated the new painting machine used in painting the cross walks on the streets and reported on the savings in costs to the city made possible by the machine.

He reported that this machine made it unnecessary to purchase the striping machine proposed at a cost of \$2120. He estimated the annual savings to the city on the applications alone to be approximately \$4500, and that the repainting of the cross walks would be at longer intervals due to the fact the paint applied by the machine would be twice as thick as when done manually.

MATTERS FOR CONSIDERATION OF THE COUNCIL AND GOOD OF THE COMMUNITY 13-45

Mayor Marks asked if anyone in the audience had any matters for the consideration of the Council and the Good of the Community.

Fred Alford, operating the Merry Garden Roller Rink, 614 I Street, objected to the recent publicity given in the Modesto Bee, that his rink was in violation of the law. He claimed that he had always complied with all city laws and regulations, that the exits and lights were installed according to the code and fire extinguishers met the requirements of the fire department. He stated that he could not understand why this matter was brought up for Council discussion at the last meeting. He agreed to make any changes required by law.

When asked by Mayor Marks, Mr. Alford admitted that he had received a letter from the City Attorney notifying him that he was in

violation of the code, and that he had not rectified the conditions listed in the Attorney's letter. He discussed in length the reason why he had not complied. He contended that he was not in violation to the code and that if he was he would remedy it immediately.

Mayor Marks stated that this matter had been presented to the Council as a last resort by the administrative staff to inform the Council on the disposition of the case.

Mr. Alford stated that he could mention a dozen places in the city that were in violation to the codes.

The City Manager stated that if this was true that he had an obligation as a citizen to submit them to the administrative staff who was responsible for the enforcement of the ordinances. He must comply with the ordinance, the same as everyone else and the staff does not propose to handle his case any different than any other violation of the city ordinances. The administrative staff is authorized under the city charter to require compliance with the ordinance, he stated, and as long "as we are here, we will do it".

Mayor Marks stated to Mr. Alford that he had a duty to report these violators.

Mr. Alford contended that the Fire Chief already knew of all of these violators.

The City Manager demanded that he give a list of them and they would be taken care of.

Mayor Marks stated that since Mr. Alford had made this accusation--impugning the integrity of the administrative staff, he should furnish the location and names. Mr. Alford refused to comply with the request because "he did not like to expose anybody".

Councilman Hammond pointed out that Mr. Alford was inferring that he was being discriminated against and if he was on that assumption, was in favor of other establishments who are also not complying with the regulations, the only way his appearance before the Council would have any merit would be to present the places which are not in accordance with the code. Unless those points of discrimination are listed, then he was not proper in his approach to the Council. He contended that Mr. Alford should not imply discrimination without stating the basis and specifically naming the basis of discrimination in this case. He pointed out that it was the duty of the Council to protect the citizens of this community in cases where they feel, from the administrative end, they have been imposed on and it is the duty of the citizens to come before the Council and state the cases but when they do they should present them fully---with clear hands---and unless he would back up his statement of discrimination, that his statement made before the Council so far should not be given any consideration at all.

Mayor Marks asked Mr. Alford, after a lengthy discussion, to have his attorney represent him in court and state his case and that if he was in conformance with the law he would have no problems.

DENY REQUEST OF HOOVER LONG, CONTRACTOR, FOR CURB CUT VARIANCE FOR TWO 40' DRIVEWAYS FOR THE NEW SUNDIAL MOTEL ON MCHENRY AVENUE 15-70

City Manager Miller reported that the request of Hoover Long, contractor for the Sundial Motel located on McHenry Avenue, for a variance to the curb cut requirement of 30 feet, to construct two 40 foot driveways on the property had been checked with both the Public Works and Traffic Departments. These departments have recommended that the cuts be limited to the code regulations---30 feet.

MOTION

That the recommendation of the administrative staff on the request be approved and the request be denied.

Moved by Anderson Seconded by Hammond Unanimously carried

SET DATE FOR PUBLIC HEARING ON APPLICATION OF THE FREE METHODIST CHURCH
FOR UNCLASSIFIED USE PERMIT TO ENLARGE ITS FACILITIES AT THE CORNER OF 16TH
AND G STREETS 15-115

RESOLUTION NO. 56-424

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT FOR THE FREE METHODIST CHURCH FOR THE ENLARGEMENT OF EXISTING FACILITIES AT SIXTEENTH AND G STREETS

Introduced by Anderson Seconded by Robinson

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

Noes: None Absent: None

The time set by the Council for the hearing was 4:30 P.M., November 7, 1956.

REPORT ON COMPREHENSIVE AUTOMOBILE LIABILITY POLICY 16-60

Director of Finance Lawrence reported on the offer submitted by the Massachusetts Bonding and Insurance Company for renewing the city's comprehensive automobile insurance policy for the year beginning October 13, 1956.

RESOLUTION NO. 56-425

A RESOLUTION AUTHORIZING THE RENEWAL OF THE COMPREHENSIVE AUTOMOBILE LIABILITY INSURANCE POLICY ON THE CITY OF MODESTO AUTOMOTIVE EQUIPMENT WITH THE MASSACHUSETTS BONDING AND INSURANCE COMPANY

Introduced by Anderson Seconded by Robinson

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

Noes: None Absent: None

REQUEST OF U. S. ARMY RESERVE FOR USE OF SPACES ON TENTH STREET AT J STREET
IN BUS LOADING ZONE FOR RECRUITING PURPOSES 15-115

Police Chief Neel introduced Sergeant Nixon of the U. S. Army Reserve, who explained the proposed recruiting program which would call for the showing of sound movies in the downtown area in the bus loading zone on 10th Street south of J Street every Thursday night starting on October 11 until December 27, from 6:00 P.M. to 9:00 P.M. The City Attorney pointed out that the Code permitted sound advertising only between the hours of 9:00 A.M. and 5:00 P.M.

MOTION

That the request for the use of the bus loading zone on 10th Street be denied and that the request be referred to the administrative staff for further study for a different site.

Moved by Hammond Seconded by Anderson Unanimously carried

REPORT ON RECEIPT OF EMERGENCY RELIEF FUNDS FROM THE STATE OF CALIFORNIA
16-65

The City Manager reported receipt of a check from the State of California in the amount of \$5,806.86 for flood damage in the city.

CITY MANAGER FILE FINANCIAL STATEMENT FOR MONTH OF SEPTEMBER 16-70

The City Manager filed the financial statement of the city for the month of September, 1956.

ADJOURNMENT

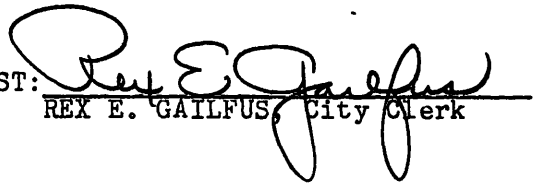
MOTION

That the meeting now in session adjourn.

Moved by Merrill Seconded by Arata Unanimously carried

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

ATTEST:



REX E. GAILFUS, City Clerk

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

The City Clerk called the roll and there were

Present: Councilmen: 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. Ray Riley, pastor of the Baptist Temple, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of September 26 and October 1, 1956, and the same being available for public inspection and there being no objections, the minutes were approved.

MAYOR MARKS WELCOME STUDENTS FROM DOWNEY HIGH SCHOOL 1-25

Mayor Marks welcomed the senior students from Downey High School's Government in Action class and their instructor, Ken Baldrige, guests of the Council.

GRANT PERMIT TO ARMY RESERVE TO USE CITY STREETS TO DISPLAY MOVIES ON THURSDAY, OCTOBER 25 1-45

James Alexander, 903 Burke Avenue, representing the local Army Reserve, requested permission to display movies on the downtown city streets from 7:00 P.M. to 9:00 P.M. Thursday, October 25, in a program to obtain recruits. He stated that the Reserve was withdrawing its prior request for this permission for a period of 8 weeks at the corner of 10th and J Streets and now were asking for one week only. Mayor Marks suggested the location be changed to 10th and I Streets, adjacent to the Bank of America instead of 10th and J Streets due to traffic congestion, to which Mr. Alexander agreed.

MOTION

That the request of the Army Reserve for three parking spaces on I Street at 10th Street, adjacent to the Bank of America on Thursday, October 25, between the hours of 7:00 P.M. and 9:00 P.M. to display movies in its recruiting program, be approved.

Moved by Hammond Seconded by Robinson Unanimously carried

Mr. Alexander was asked to work with the Traffic Engineer and Chief of Police on the arrangements.

LETTER FROM DOROTHY TASH REGARDING THE FRIENDLINESS SHOWN CITIZENS IN THE CITY 1-82

A letter from Dorothy Tash regarding the friendliness of the citizens in the city and urging the need of a coordinating council in the city, was read. An attached copy of an editorial which appeared in the Palo Alto Times, October 8, regarding "Someone To Talk To" was noted, and copies distributed to each Council member.

Councilman Arata arrived at the meeting at 4:10 P.M.

LETTER FROM BOARD OF SUPERVISORS REGARDING COMMITTEE ON UNIFORM SALES TAX
1-95

A letter was read from E. W. Hane, County Administrator, advising that since an impasse had been reached in negotiations between the cities and the county on the division of sales tax receipts from a county-wide uniform sales tax, the Board of Supervisors was asking that each city appoint representatives to meet with Supervisors Clint Wilson and Jim Franzen appointed by the Board, to settle the problem of sales tax division.

Councilmen Merrill and Anderson arrived at the meeting at 4:14 P.M.

Mayor Marks suggested that the Council reaffirm its position on the question at this time. He reported that Mr. Thieman had requested that the city be represented at a joint meeting of the Farm Groups, representatives from the Board of Supervisors and various other cities in the County on Friday, October 19. He stated that he had discussed his personal opinion on the question with Mr. Thieman---that the only sound basis was that money belonged to those cities wherein it is collected. He had pointed out that the Council had not yet rescinded its compromise offer of 7½% but it was his firm opinion that if the ordinance eliminating exemptions already introduced by the Council, was finally adopted, that the chances of securing a county uniform sales tax would be slight. The only basis for a compromise now is for the county to adopt the 7½% uniform sales tax, with the definite understanding that if after the impartial professional examination of the entire tax structure, as it now exists, any inequities throughout the whole tax structure including the uniform sales tax are indicated, they can be rectified.

Councilman Arata opposed the 7½% proposal. He pointed out that the cities in San Joaquin County were only paying 5%. He asked that the administrative staff prepare a report on

- 1) What 2½%, 5%, 7½% and 10% would mean to the City of Modesto in dollars and cents in comparison to other cities in this county;
- 2) What it would mean to the city according to its projected increase in business; and
- 3) What it would mean to the city according to its projected increase in population.

He pointed out that the City of Modesto was more concerned than any other city in the county when growth of business and population was considered. He objected to going on record as of this date to 7½%.

Councilman Merrill was opposed to any other basis except a 5% basis.

Councilman Robinson contended that if the city's ordinance was adopted that it would put a different light on what the city should contribute.

Mayor Marks suggested that as a matter of courtesy between governmental agencies, the city should confer with the county before final action was taken on the ordinance.

Councilman Anderson pointed out that there seemed to be quite a few people under this misapprehension that the city is going to take money from the county but that it was just the opposite--the city is not taking anything from the county but trying to help it out--the city's money would be going to the county instead.

MOTION

That the administrative staff prepare a report based on the questions raised by Councilman Arata.

Moved by Arata Seconded by Merrill Unanimously carried

The staff was directed to have this report prepared by next Friday so that Councilman Hammond could have it available before he met with the Farm Groups and representatives from the Board of Supervisors and other cities.

LETTER FROM CITY OF CERES RE: SEWER SERVICE TO AREA EAST OF MORGAN ROAD
2-114

A letter from Walter White, Mayor of the City of Ceres, was read, regarding the City of Modesto furnishing sewer service to the property zoned industrial between Morgan Road and 99 Highway with Whitmore Avenue on the south.

The City Manager reported on the meetings held with representatives from the City of Ceres and members of the Council Industrial and Sewer Committee.

Councilman Hammond reported that the city's policy of only furnishing sewer and water service to areas which would ultimately be annexed to the city, was cleared with the representatives from the City of Ceres since their letter indicated some misunderstanding on this point.

CONSIDER FINAL ADOPTION OF ORDINANCE NO. 118-C.S. RELATING TO AMENDMENT OF CODE ON EXEMPTIONS FROM SALES AND USE TAX 3-35

The City Attorney reported that Ordinance No. 118-C.S. relating to elimination of exemptions from the sales and use tax regulation had been published as required by law and was now up for consideration for final adoption.

The City Manager reported receipt of a petition opposing the final adoption of the ordinance signed by a number of farm supply dealers in the city.

Councilman Hammond pointed out that the city had not closed the negotiations with the county, as stated in this petition that the county had closed them by refusing to accept the cities compromise offer of 7½%.

MOTION

That consideration of the final adoption of Ordinance No. 118-C.S. be tabled until completion of the exploratory conference with the County is concluded.

Moved by Hammond Seconded by Merrill Unanimously carried

A petition was filed by Henry Zimmerman on behalf of the Farm Equipment dealers of Modesto protesting the elimination of the sales tax exemption, signed by five dealers and asking that further negotiations be conducted between the cities and the county.

MOTION

That Mayor Marks and Councilman Hammond be designated as the representatives to confer with the representatives of the Board of Supervisors as requested in the letter of October 9th from County Administrator E. W. Hane on further discussion on the uniform sales tax.

Moved by Arata Seconded by Robinson Unanimously carried

26-190

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The City Manager stated that the petitioners and the Board of Supervisors would be advised of the action taken by the Council.

HOLD OVER FURTHER CONSIDERATION OF PROGRAM FOR INDUSTRIAL DEVELOPMENT 3-105

Consideration of a program for industrial development was held over until a later meeting.

Councilman Arata pointed out that the sewer plant had been built by and for the citizens of the City of Modesto and that the requests already filed by the City of Ceres and Empire should be considered in this light.

(Councilman Arata left the meeting at 4:40 P.M.)

HEARING ON CLOSING OF E STREET 3-120

Mayor Marks announced that the hour of 4:15 P.M. had arrived, the time set for the public hearing on the proposal to close E Street between Sierra Drive and Fourth Street.

The City Clerk reported that the notice of the hearing had been published in the official newspaper of the City of Modesto, the Modesto Journal; that the property had been posted as provided by law; and that no written protests had been filed.

Mayor Marks asked if anyone wished to make any comments or file any protests.

Mrs. Paul Schadel, 522 Sierra Drive, protested the closing of the street on the grounds that blocking streets caused inconvenience to motorists and congestion on other streets which resulted in additional traffic hazards.

At the request of Mayor Marks, the Traffic Engineer and Director of Planning presented maps and outlined the reasons for their recommendation that the street be closed, and the plans for realigning the triangle area which would permit a more even flow of traffic.

Resolution No. 346 adopted by the Planning Commission on September 18, 1956, recommending to the Council the closing of this street was considered by the Council.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 887-S.P.

A RESOLUTION CLOSING AND ABANDONING A PORTION OF E STREET BETWEEN FOURTH STREET AND SIERRA DRIVE IN THE CITY OF MODESTO

Introduced by Anderson

Seconded by Adams

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

Noes: None

Absent: Arata

LETTER FROM FRANK ANDREWS 1-110

Open letter No. 2 from Frank Andrews was read and ordered filed.

MAYOR READS LETTERS RECEIVED FROM GOVERNOR KNIGHT'S OFFICE, EDMUND G. BROWN, ATTORNEY GENERAL, AND MODESTO STATE HOSPITAL EMPLOYEES' ASSOCIATION RE: RECENT INVESTIGATION AT THE HOSPITAL 5-120

Mayor Marks read letters, which he had received in reply to
26-191

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his letter regarding the recent investigation at the Modesto State Hospital, from Governor Knight's office, Edmund G. Brown, State Attorney General, and from the Modesto State Hospital Employees Associations.

RESET PUBLIC HEARING ON REQUEST OF ED TAYLOR FOR THE REZONING OF BLOCK 340, LOTS 13 AND 14 6-25

The City Manager reported that due to the fact the notice of the public hearing on the request of Ed Taylor for the rezoning of Block 340, lots 13 and 14, from R-2 to R-3 had not been published in the city's official newspaper, as required by law, it would be necessary for the Council to reset the hearing which was to have been held this date at 4:30 P.M.

John Feltes, 216 Ruberto, recommended that notices of public hearings of this type be mailed to each property owner residing within 300 feet of the area to be rezoned instead of publishing the notice in the paper, and that the street location also be shown as well as the block and lot.

The City attorney reviewed the Code requirements on publishing of public hearing notices and pointed out the alternatives available to the Council.

RESOLUTION NO. 56-435

A RESOLUTION RESETTNG THE PUBLIC HEARING ON THE APPLICATION OF EDWARD T. TAYLOR FOR AN AMENDMENT TO ZONING MAP SECTION 32 FOR THE RECLASSIFICATION FROM R-2 TO R-3, LOT 13 AND 14, BLOCK 340 IN THE CITY OF MODESTO FOR 8:00 P.M., NOVEMBER 14, 1956

Introduced by Robinson

Seconded by Merrill

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

Noes: None

Absent: Arata

MOTION

That everyone within 300 feet of the Taylor property be notified of the time and place of the public hearing.

Moved by Adams

Seconded by Anderson

Unanimously carried

The Council asked for a staff report on the procedure to be followed in the future in notifying the property owners of zoning public hearings both before the Commission and the Council so that a policy could be established by the Council.

REJECT BIDS FOR STORM RELIEF PUMP STATION AT M.I.D. LATERAL NO. 4 AND NINTH STREET 6-110

Director of Public Works Ray reported that one bid had been received on the storm relief pumping station, which had been opened on Monday, October 8. This bid was filed by Standard Materials, Inc. for the sum of \$7,900, he stated, and the engineer's estimate for the construction was \$5,000 and the sum of \$7500 had been set aside in the Capital Improvement Program. He listed five alternatives available to the Council and recommended alternative No. 5 in his report which provided that "the project can be redesigned and bids advertised again. This would result in some delay in construction".

RESOLUTION NO. 56-426

A RESOLUTION REJECTING THE BID OF STANDARD MATERIALS, INC. FOR

26-192

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THE CONSTRUCTION OF STORM RELIEF PUMPING STATION AT NINTH STREET
AND M.I.D. LATERAL NO. 4

Introduced by Anderson

Seconded by Robinson

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

Noes: None

Absent: Arata

MOTION

That the staff be authorized to proceed on the basis of alternative No. 5 listed in Director of Public Works Ray's report to the City Manager, dated October 17, 1956.

Moved by Adams

Seconded by Robinson

Unanimously carried

Councilman Merrill left the Council meeting at 5:35 P.M.

REJECT BID RECEIVED FOR CONSTRUCTION OF STORM AND INDUSTRIAL SEWER BYPASSES
AND OUTFALLS 7-50

The Director of Public Works reported that one bid had been received for the construction of storm and industrial sewer by-passes and outfalls, which had been opened on Monday, at 2:00 P.M., October 15, 1956. The engineer's estimate for this work, he stated, was \$5,600 and the bid received from Manuel Smith was for \$9960. He pointed out these structures were necessary in order to bypass storm waters from the industrial trunk sewer located along the bank of the Tuolumne River and that the work must be done this fall during a period when the river was fairly low. He recommended that the bid be rejected and the staff be authorized to do this work with city forces.

RESOLUTION NO. 56-427

A RESOLUTION REJECTING THE BID OF MANUEL SMITH FOR THE CONSTRUCTION OF STORM AND INDUSTRIAL SEWER BYPASSES AND OUTFALLS

Introduced by Robinson

Seconded by Adams

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

Noes: None

Absent: Arata and Merrill

FINAL ADOPTION OF ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO
OPERATION OF SKATING RINKS 7-75

ORDINANCE NO. 119-C.S., entitled

"AN ORDINANCE AMENDING SECTION 4-1.802 OF THE MODESTO MUNICIPAL CODE RELATING TO THE REGULATION OF SKATING RINKS"

introduced on October 3, 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, Robinson and Mayor Marks

Noes: None

Absent: Arata and Merrill

HOLD OVER FINAL ADOPTION OF ORDINANCE NO. 121-C.S. APPROVING LEASE WITH
LEAGUE OF WOMEN VOTERS 7-80

The City Attorney reported that the lease for the rental of
26-193 Page 6 10-17-56

space to the League of Women Voters in the Modesto Community Service Center was not ready as yet and asked that the final adoption be held over.

AUTHORIZE REIMBURSEMENT TO HAROLD S. FRANCE ON THE CONSTRUCTION OF SANITARY SEWER INSTALLATION IN THE COLLEGE DEVILLE SUBDIVISION 7-82

The Director of Public Works reported that Harold S. France, subdivider of the College DeVille Subdivision, had requested reimbursement of \$670, being the amount expended by him in the installation of the 340 feet of sanitary sewer lines at a greater depth than necessary to serve his subdivision but which was required by the city in order that the parcel to the north of this subdivision could be served when it developed. He stated that the agreement had been a verbal arrangement between the city and the subdivider and no written letter agreement had been executed, but was in line with the policy set by the Council on the sharing of expenses for perimeter sewers, lights, etc, which would later on be reimbursed to the city when the adjoining property was developed.

The City Attorney pointed out that there was a question about the legality of reimbursing these funds to Mr. France, since there was no formal agreement when the work was started.

MOTION

That the reimbursement of \$670 be authorized to Harold S. France

Moved by Hammond

Seconded by Robinson

Mayor Marks declared that the motion carried.

REPORT FROM PARKING COMMITTEE ON OFFER OF PROPERTY TO THE CITY FOR OFF-STREET PARKING PURPOSES 7-120

A report was submitted by the Council Parking Committee recommending that no action be taken on the two offers submitted by J. C. Crouch of Giddings Brothers until there has been adequate time to restudy parking demands after the Tenth Street lot has been in operation.

MOTION

That the Council does endorse the recommendation of the Council Parking Committee and reject the offers submitted by J. C. Crouch and authorizes the staff to so advise him.

Moved by Mayor Marks Seconded by Robinson Unanimously carried

Councilman Hammond left the meeting at 5:45 P.M.

RESOLUTION APPROVING COMMUNITY COORDINATING COUNCIL 8-20

RESOLUTION NO. 56-428

A RESOLUTION OF THE CITY OF MODESTO APPROVING A COORDINATING COUNCIL FOR THE STANISLAUS COUNTY COMMUNITY

Introduced by Mayor Marks

Seconded by Anderson

Ayes: Adams, Anderson, Robinson and Mayor Marks

Noes: None

Absent: Arata, Hammond, Merrill

RESOLUTION APPROVING APPROPRIATION TRANSFER - ADVANCE PLANNING RESERVE 8-25

RESOLUTION 56-429

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM THE GENERAL FUND--ADVANCE PLANNING RESERVE

Introduced by Anderson

Seconded by Robinson

Ayes: Adams, Anderson, Robinson and Mayor Marks

Noes: None Absent: Arata, Hammond, Merrill

The City Manager stated that this would make the sum of \$8,177 available to reimburse the County for Advance Planning as per agreement dated August 15, 1956.

AUTHORIZE PAYMENT TO THE MODESTO BAND 8-25

MOTION

That the request of the Modesto Band for the payment of \$600, one half of the sum allocated in the 1956-57 budget, be approved.

Moved by Robinson Seconded by Anderson Unanimously carried

RESOLUTION AUTHORIZING ACCEPTANCE OF SANITARY SEWER LINE FROM CONTRACTOR, TED SWINFORD, FILING OF NOTICE OF COMPLETION WITH THE COUNTY RECORDER AND PAYMENT OF AMOUNTS DUE AS PROVIDED IN THE CONTRACT 8-25

RESOLUTION NO. 56-430

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SANITARY SEWER LATERAL IN BLOCK 2029 AND ROBLE AVENUE FROM CONTRACTOR TED SWINFORD

Introduced by Anderson

Seconded by Robinson

Ayes: Adams, Anderson, Robinson and Mayor Marks

Noes: None Absent: Arata, Hammond, Merrill

RESOLUTION AUTHORIZING REDUCTION OF CASH BOND FILED BY MARY SANDERS TO GUARANTEE IMPROVEMENTS IN CAMPUS TRACT NO. 2 8-30

The Director of Public Works recommended that the cash bond of \$3,650 presently filed with the City Clerk by Mary Sanders to guarantee the improvements in Campus Tract No. 2 be further reduced in the sum of \$2,150, leaving a balance on file of \$1,500.

RESOLUTION NO. 56-431

A RESOLUTION AUTHORIZING THE FURTHER REDUCTION OF THE CASH BOND POSTED BY MARY E. SANDERS TO GUARANTEE THE IMPROVEMENT IN CAMPUS TRACT NO. 2

Introduced by Adams

Seconded by Anderson

Ayes: Adams, Anderson, Robinson and Mayor Marks

Noes: None Absent: Arata, Merrill and Hammond

ORDINANCE APPROVING LEASING OF PROPERTY FOR PARKING PURPOSES 8-35

Rental fees to be paid by the city to property owners on the proposed off-street parking facility on the west side of Tenth Street between K and L Streets to be leased by the city for a term of 10 years were reported by the City Attorney. Terms of the lease agreement and the ordinance approving them were briefly reviewed for Council information.

ORDINANCE NO. 124-C.S. entitled:

"AN ORDINANCE APPROVING THE LEASING OF CERTAIN REAL PROPERTY FROM SIDNEY E. LOSHER, SR., GUSTAVE T. ALLIBERT AND MARGUERITE ALLIBERT AND JESSIE V. TRUEBLOOD FOR OFF-STREET PARKING PURPOSES AND AUTHORIZING THE EXECUTION OF LEASE AGREEMENTS IN CONNECTION THEREWITH"

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

Moved by Anderson

Seconded by Adams

Ayes: Adams, Anderson, Robinson and Mayor Marks

Noes: None

Absent: Arata, Merrill and Hammond

The City Attorney pointed out that against the city's customary policy this ordinance was introduced before signatures were obtained on the leases because of the time element involved. The Clerk was requested to have the ordinance published this week and to obtain the signatures of the interested parties so that the ordinance could be finally adopted at the Council meeting of October 24, so that the city could go in on the Losher property as of November 1.

Traffic Engineer Carmody reported that only the Losher property which is 100' x 140' could be taken by November 1, since the present lessee, Howard Chenault, on the Allibert and Trueblood property, would take the full 90 day to February 1, to transfer to a new location. A minimum amount of improvements will be made to the Losher property, he reported and as soon as the other properties are available, the permanent improvement will be made for the entire lot.

RESOLUTION AUTHORIZING STOP SIGNS - KEARNEY AT COLDWELL 8-65

RESOLUTION NO. 56-432

A RESOLUTION ESTABLISHING A STOP SIGN ON KEARNEY AVENUE AT ITS INTERSECTION WITH COLDWELL AVENUE IN THE CITY OF MODESTO

Introduced by Anderson

Seconded by Robinson

Ayes: Adams, Anderson, Robinson and Mayor Marks

Noes: None

Absent: Arata, Hammond and Merrill

RESOLUTION AUTHORIZING NO PARKING ZONE ON MADONIA AVENUE AT STODDARD AVENUE 8-75

RESOLUTION NO. 56-433

A RESOLUTION ESTABLISHING A NO PARKING ZONE ON THE EAST SIDE OF MADONIA AVENUE SOUTH OF STODDARD AVENUE IN THE CITY OF MODESTO

Introduced by Robinson

Seconded by Anderson

Ayes: Adams, Anderson, Robinson and Mayor Marks

Noes: None Absent: Arata, Hammond, Merrill

PROGRESS REPORT ON PLAN FOR TRUNK LINE SEWER TO SERVE TIDEWATER SOUTHERN INDUSTRIAL AREA 8-75

The Director of Public Works reported on alternate plans for the construction of the trunk sewer line to serve the Tidewater Southern Industrial area which had been presented to the Council Sewer Committee. He pointed out that the sewer line shown on the west, which would be located on Spokane up to Hatch and then onto private property, would serve a greater area west of Crows Landing Road, with less construction problems and less cost, even though the line would be slightly longer and has been recommended by the staff to the Council committee.

MOTION

That the staff be authorized to proceed on the basis outlined by the Director of Public Works on the construction of the trunk sewer line on the western location to serve the Tidewater Southern Industrial area

Moved by Anderson Seconded by Adams Unanimously carried

REPORT ON NEGOTIATIONS FOR PROPERTY - G STREET EXTENSION 8-110

The City Manager reported that 1) the staff was negotiating with the property owners on the G Street extension and a number of alternatives were being considered but no specific proposal had been cleared for presentation to the Council; 2) that it was necessary to obtain some help on the right of way matter as soon as possible. He asked for approval to set up a classification with the assistance of the Personnel Commission which would cover this; and which could be brought back to the Council later for its approval. Before this is accomplished, he pointed out, it will be necessary to get some interim help. He suggested that two classes be established and the city then recruit in which ever one it could get the best kind of help. He pointed out that these classes should be tied in with the state classes on appraisers.

The City Manager stated that a recommendation from the Personnel Commission would be presented later on the class and salary range, but during the interim it would be necessary to employ someone until this can be worked out. He stated that, if the Council approved, the salary would be based on those ranges set by the state for the kind of man the city would employ.

MOTION

That the City Manager be authorized to employ a temporary employee to assist during the interim period until classifications and ranges can be established by the Personnel Commission to assist in negotiation of rights of way, etc.

Moved by Mayor Marks Seconded by Adams Unanimously carried

RESOLUTION DESIGNATING MAJOR CITY STREETS 8-110

A resolution was presented for Council consideration which would include the following changes in major city streets 1) G Street from Sierra Drive to Burney Street; 2) Ross Street from Burney Street to LaLoma; 3) 11th Street from D Street to Needham Street; and 4) extension of I Street (part of the one-way street - stage 1) and 5) elimination of 12th Street from H to Needham as a major city street.

RESOLUTION NO. 56-434

A RESOLUTION DESIGNATING CERTAIN STREETS, OR A PORTION THEREOF,
AS MAJOR CITY STREETS IN THE CITY OF MODESTO, STANISLAUS COUNTY

Introduced by Anderson

Seconded by Robinson

Ayes: Adams, Anderson, Robinson and Mayor Marks

Noes: None

Absent: Arata, Hammond, Merrill

It was agreed that clearing of the project statement to be submitted to the state on the G Street extension be held over for a week.

REPORT ON INDUSTRIAL MEETING TO BE HELD IN LOS ANGELES 9-75

The City Manager asked if any other Council members besides Councilman Hammond, would be able to attend the meeting being held in Los Angeles October 22 with the industrialist under the supervision of the County Chamber of Commerce. No other members could attend.

REPORT BY CITY ATTORNEY ON CONDEMNATION MATTER 9-80

The City Attorney submitted a progress report on condemnation matters:

1. The case involving the LaLoma sewer easement across the Arata-Podesto land was tried today and the Judge has taken it under submission.
2. The case involving the Maggi property---Mr. Maggi's counsel now believes that it might not be advisable to request a jury trial and he may waive it in which event the case will be reset for trial in January, 1957.
3. That he had been advised by counsel of the property owners of the Hotel Modesto property that Mr. Williams would not be able to accept service on behalf of his wife who resides out of the state so it will be necessary for the city to serve the defendant outside the state of California which requires the order of the court for publication of summons and that matter is now being taken care of.
4. Official demand was made upon the counsel of the property owners of the Hotel Modesto property for the right of entry requesting that an answer be submitted, if possible, by 5:00 P.M., October 17. He reported that a letter had been received from their counsel indicating that one of the defendants was outside the state of California who had to be contacted with this matter and it would be sometime before an answer would be available. This being the case, he had advised Counsel of the property owners that the city would take into consideration other means of obtaining right of entry to the property.

REPORT ON PUBLIC UTILITY COMMISSION ACTION IN REGARD TO RAILROAD CROSSINGS IN THE CITY

The City Attorney reported on the finding of the Public Utility Commission in regard to railroad crossings in the city. The P.U.C. on its own motion, he reported, is now instituting an investigation and study on all three of the grade crossings, H Street, I Street and L Street with the Southern Pacific tracks.

ADJOURNMENT

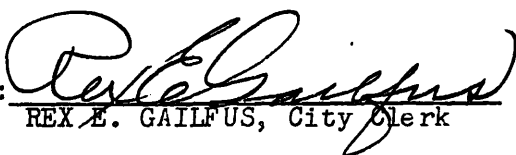
MOTION

That the Council meeting now in session adjourn.

Moved by Anderson Seconded by Robinson 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 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 and Mayor Marks
Absent: Councilmen: Robinson

Due to the temporary absence of Mayor Marks, Mayor Pro Tempore Hammond opened the meeting.

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

Invocation was given by Rev. Ray Thompson, pastor of the McHenry Avenue Grace Brethren Church.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of October 3 and 10, and the same being available for public inspection and there being no objections, the minutes were approved.

APPROVE REQUEST OF REPUBLICAN CENTRAL COMMITTEE TO USE A LOUD SPEAKER IN CONNECTION WITH SENATOR KNOWLAND'S VISIT TO THE CITY 1-5

MOTION

That the Republican Central Committee be permitted to use a loud speaker in front of the Republican Headquarters, 817 11th Street, October 30, 1956, at 4:00 P.M. followed by a caravan out of the city in connection with visit of Senator Knowland, under the conditions set forth in the Municipal Code.

Moved by Arata Seconded by Merrill Unanimously carried

LETTER FROM H. A. JONES RE: TRAFFIC LIGHTS 1-23

A card was received from H. A. Jones, 1640 Teresa Street, expressing appreciation for the traffic lights recently installed in the northern area and requesting that one be installed on the corner of Orangeburg and McHenry.

The City Manager asked that Mr. Jones be advised that this was being considered in the widening of McHenry Avenue.

LETTER FROM EMMETT CRANDALL RE: ACTION ON ORDINANCE NO. 118-C.S. SALES AND USE TAX ORDINANCE AMENDMENT 1-16

A letter was read from Emmett Crandall of the Valley Tractor Company regarding the City Council's postponement on the final adoption of Ordinance No. 118-C.S. which would eliminate the exemptions on the city's sales and use tax regulations.

LETTER FROM ASSEMBLYMAN BRUCE F. ALLEN RE: INVESTIGATIONS AT MODESTO STATE HOSPITAL 1-37

A letter from Assemblyman Bruce F. Allen regarding the investigations at the Modesto State Hospital was read and ordered filed.

APPLICATION FROM THE TIDEWATER SOUTHERN RAILWAY COMPANY RE: D STREET
CROSSING 1-52

A letter enclosing an application from the Tidewater Southern Railway Company regarding the proposed connection between the Tidewater Southern Railway Company and the Modesto and Empire Traction Company at D Street was considered and ordered referred to the staff for investigation and report.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF
STORM RELIEF PUMP STATION TO BE LOCATED ON THE MODESTO IRRIGATION DISTRICT
LATERAL NO. 4 AT NINTH STREET 1-60

As directed by the Council, Director of Public Works Ray presented for Council consideration revised plans and specifications for the construction of a storm relief pump station to be located on the Modesto Irrigation District Lateral No. 4 at Ninth Street. He recommended that the new call for bids be set for 2:00 P.M. Tuesday, November 13.

RESOLUTION NO. 56-436

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF STORM RELIEF PUMPING STATION AT NINTH STREET AND MODESTO IRRIGATION DISTRICT LATERAL NO. 4

Introduced by Adams

Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, and Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks and Robinson

FINAL ADOPTION OF ORDINANCE NO. 122-C.S. SALE OF USELESS, SURPLUS AND
UNCLAIMED PERSONAL PROPERTY 1-90

ORDINANCE NO. 122-C.S., entitled

AN ORDINANCE PROVIDING FOR THE SALE OF SURPLUS, USELESS AND UNCLAIMED PERSONAL PROPERTY

introduced on October 10, 1956, 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, Merrill, Mayor Pro Tempore Hammond

Noes: None

Absent: Mayor Marks and Robinson

HOLD OVER CONSIDERATION ON FINAL ADOPTION OF ORDINANCE NO. 124-C.S.
APPROVAL OF LEASES OF PROPERTY FOR PARKING PURPOSES 1-95

The City Attorney reported that final adoption of this ordinance could not be considered at this time since all the leases had not been signed by the property owners.

ORDINANCE AUTHORIZE PURCHASE OF FRANKLIN SCHOOL PROPERTY 1-100

As directed by the Council, City Attorney Grimes presented for Council consideration an ordinance which provided for the purchase of the Franklin School property to be used for park purposes from the Modesto City School District for the sum of \$6700 net to the District.

ORDINANCE NO. 125-C.S. entitled

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA

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

Moved by Anderson

Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill, and Mayor Pro Tempore Hammond

Noes: None

Absent: Robinson and Mayor Marks

The City Manager stated that charges to funds on the purchase of the property would be cleared later with the Council.

PROGRESS REPORT ON ONE-WAY STREETS AND TRAFFIC SIGNALS 1-110

Traffic Engineer Carmody reported on the time table on the one-way streets and traffic signals program. March 17, 1957, would be the earliest possible date the project probably could be completed and placed in operation, he stated.

RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO CANCEL CITY AND COUNTY TAXES ON PROPERTY PURCHASED FROM IRIS S. KEWIN 1-120

RESOLUTION NO. 56-437

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO CANCEL CITY AND COUNTY TAXES ON PROPERTY OWNED BY THE CITY OF MODESTO

Introduced by Arata

Seconded by Anderson

Ayes: Adams, Anderson, Arata, Merrill, Mayor Pro Tempore Hammond

Noes: None

Absent: Robinson and Mayor Marks

RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$420 FOR PURCHASE OF DICTATOR AND TRANSCRIBER UNIT FOR CITY CLERK'S OFFICE 2-10

RESOLUTION NO. 56-438

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$420 FROM THE GENERAL RESERVE TO THE CITY CLERK AND AUDITOR, CAPITAL OUTLAY FUND FOR THE PURCHASE OF A DICTATOR AND TRANSCRIBER UNIT

Introduced by Merrill

Seconded by Arata

Ayes: Adams, Anderson, Arata, Merrill and Mayor Pro Tempore Hammond

Noes: None

Absent: Robinson and Mayor Marks

RESOLUTION DENYING APPLICATION OF J. V. PORTER FOR AN AMENDMENT TO ZONING MAP, SECTION 17 2-20

Pursuant to the request of the Council, the Modesto City Planning Commission reconsidered its action recommending to the Council the amending of Zoning Map, Section 17, to reclassify the east one-half of Block 6133 from R-1 to R-2 as requested by J. V. Porter. Resolution No. 353 adopted by the Commission on October 16, reaffirming its recommendation to the Council regarding the request was read.

RESOLUTION NO. 56-439

A RESOLUTION DENYING APPLICATION OF J. V. PORTER FOR AN AMENDMENT TO ZONING MAP, SECTION 17

Introduced by Hammond

Seconded by Adams

Before the vote was called, the City Attorney pointed out that when this matter had been previously considered by the Council that there were two "no" votes. He suggested that the vote could be held over until later in the meeting when Mayor Marks would be present, since the charter required four votes for affirmative action, or the vote could be called at this time to see "what happens". Mayor Pro Tempore Hammond asked the Clerk to call the roll at this time.

Ayes: Adams, Arata, Mayor Pro Tempore Hammond

Noes: Anderson, Merrill Absent: Robinson and Mayor Marks

(see action later in the minutes when the vote was changed and the resolution adopted)

The City Attorney pointed out that the resolution did not carry because of failure to obtain four affirmative votes required by the Charter and that the matter was still pending before the Council. Mayor Pro Tempore Hammond ordered the matter tabled until later in the meeting.

HOLD OVER CONSIDERATION ON APPROVAL OF AGREEMENTS FOR APPRAISING OLD HOTEL MODESTO PROPERTY 2-45

Consideration of agreements for appraising of old Hotel Modesto property was held over to a later meeting.

REPORT ON SLURRY SEALING OF CITY STREETS 2-50

The Director of Public Works gave a brief report on the city's program of slurry sealing certain city streets, listing the locations, costs, advantages and disadvantages of this type of improvements. A copy of this report is on file with the records of this meeting.

FURTHER DISCUSSION ON PORTER REQUEST FOR REZONING PROPERTY ON TIMOTHY AVENUE AMEND SECTION MAP 17 OF ZONING ORDINANCE

MOTION

That the vote on Resolution No. 56-439 (Denying application of J. V. Porter for an amendment to Zoning Map, Section 17) be reconsidered.

Moved by Merrill

Seconded by Mayor Pro Tempore Hammond

Mayor Pro Tempore Hammond declared that the motion carried and ordered the Clerk to call the vote again on Resolution No. 56-439.

Ayes: Adams, Arata, Merrill, and Mayor Pro Tempore Hammond

Noes: Anderson Absent: Robinson and Mayor Marks

REPORT ON INSTALLATION OF WATER LINES IN MENSINGER AVENUE AND MCHENRY AVENUE 3-10

The City Manager reported on the cost of the installation of water lines in Mensinger Avenue and McHenry Avenue which had been done by city forces at a total cost of \$1832.24, after the lowest bid of \$3310.00 had been rejected.

26-203

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REPORT ON PURCHASE OF PROPERTY FOR EXTENSION OF G STREET 3-15

The City Manager reported that the various alternatives under which the property needed for the extension of G Street into LaLoma had been considered by the staff and the following suggestion was being offered for Council consideration:

That the state be asked for a revision of the gas tax agreement which has been approved by the state, which would make funds available for this purpose from the other projects and if necessary to purchase the entire parcels.

He stated that it was possible that it would not be necessary to purchase entire parcels on all owners and the staff considers that it is not desirable unless it is necessary, but in asking for a revision of the agreement, it would be better to ask for it on the basis so the full parcels could be purchased if necessary. He pointed out that there would be no commitment on the part of the Council to actually purchase the properties on that basis until those precise matters have been brought to the Council's attention, that this action would simply make funds available if it so desired and the state approved. It is proposed, if the Council approves, he continued, that \$100,000 be made available, \$95,000 would be for rights of way and \$5,000 for construction of that one block. It is suggested, he stated, that the amounts be taken from the following sources in the gas tax account: unallocated gas tax funds in the sum of \$22,200; the 7th & B Streets intersection improvement, \$35,700, which is pending due to the freeway program; Tully Avenue where the rights of way have not been cleared, \$22,100; and from College Avenue, for the same reason, \$20,000.

MOTION

That the staff be authorized to submit a revised proposal to the State along the lines outlined by the City Manager.

Moved by Adams Seconded by Arata Unanimously carried

The City Manager stated that this action does not mean that the other projects are less important and should not be done, but it simply means that the city has not been able to clear them out to where they can be done this fiscal year.

(Mayor Marks arrived at 8:17 P.M.)

FURTHER REPORT ON COMMUNICATION FROM CITY OF CERES REGARDING SEWER SERVICE TO SERVE AREA EAST OF MORGAN ROAD 3-75

The City Manager reported that at the meetings held with officials from the City of Ceres regarding the annexation of the triangle area located east of Morgan Road, North of Whitmore, and South and West of the Southern Pacific Railroad, the following facts have been cleared by the City of Modesto representatives:

1. That the determining factor on whether the area would be annexed to either the City of Ceres or the City of Modesto, would be the property owners or the voters in the area;
2. That the state law provides that at the time of initiating annexation proceedings the City Council can include in its proceedings the provision that if the area is annexed to the city it will or will not at the same time also be annexed to the City school district;
3. That the provision of sewer service and annexation to the city was a matter to be considered separately from annexation to

the school district.

The matter of school districts had been further discussed with James Corson, Superintendent of City Schools and Charles Whitmore and Sid Long of the Ceres School District, the City Manager stated. He had prepared a summary of the Council policy, as he understood it, which had been read to these people. This summary was read to the Council and a few minor changes in wording were made so that it would represent a general policy, a copy of which is on file with the records of this meeting.

MOTION

That the Council indicates that this is its policy on annexation of territory to the City of Modesto as it relates to school districts.

Moved by Adams Seconded by Merrill Unanimously carried

Councilman Hammond reported that Mayor White had advised him this date that the Council of the City of Ceres had advised Mr. Raymond Hatch, one of the major property owners in this area, that the City of Ceres would be able to provide utilities and if that is the case, it would be in order for the Council of the City of Modesto to ask for a letter from the property owners as to their intentions so that the city may proceed with its engineering on its sewer line project to serve the Tidewater Southern area.

The City Manager stated that it had been his understanding and the position of the Council Committee, composed of Councilmen Hammond and Arata that, 1) this city was not trying to grab territory from anybody; 2) that if areas are to be served by city sewers that they must be in the city or under commitment to come in by agreement; and 3) that the city does not finally decide annexation, it is the property owners or voters in the area who decide. These basic principles have been presented to the City of Ceres by this committee and other representatives of the city, he stated. He pointed out the property owner of the major area in this district had been in some of these discussions and it is the Committee's thinking that the City of Modesto should clear this matter on the basis that if the property owner wants the City of Modesto to serve him and so requests and will agree by contract to come into Modesto then the City of Modesto would be willing to serve him. If he does not want to do that, the City of Modesto does not propose to spend any extra money to serve that area. The Council agreed on this premise. The City of Modesto needs to know, the City Manager continued, very soon whether or not it is going to serve this area and it seems now that the matter will be decided by the position of the property owner. He asked the Council to authorize the staff to proceed when a letter is received from the major property owner: 1) if he does not wish to have the City of Modesto to design its sewer to serve that area the staff would then proceed on that basis; 2) if he does want the City of Modesto to serve that area and will enter into a contract to annex, the sewer would be designed on that basis. He reported that he had talked to some of City of Ceres representatives today and advised them that the matter would be presented to the Council on this basis. He pointed out that the staff was committed to give the sewer grades to the California Vegetable Concentrates people who are designing its plant and must have the grades.

He reported that he had talked with representatives from Ceres today and they had stated that they would submit a letter, which would set forth what they would offer to the major property owner for his consideration and then he could consider what the City of Modesto could offer.

Councilman Arata pointed out either way Mr. Hatch decides would be in order as far as the City of Modesto is concerned because if his area was not to be served, other areas out Crows Landing Road could be served, which would provide more industries in the future.

Mr. Ray pointed out that the city was committed to give C.V.C. some grades by Nov. 1 and after this was settled it would take a few days to work those grades out.

The City Manager stated that if the Council would authorize the staff to do this---Mr. Hatch would be advised that the City needs the letter within the next couple of days and when it is received the City will proceed.

MOTION

That the staff be authorized, when the letter arrives from Mr. Hatch which indicates which way he wants to go, that the sewers will be designed on that basis.

Moved by Arata Seconded by Adams Unanimously carried

It was agreed that the letter should be received by at least Monday of next week.

LETTER FROM FRANK ANDREWS 4--100

Open Letter No. 3 on laws and codes, received from Frank Andrews was ordered filed.

FINAL ADOPTION OF ORDINANCE NO. 123-C.S. REGULATION OF AMBULANCES 4-100

Mayor Marks declared that the final adoption of Ordinance No. 123-C.S. regulating ambulances was up for Council consideration.

Councilman Adams asked that two points be further discussed before final adoption was considered, 1) relative to the ages of the attendant and the driver, with the idea that the driver should be 21 but the attendant could be younger, possibly as young as 18; and 2) the provision relating to "issuance of permit" which prohibits the issuance of a permit to "any person who himself handles the dead".

Councilman Merrill stated that ⁱⁿthe preparation of this ordinance, copies of ordinances from other cities were obtained and all of them set the age for attendants at 21. He pointed out the reasons why he considered that an attendant should be at least 21.

Eugene Disney, owner of the Community Ambulance, stated that he employed attendants on his ambulance who were 18 years of age. He pointed out that all of his drivers were over 21 and were in charge of the ambulance and gave orders to the attendants. All of his attendants have first aid cards, he stated. He reported that five of his attendants resided with him and attended Junior College during the day and worked on the ambulance with him during the hours they were not in school. He contended that all of them were well qualified to render first aid, and that the Chief of Police approved the qualifications of both the drivers and attendants. He offered the suggestions that tests be conducted to determine the qualifications of the attendants to be certain they could qualify. Mr. Disney stated that very few cities in the state had ordinances of this type.

MOTION

That the City Attorney be instructed to revise the ordinance

to delete the 21 year requirement for attendants and substitute the 18 year requirement.

Introduced by Hammond

Seconded by Adams

Mayor Marks asked for a roll call on the motion:

Ayes: Adams, Anderson, Hammond, Mayor Marks

Noes: Arata, Merrill Absent: Robinson

At the request of Councilman Adams, Councilman Merrill reported on the results of the study which prompted the placing of Section 3-7.16 (b) subsection (2) relating to the prohibiting of a permit to "any person who himself handles the dead," in the ordinance. He pointed out that this would keep the mortuary operators out of the ambulance business.

Mr. Disney suggested that the wording be changed to provide that anyone engaged in a mortuary business will not engage in an ambulance business.

The City Attorney pointed out that as the ordinance was prepared, it would prohibit anyone who handles the dead, meaning anybody employed by a mortuary for this purpose from being eligible for a permit. He pointed out that if it was the Council's wishes that the ordinance be revised to provide that anyone engaged in a mortuary business could not engage in an ambulance business, it could be done.

The City Manager pointed out that there were two things to be considered: 1) anyone engaged in the mortuary business should not engage in the ambulance business, and 2) anyone who works for a mortuary should not work for an ambulance company. He recommended that the Council consider prohibiting any person who worked for a mortuary from working also for an ambulance.

The City Attorney reported that this situation actually existed at present in both ambulance companies; one company hires people who works for the mortuary at night and the other hires people who work out at the hospital, who are x-ray technicians or do other work.

The City Manager stated that from past experience he had learned that complete separation of ambulance and mortuaries is an excellent arrangement.

Councilman Merrill moved that the matter be referred back to the committee and ambulance operators to clarify these matters. After a general Council discussion on

1. Whether the matter should be referred back to the Council Committee and ambulance operators for further study and clarifications;
2. Whether to consider the following questions separately or jointly:
 - a) to revise the ordinance to prohibit anyone in the mortuary business to operate an ambulance business, and
 - b) prohibit anyone who handles the dead to be issued a permit to drive or attend an ambulance.

Mayor Marks declared that the motion introduced by Councilman Merrill dies for lack of a second.

MOTION

That the City Attorney be instructed to redraft the ordinance

to prohibit anyone engaged in the mortuary business to operate an ambulance business.

Moved by Hammond Seconded by Arata Unanimously carried

MOTION

That the City Attorney be instructed to prepare an amendment to the ordinance to provide that no one who works for a mortuary shall be eligible for a driver's or attendant's permit to work for an ambulance company.

Moved by Arata Seconded by Merrill

Mayor Marks asked for a roll call on the motion.

Ayes: Arata, Merrill and Mayor Marks

Noes: Adams, Anderson and Hammond Absent: Robinson

The City Attorney pointed out that the vote was three to three and the motion lost. He pointed out that the action taken by the Council, so far, did not provide for the deletion of subsection (b) of Section 3-7.16 (b), subsection (2) which prohibits the issuance of a permit to "any person who himself handles the dead".

NOTICE FROM PUBLIC UTILITY COMMISSION RELATING TO APPLICATION OF WESTERN UNION TELEGRAPH COMPANY 7-70

A notice received from the Public Utilities Commission, that a public hearing would be held on Monday, November 26, 1956, at 10:00 A.M. in the Commission Courtroom, State Building, San Francisco on the application of the Western Union Telegraph Company for an order authorizing it to increase and revise certain intra-state rates and regulations applicable to telegraph service within the State of California, was noted by the Council.

SET DATE FOR HEARING ON CHANGING ZONE OF ANNEXED COVELL ADDITION 7-75

The City Clerk recommended that the date of November 21, 1956, at 4:30 P.M. be set as the date for the public hearing on the recommendation from the Modesto City Planning Commission for a zoning change from R-1 to C-2 zone for the recently annexed Covell Addition.

RESOLUTION NO. 56-440

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSED AMENDMENT TO SECTION 21 OF THE ZONING MAP OF THE CITY OF MODESTO

Introduced by Anderson Seconded by Merrill

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

Noes: None Absent: Robinson

REPORT BY DIRECTOR OF PUBLIC WORKS ON MEETING 7-80

Director of Public Works Ray reported on the meeting of the National Conference of the Federation of the Sewage & Industrial Waste in Los Angeles which he had recently attended and delivered a paper.

REPORT ON INDUSTRIAL DEVELOPMENT MEETING IN LOS ANGELES OCTOBER 22 7-115

Councilman Hammond reported on the industrial development meet-

held in Los Angeles, October 22, which he, along with the City Manager, had attended and which had been arranged by the Stanislaus County Chamber of Commerce. He commended the Chamber on the well planned meeting. The attendance by the industrialist in the Los Angeles area was very gratifying, he reported. He recommended that a vote of commendation be given to the Chamber on the meeting.

MOTION

That Councilman Hammond be authorized to write a letter of congratulations to the Stanislaus County Chamber on the excellent meeting.

Moved by Adams Seconded by Arata Unanimously carried

REPORT ON ACQUISITION OF AIRPORT PROPERTY 8-10

The City Attorney advised the Council that Mr. Maggi had waived a jury trial and that the matter had been reset for trial on January 3, 1957.

PRESENTATION OF ANNUAL REPORT OF MODESTO CITY PLANNING DEPARTMENT 8-15

Planning Director Smeath stated that the annual report submitted on planning was made jointly by the Planning Commission, Board of Zoning Adjustment and the Planning Department.

LEASE ON AIRPORT PROPERTY 8-20

The Director of Public Works reported on the action taken by the Board of Supervisors on the proposed leasing of a portion of the airport property purchased by the city and county from Bowen-Hagedorn, for the planting season of 1956-57.

MOTION

That the action taken by the Board on the proposed rental of a portion of the airport property be approved.

Moved by Arata Seconded by Anderson Unanimously carried

REPORT BY CITY ATTORNEY 8-50

The City Attorney reported that service has been made on Doris Williams in the Modesto Hotel condemnation case.

Since the leases have not cleared on the off-street parking area on Tenth Street, he suggested that the Council adjourn this meeting until Thursday, November 1, at which time the leases will be signed and available for Council action.

FURTHER DISCUSSION ON BOND PROPOSAL FOR ROADS AND BRIDGES PLACED ON THE BALLOT BY THE BOARD OF SUPERVISORS FOR THE GENERAL ELECTION BEING HELD ON NOVEMBER 6 8-70

Mayor Marks stated that he wished everyone in the community to know the facts on the bond issue proposed by the county on roads and bridges at the general election to be held on November 6, and not have them vote in ignorance.

1. That unless special means to finance the bonds are provided, the funds will come out of the General Fund or the gas tax funds, as proposed by the County today.

2. That the city has not received an answer to its request on information as to methods of financing the bonds so that the Council could support the bonds.

The City Manager stated that the question the people of this city should have the answer to before they vote is---if general county-wide taxes are levied to retire these bonds will a reasonable proportion of the money which the people in this city pay be spent in the city. He suggested that the Mayor check directly with the Board for an answer to that question.

MOTION

That the Mayor be authorized to write a letter to the Board of Supervisors and ask for an answer to its question by November 1, to be delivered to him.

Moved by Arata

Seconded by Hammond

Unanimously carried

Councilman Hammond pointed out that the Board of Supervisors had expressed themselves recently. The Board considered that the bond issue had been placed on the ballot and if it did not pass that it was not its fault. The Board is not doing the things necessary to get the issue across.

The City Manager pointed out that the Council did have the responsibility of having the people in the city understand the major issues that were presented. Many of the people will vote without knowing that there has been no assurance that even though they as tax payers pay \$1,250,000 of this bond issue, plus whatever growth the city might take in, plus interest, that any of the money will be spent in the city. The State Legislature provides allocation of funds for roads and bridges inside the city and outside the city. The law specifically provides that the city cannot spend gas funds outside even though the law specifically provides that the county can assist inside. The County has the means of doing what they need to do of levying the taxes to get the money they need.

Councilman Hammond stated he would support the bond issue if the county would adopt a uniform sales tax and apply the proceeds to the reduction of its liquidation.

Mayor Marks pointed out that this stand had officially been taken by the Council but the County had put it back on the ballot but not on the basis recommended by the Council.

Councilman Arata considered that the city should have an answer from the Board by the next adjourned meeting proposed for Thursday, November 1.

ADJOURN

MOTION

That the Council meeting be adjourned until 4:00 P.M. Thursday, November 1, 1956.

Moved by Merrill

Seconded by Arata

Unanimously carried

The meeting was adjourned at 9:25 P.M.

ATTEST:


REX E. GAILFUS, City Clerk

Pursuant to motion adopted at its regular meeting of October 24, 1956, 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: Anderson, Arata, Hammond, Merrill, Robinson, and Mayor Marks

Absent: Councilmen: Adams

REQUEST FROM VETERAN'S ARMISTICE DAY COMMITTEE 1-5

A written request was filed by the Veteran's Armistice Day Committee that I Street, between 11th and 12th Streets, be blocked off Sunday, Armistice Day, November 11, between the hours of 4:00 and 5:00 P.M. during the Armistice Day services.

MOTION

That the request be granted and the committee work out arrangements with the Chief of Police

Moved by Robinson Seconded by Hammond Unanimously carried

At the request of F.G. Patterson, who appeared before the Council representing the committee, Mayor Marks agreed to participate in the services.

FINAL ADOPTION OF ORDINANCE NO. 124-C.S. APPROVING LEASES FOR PARKING LOT ON TENTH STREET 1-25

City Attorney Grimes reported that it would now be in order for the Council to consider the final adoption of Ordinance No. 124-C.S. providing for the leasing of real property for off-street parking facilities on Tenth Street since the owners, Sid Losher, Gus Allibert and Jessie Trueblood had executed the leases. He cleared with the Council the provision, relating to the 90 day cancellation clause by the property owners.

Traffic Engineer Carmody discussed the possibility of including a national emergency clause. City Manager Miller recommended that this provision be considered in future leases but since negotiations on these leases had not been conducted on this basis that the Council proceed with the leases as presently prepared.

Mayor Marks considered that the Council should consider this provision on future leases on static parking but not on dynamic parking.

ORDINANCE NO. 124-C.S., entitled

"AN ORDINANCE APPROVING THE LEASING OF CERTAIN REAL PROPERTY FROM SIDNEY E. LOSHER, SR., GUSTAVE T. ALLIBERT AND MARGUERITE ALLIBERT AND JESSIE V. TRUEBLOOD FOR OFF-STREET PARKING PURPOSES AND AUTHORIZING THE EXECUTION OF LEASE AGREEMENTS IN CONNECTION THEREWITH"

introduced on October 17, 1956, 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, Hammond, Robinson and Mayor Marks

Noes: None Absent: Adams, Arata and Merrill

Appropriation transfer of funds which would provide for the transfer of \$900 from the Parking Fund Reserve for the improvements on the 10th Street lot and \$7,052 for rental of the real property were presented for Council consideration.

RESOLUTION NO. 56-441

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF FUNDS FROM THE PARKING FUND RESERVE TO THE PARKING FUND RELATING TO IMPROVEMENTS OF TENTH STREET PARKING LOT AND RENTAL OF REAL PROPERTY ON TENTH STREET PARKING LOT

Introduced by Hammond

Seconded by Robinson

Ayes: Anderson, Hammond, Robinson and Mayor Marks

Noes: None

Absent: Adams, Arata and Merrill

RESOLUTION OF INTENTION TO HOLD AN ELECTION FOR ANNEXATION IN THE GARRISON SCHOOL ADDITION
1-60

The City Clerk filed a certification of sufficiency of petitions filed requesting the annexation of the Garrison School Addition to the City of Modesto: 1) that the petitions were signed by 195 registered voters; 2) that 540 registered voters resided within the territory proposed to be annexed; and 3) that more than 25% of the qualified electors residing within the territory, as shown by the County of Stanislaus registration of voters, were asking that the territory be annexed to the City of Modesto.

The City Attorney presented for Council consideration, a resolution of intention to hold an election for the annexation of the area and recommended that the public hearing be set for November 21, 1956 at the hour of 4:30 P.M. and that the election be held January 14, 1957.

RESOLUTION NO. 56-442

A RESOLUTION OF INTENTION TO HOLD AN ELECTION FOR ANNEXATION OF THE "GARRISON SCHOOL ADDITION" TO THE CITY OF MODESTO, AND PROVIDING A TIME FOR HEARING PROTESTS AGAINST THE HOLDING OF SAID ELECTION.

Introduced by Robinson

Seconded by Hammond

Ayes: Anderson, Hammond, Robinson and Mayor Marks

Noes: None

Absent: Adams, Arata and Merrill

Councilmen Arata and Merrill arrived at the meeting at 4:13 P.M.

GRANT PERMIT TO REPUBLICAN WOMEN'S CLUB TO OPERATE SOUND TRUCK ON ELECTION DAY, NOVEMBER 6, 1956
1-95

A letter was received from the Republican Women's Club asking permission to operate a sound truck in the "residential, commercial and fringe areas", on November 6, election day. The sound truck would have music and a "get-out-the-vote" record.

RESOLUTION NO. 56-444

A RESOLUTION GRANTING PERMIT TO THE REPUBLICAN WOMEN'S CLUB TO OPERATE A SOUND TRUCK IN THE COMMERCIAL AND INDUSTRIAL AREAS IN THE CITY OF MODESTO ON NOVEMBER 6 to "GET-OUT-THE-VOTE"

Introduced by Arata

Seconded by Merrill

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

Noes: None

Absent: Adams

REPORT OF PARKING PROGRESS

1-105

A report submitted by Traffic Engineer Carmody on "Off-Street Parking Progress" to the City Manager, dated November 1, 1956, was reviewed for Council information, a copy of which report is on file with the records of this meeting.

Mr. Carmody reported on the plans for the temporary improvements and the temporary fees to be charged on the south portion of the Tenth Street parking lot (Loshier property). He asked for an expression from the Council on his proposed plan for time limits on the temporary meters to be installed. It was agreed by the Council that the lot be started on the basis of three hour maximum parking between the hours of 9 A.M. to 10 P.M., as was presently in effect on the 9th Street lot.

A brief discussion was held on the plans for notifying the public on the changing of the meters for the new "5¢ per one-half hour rate" to be established. Mr. Carmody reported that he had been advised by the Miller Meter Company that delivery of the parking meters would be within a week. He suggested that the whole city be converted at one time to the new rate.

RESOLUTION NO. 56-443

A RESOLUTION ESTABLISHING PARKING HOURS AND RATES SIMILAR TO THOSE NOW IN EXISTENCE ON THE NINTH STREET PARKING LOT FOR THE NEW TENTH STREET PARKING LOT

Introduced by Arata

Seconded by Robinscn

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

Noes: None

Absent: Adams

CONSIDERATION OF FINAL ADOPTION OF ORDINANCE NO. 118-C.S. PROVIDING FOR THE ELIMINATION OF EXEMPTIONS FROM THE SALES AND USE TAX 2-40

Mayor Marks read a statement into the record, which 1) represented a report of the Council Committee appointed to confer with representatives of the Board of Supervisors, other cities in the county and farm groups; (paragraph one of the statement) and 2) represented his personal feelings on the action taken by the Board in unanimously rejecting the committee's recommendation that the uniform sales tax be initiated on the basis that 7½% of the revenue collected within the cities would be allocated to the county. (Starting at paragraph 2 of the statement)

Mayor Marks recommended that the proposed study of the local fiscal relationships in the county, be started and completed as promptly as possible and that the Council express officially, at this time, its desire to proceed with this study immediately and its intention to join, as a cooperating agency, in the study and to participate in the costs. He expressed the hope "that groups who would be concerned with this problem of greater equity and who were willing to face all the facts would join in this study and help us assure that when it is completed we will have a solid basis for further considerations and action."

The City Manager reported that the Clerk of the Board of Supervisors had stated that the Board had rejected the joint committee's

recommendation for 7½% and had asked that another committee be set up.

Mayor Marks reported that it was his understanding that this committee was to include farm groups and suggested the possibility that other groups such as doctors, etc., might want to also form a committee. He suggested that it would serve the interest of everyone better if Councilmen Hammond and Arata instead of himself sit in on the Council committee.

Councilman Arata suggested that any further meetings be instigated by other groups.

Mayor Marks cited an example of the cost to a farmer in property taxes as compared to the cost of sales tax.

Councilman Hammond pointed out that the principle difficulty with all of the conferences had been in trying to interpret figures "that anybody can come up with a different answer, by using the same figures, and when you finally get down to selling this thing it is going to be on the basis of principles primarily plus the fact that any new facts that can possibly come in, would be based on the study of fiscal relationship." He stated that he could not see any new facts coming into any conversations, as far as figures were concerned until the fiscal relationship study has been completed. The only thing that could be talked about prior to that time, he stated, is principles of taxation. He stated that an organized minority in this county is trying to do the thinking for the elected officials who should have all of the facts and the background of a general nature of relationships between cities and counties. He considered that the City of Modesto should continue to remain in a negotiating position and be ready to listen to any new facts that are available at all times but likewise, he stated, he did not think that the city should continue to hamstring their operation simply because other bodies do not see fit to take action. He considered that on the basis of what facts the city could garner that 5% was an ample percentage. In the interest of compromise, the city offered to meet the county half way, he stated and not because the city felt that it was advisable. He considered that a dead line should be set on the compromise offer since there was no point to continue to negotiate since all that had been accomplished out of the past months negotiations was to set up a barrier between the cities and the county, and some of the individuals within the county. In the interest of negotiation it would be in order to delay final adoption of ordinance No. 118-C.S., but not to delay it to the point that the effective date could be January 1, 1957.

The City Attorney pointed out that November 14 would be the last date which the Council could regularly consider the ordinance if the effective date was to be January 1, 1957.

Councilman Hammond recommended that the Council delay action on the ordinance until November 14.

Councilman Arata concurred with the expression from Councilman Hammond and considered that 5% would be sufficient. He considered that there were a few men in the county telling the Board what to do and the Board was afraid that they would not be reelected.

Councilman Anderson stated that in the cities of the county there was approximately 50,000 population and those representatives of that population want a uniform sales tax. A few of the farm group are swaying the Board as against the 50,000 who want them to do the right thing. He considered that the Board was not doing the right thing by delaying the cities from going into the program with the County so that the fiscal load could be reduced on property taxes. He suggested that an ultimatum be given to the Board -- "either you are going to play ball or not going to play ball".

Mayor Marks reviewed the last paragraph of his report before he

called for a vote on the motion.

MOTION

That the city defer the action on the final adoption of Ordinance No. 118-C.S. until November 14.

Moved by Hammond Seconded by Arata Unanimously carried

Before the vote was taken Councilman Merrill stated that this action was being taken by the Council "in good faith with the people and it would not stand idly by and let pressure groups pressure us".

Councilman Arata stated "we are working for Modesto first and the county second."

Mayor Marks stated that the other cities in the county had agreed at the recent joint committee meeting to join with the City of Modesto in the recommended fiscal study, and the representatives from the Board also agreed.

Councilman Hammond stated that it was difficult for him to understand, since everyone at the meeting had been in agreement, that if the study showed that there was an unbalance on either side that the Board and cities would confer after the study and make the necessary adjustments.

Mayor Marks pointed out that the City of Modesto and the City of Turlock concurred later and the other cities went along that the County adopt this 7½% and proceed with the study -- all joining in together -- and if the results of that study showed that the cities should be paying more, it would be negotiated at that time. This study could also be initiated at the county's time.

MOTION

That the Mayor be authorized to write to the Board of Supervisors and express the policy of the Council as outlined in the memorandum and also notify the other cities in the county.

Moved by Merrill Seconded by Robinson Unanimously carried

Mayor Marks reaffirmed an expression previously made by Councilman Arata, that since the farm groups was not a governmental agency that the Council would be pleased to meet with them in Council session, in open public forum. The Council would meet with the Board of Supervisors on a committee basis but the citizen groups should come before the Council.

Mrs. Louise Flint, reporter from the Stockton Record, reported further to the Council on the action taken by the Board, since she considered that the Council was not correct in its understanding of the action.

REPORT ON LETTER WRITTEN BY THE MAYOR TO THE BOARD OF SUPERVISORS REQUESTING A STATEMENT ON THE ROAD AND BRIDGE BOND 5-10

Mayor Marks reported that as directed by the Council that he had written to the Board of Supervisors requesting a statement from the Board as to whether or not the Board was willing to establish and follow the policy that if general property taxes are levied throughout the county to retire the proposed road and bridge bonds that an amount proportional to that received from taxpayers within the city would be expended within the city.

He reported that no reply had been received from the Board and

that the matter was in the hands of the voters of the county, including those within the city. He stated that he hoped that it had been made clear to those who live in the City of Modesto that there had been no assurance given that any of the funds from the bonds would be spent for improvements within cities, even though city taxpayers in Modesto would pay some 25% of any property taxes levied to pay off these bonds.

FINAL ADOPTION OF ORDINANCE RELATING TO REGULATION OF AMBULANCES 5-25

The City Attorney stated that pursuant to instruction of the Council he had prepared a proposed motion which would amend the ordinance to revise two sections of the proposed ordinance as previously introduced and published relating to the regulation of ambulances. He called attention to the fact that the proposed ordinance still contained the provision that prohibits the issuance of a drivers' or attendants' permit to "any person who handles the dead".

Mayor Marks read a letter received from Lloyd R. Stark, regarding the articles which appeared in the Modesto Bee regarding the recently proposed city ordinance prohibiting embalmers from driving ambulances in their spare time. He protested to certain statements in the article attributed to the City Manager.

Mayor Marks pointed out that the City Manager had already written a letter to all of the ambulance and mortuary operators.

The City Manager stated that he regretted that he had made the remarks at the previous meeting and had written the letter because -- "when you are sorry you should say so" ---. He asked that a copy of this letter be made a part of the records of this meeting and that a copy be sent to Mr. Stark.

MOTION

That a copy of the City Manager's letter to the ambulance and mortuary operators be made a part of the records of this meeting and that a copy of this letter be sent to Mr. Stark and that the Mayor send a covering letter with the copy to Mr. Stark

Moved by Arata Seconded by Robinson Unanimously carried

The City Attorney reported that he had been contacted by the morticians that the Council would have a communication from their organization for consideration at this meeting.

Mayor Marks reported that no communication had been received.

MOTION

That Section 1 of Ordinance No. 123-C.S., as introduced on October 10, 1956 and published on October 18, 1956, but not yet finally adopted, be amended to amend Section 3-7.05 and Section 3-7.16 as contained therein to read as follows:

SEC. 3-7.05. DUTIES OF THE DIRECTOR OF FINANCE. (a) Except as provided in paragraph (b) hereof, the Director of Finance shall issue a license to applicant under this chapter when he finds:

- (1) That the ambulances and premises have been approved by the Health Officer;
- (2) That insurance policies as required by this chapter have been provided;
- (3) That the applicant and all attendants and drivers

that the matter was in the hands of the voters of the county, including those within the city. He stated that he hoped that it had been made clear to those who live in the City of Modesto that there had been no assurance given that any of the funds from the bonds would be spent for improvements within cities, even though city taxpayers in Modesto would pay some 25% of any property taxes levied to pay off these bonds.

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MOTION

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Moved by Arata Seconded by Robinson Unanimously carried

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- (1) That the ambulances and premises have been approved by the Health Officer;
- (2) That insurance policies as required by this chapter have been provided;
- (3) That the applicant and all attendants and drivers

are fit and proper persons to conduct the work in the proposed business;

(4) That all of the requirements of this chapter and all other governing laws have been met.

(b) Any person engaging in business as a mortician shall not be eligible to obtain a license for the operation of an ambulance.

SEC. 3-7.16. ISSUANCE OF PERMIT. (a) The Chief of Police shall issue a permit when he finds that the applicant:

(1) For a driver's permit is of the age of twenty-one (21) years or over;

(2) For an attendant's permit is of the age of eighteen (18) years or over;

(3) Is morally fit for the position;

(4) Is able to speak, read, and write the English language;

(5) Has an adequate knowledge of first aid; and

(6) Has complied with the requirements of this chapter and all other governing laws and ordinances.

(b) No permit shall be issued to any of the following persons:

(1) Any person who has been convicted of a felony or a crime involving moral turpitude, use or possession of narcotics, or for operating a vehicle under the influence of intoxicating liquor within the five (5) years immediately preceding application for a permit; or

(2) Any person who himself handles the dead.

and that the City Clerk be directed to republish said ordinance, as amended, as required by Section 716 of the City Charter.

Moved by Merrill Seconded by Hammond Unanimously carried

LETTER FROM RAYMOND HATCH REGARDING SEWER SERVICE OUTSIDE THE CITY OF
MODESTO 5-105

The City Manager reported on a further meeting held with representatives from the City of Ceres and the Council Committee regarding the serving of sewer service to the Hatch property. The policy discussion on the annexation of this area and the serving of sewer service as stated at the Council meeting of October 24, was relayed to these people, he stated.

Councilman Hammond reported the City of Ceres had expressed itself that in the general planning program -- which was being worked out with the county -- its zone of influence extended up to Hatch Road on the east side of the S.P. tracks and that area bounded by Morgan Road and Whitmore Road was also in its zone of influence. The City of Ceres considered that even though Modesto was not directly seeking this property for annexation, it was doing so by making sewer service available if the property owner desired. The City of Ceres expressed concern that Modesto was encroaching on what it considered its zone of influence. He suggested that the Council should further consider the points raised by Ceres.

The City Manager stated that a letter received from Mr. Hatch would clear the matter and that in accordance with the previous authorization from the Council to proceed on whatever basis the property owner

requested. He stated that this matter seemed very important to the City of Ceres and the additional consideration given by representative of the City of Modesto was a real contribution to continuing good relations with the City of Ceres. He read the letter from Mr. Hatch which advised that he would not desire sewer service from the City of Modesto, and that he would depend upon the City of Ceres to furnish this service.

The City Manager stated that the staff was now proceeding on the plans for the sewer line in that area which would be designed to serve as far east as Morgan Road.

REPORT ON MEETING WITH INTERIM COMMITTEE ON TRANSPORTATION (Highways) 6-30

The City Manager reported that the Interim Committee on Transportation met in Stockton this morning on the matter of freeway location and would meet tomorrow in San Francisco on the matter of landscaping of freeways. The staff considered that it would be wise to present a brief report to this committee to make the city's position in certain matter clear, he reported. The presentation was made on this basis that there were many important factors which should be taken in account in freeway locations; 1) traffic and its effect on the community as a whole, 2) property along the freeway. The problem of the appearance of the freeway, as a location factor, has not been given the attention it should have. If the freeway can be made attractive instead of ugly that it will help with location factors and that if the freeway is to be placed in any area, particularly as it goes through a city, that if it can be appropriately landscaped and beautified that it will minimize the objections and certainly create a better impression about a city.

The City Manager asked the Council if it would authorize the sending of a telegram along these lines to the committee which would be in session tomorrow in San Francisco to be placed in the record.

MOTION

That the City Manager be authorized to send a telegram to the Interim Committee on Transportation asking that the freeway as it relates to the City of Modesto and as it goes through the City be considered as a parkway rather than a freeway and be so landscaped and designed.

Moved by Arata Seconded by Robinson Unanimously carried

The City Manager reported that it might take legislation to permit and specify this.

The City Manager reported that in many cases the freeway could be designed to create the minimum disruption of the landscape and that by placing a grade separation underground instead of overhead that it would create a much better appearance. This factor was also suggested to be taken into account at the meeting, the City Manager stated. He stated that he had pointed out to the committee the need to take into account in the location of freeways and in their construction the fact that they create traffic problems many times which are beyond the capacity of the cities to handle even though much of the load may fall primarily or entirely on city streets and that in the design and financing of freeways and particularly under this new program that they should be prepared and if new legislation is necessary that it be proposed and adopted which would permit the state to assist in the solving of basic overwhelming problems which it creates by placing a freeway in a certain location. He cited the City of Modesto as an example and stated 1) that this city was requesting and insisting that there be railroad grade separations wherever they are needed and that one might be on a state highway which was permissible under present state law but which should be made more specific. 2) even though there are no state highways involved in the access the state is going to have to assume more responsibility for assisting in the solution of the problems which they lay down on cities which are beyond

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.

Invocation was given by Rev. Bernard Den Cuden, pastor of the First Christian Reformed Church.

APPROVAL OF MINUTES 1-15

Council members having received copies of the minutes of the Council meeting of October 17 and 24, and the same being available for public inspection and there being no objections, the minutes were approved.

The City Clerk pointed out that an error in the original copy of the minutes of October 17, had been corrected before being distributed.

LETTER FROM FRANK ANDREWS RE: SUSPENSION OF SALES TAX 1-20

A letter was read from Frank Andrews requesting that the sales tax be suspended from November 15, 1956 to January 15, 1957, and ordered filed.

COMMUNICATION FROM McHENRY AVENUE IMPROVEMENT ASSOCIATION RE: WIDENING OF McHENRY AVENUE 1-30

A letter was read from the McHenry Avenue Improvement Association regarding the widening of McHenry Avenue. The Association requested that the Council exert every effort to establish whatever requirements are necessary, and arrange whatever conferences needed in order that funds be allocated by the State Highway Department in the 1957-1958 budget for the widening of this street.

Dan Mellis, a Director of the McHenry Avenue Improvement Association, who was present, also urged the Council to take the necessary steps to see that funds are allocated by the State for the improvement of McHenry Avenue.

Director of Public Works Ray reviewed for the Council the action that has been taken on this project by the City. He stated that the City has had several contacts with the Stockton office since the notice was received that funds had not been provided in the State Highway Budget for the widening of the street. He stated that he had talked with Mr. Meyers, District Engineer, and that there was every indication that it has not been formally or officially ruled out; it just has not been included at this point. Mr. Ray suggested that the communication from the Association, along with a resolution from the Council, be sent to the Division of Highways.

Councilman Merrill stated that he would like the Council to take whatever steps are necessary to make this project possible.

City Manager Miller suggested that the Council adopt a resolution reviewing the background of the project and indicating its urgency, with copies to be sent to the State Highway Commission, the Director of Public

Works, the Division of Highways Office in Sacramento and in Stockton, and the McHenry Avenue Improvement Association, and ask them for an opportunity to present additional evidence and information on it before any decision is finally made not to proceed on the project, but urging them to clear it on the basis of proceeding.

RESOLUTION NO. 56-445

A RESOLUTION URGING THE STATE HIGHWAY COMMISSION TO PROCEED WITH THE WIDENING OF McHENRY AVENUE IN THE CITY OF MODESTO.

Introduced by Adams

Seconded by Robinson

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

Noes: None

Absent: Arata

Mayor Marks assured the McHenry Avenue Improvement Association that the Council would do everything in its power to urge the State to proceed on this project.

FINAL ADOPTION OF ORDINANCE NO. 121-C.S. LEASE OF ROOM AT MODESTO COMMUNITY CENTER TO LEAGUE OF WOMEN VOTERS 2-65

ORDINANCE NO. 121-C.S. entitled

AN ORDINANCE APPROVING A LEASE AGREEMENT WITH THE LEAGUE OF WOMEN VOTERS OF MODESTO, RELATING TO THE RENTAL OF ROOM NO. 200 IN THE MODESTO COMMUNITY SERVICE CENTER IN THE CITY OF MODESTO

introduced on October 3, 1956, 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 Robinson

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

Noes: None

Absent: Arata

FINAL ADOPTION OF ORDINANCE NO. 125-C.S. PURCHASE OF SCHOOL PROPERTY FOR PARK PURPOSES 2-70

ORDINANCE NO. 125-C.S., entitled

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA

introduced on October 24, 1956, 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: Councilmen: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Noes: None

Absent: Arata

The City Manager stated that the funds would come from the Capital Outlay Program for Park Acquisition.

RESOLUTION APPROVING REDUCTION OF SUBDIVISION BOND FILED BY JOE NUNES, ET UX, AND ARTHUR WYLIE, ET UX, TO GUARANTEE IMPROVEMENTS OF THE CAMPUS HEIGHTS TRACT (REDUCE FROM \$21,600 to \$4,600) 2-75

RESOLUTION NO. 56-446

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND FILED BY JOE NUNES, JR., CATHERINE NUNES, ARTHUR J. WYLIE AND FLORENCE E. WYLIE TO GUARANTEE THE IMPROVEMENTS IN CAMPUS HEIGHTS TRACT

Introduced by Adams

Seconded by Robinson

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

Noes: None

Absent: Arata

RESOLUTION APPROVING REDUCTION OF SUBDIVISION BOND FROM \$3000 TO \$400 FILED BY ARTHUR J. WYLIE, ET UX, IN CONNECTION WITH DEVELOPMENT OF THE COLLEGE VILLAGE PARK TRACT 2-80

RESOLUTION NO. 56-447

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND FILED BY ARTHUR J. WYLIE AND FLORENCE E. WYLIE TO GUARANTEE THE IMPROVEMENTS IN COLLEGE VILLAGE PARK TRACT

Introduced by Robinson

Seconded by Hammond

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

Noes: None

Absent: Arata

RESOLUTION RELEASING PERFORMANCE BOND ON NORTHGATE SUBDIVISION NO. 1 2-35

RESOLUTION NO. 56-448

A RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND TO ROOSEVELT CENTER, INC. TO GUARANTEE IMPROVEMENTS IN NORTHGATE SUBDIVISION NO. 1

Introduced by Merrill

Seconded by Anderson

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

Noes: None

Absent: Arata

RESOLUTION RELEASING SURETY BOND ON COLLEGE DEVILLE SUBDIVISION 2-35

RESOLUTION NO. 56-449

A RESOLUTION AUTHORIZING THE RELEASE OF SURETY BOND TO HAROLD S. FRANCE TO GUARANTEE IMPROVEMENTS IN COLLEGE DE VILLE SUBDIVISION

Introduced by Adams

Seconded by Hammond

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

Noes: None

Absent: Arata

RESOLUTION ACCEPTING IMPROVEMENTS ON ORANJEBURG AVENUE AND COLLEGE AVENUE; AUTHORIZE PAYMENT OF AMOUNTS DUE AND FILING OF NOTICE OF COMPLETION WITH THE RECORDER OF STANISLAUS COUNTY 2-90

RESOLUTION NO. 56-450

A RESOLUTION ACCEPTING THE IMPROVEMENT OF COLLEGE AVENUE BETWEEN

GOLDWELL AVENUE AND CECIL WAY AND OF ORANGEBURG AVENUE BETWEEN COLLEGE AVENUE AND TIDEWATER SOUTHERN RAILROAD TRACKS FROM CONTRACTOR, M.J. RUDDY & SON

Introduced by Hammond

Seconded by Anderson

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

Noes: None Absent: Arata

(Councilman Arata arrived at 4:27 P.M.)

REPORT ON AIRPORT LAND ACQUISITION

2-95

Director of Public Works Ray reported that the County had received a written offer from property owner Mike Kallas, at the corner of Riverside and Finch Roads for his property, the total involved in airport purposes and county road purposes for the extension of Snowden Avenue, in the amount of \$22,000, which includes severance damages. This offer has been accepted by the Board of Supervisors, he stated.

Councilman Arata, representative of the Council on Airport matters, recommended that the Council accept the offer of \$22,000 for property located at Riverside and Finch Roads.

MOTION

That, the City Attorney be instructed to prepare the necessary documents for the purchase of this property, and submit them to the Council for necessary action.

Moved by Arata Seconded by Merrill Unanimously carried

The City Manager reported that in the City Manager's section at the League Convention it was brought to their attention that the C.A.A. is proposing a change in policy on the establishment of runway clear zones as it relates to airport development. The City Managers requested that the Board of Directors take immediate action, he stated, to ask that the C.A.A. defer the adoption of this change, and that a wire to the C.A.A. in Washington asking that it defer action on the matter until the cities could study it, was sent by the Board of Directors of the League.

He stated that it would be followed up by the League and he would report back to the Council of any further action taken on the matter.

HEARING ON UNCLASSIFIED USE PERMIT APPLICATION FILED BY THE FREE METHODIST CHURCH ON EXPANSION OF CHURCH FACILITY

3-45

Mayor Marks declared that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the application of the Free Methodist Church, 16th and G Streets, for an unclassified use permit for an expansion of the church facilities.

The City Clerk filed a statement that notices were mailed as required by law to all property owners within 300 feet of the proposed use, 10 days prior to date of the hearing, and that no written or oral protests had been filed.

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

Resolution No. 350, adopted by the City Planning Commission was read, recommending to the City Council the granting of an unclassified use permit to the Free Methodist Church.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 56-451

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO THE FREE METHODIST CHURCH FOR THE EXPANSION OF THE CHURCH FACILITIES

Introduced by Arata

Seconded by Robinson

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

Noes: None

Absent: None

PROGRESS REPORT ON OPENING F G STREET TO IALOMA

3-75

The City Manager stated that he would have a report for the Council on this matter at the next Council meeting.

REPORT ON ACQUISITION OF MODESTO HOTEL PROPERTY

3-75

The City Attorney reported that as a result of the hearing conducted on Monday, November 5, 1956, the Superior Court granted to the city an order for right of entry on the Hotel Modesto premises to make examinations, surveys and maps.

The court indicated, however, he stated, that the order would not permit the City or its officers or agents to injure or damage the property or make structural changes in the building, until such action was further ordered by the court. The court further provided, he stated, that this order was conditioned upon the City furnishing a corporate surety bond in the sum of \$1,000 to indemnify the owners against any loss or damage which may arise out of entry under the order.

The City Attorney presented two agreements for the hiring of local appraisers; one with Robert W. Ford and one with William H. Murray. He outlined the provisions of the agreements for the Council's information. He recommended to the Council that at least two appraisers be employed in connection with the prosecution and determination of this proceeding in order that a fair determination of the market value can be arrived at.

The City Attorney also recommended that the Council employ an independent expert, qualified in the field of structural engineering, not associated in any manner with any of the persons previously employed or proposed to be employed, to give an independent engineering report of the building in order to back the findings of Engineer Dwell.

MOTION

That an independent expert, qualified in the field of structural engineering be hired to make a separate report in addition to the Dwell Report, and that it be brought back to the Council for its consideration.

Moved by Mayor Marks Seconded by Robinson Unanimously carried

Councilman Merrill suggested that the Structural Engineer be hired from outside of the Bay Area.

RESOLUTION NO. 56-452

A RESOLUTION APPROVING AGREEMENT BETWEEN ROBERT W. FORD, JR., FOR APPRAISING THE OLD MODESTO HOTEL PROPERTY

Introduced by Arata

Seconded by Anderson

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

Noes: None

Absent: None

RESOLUTION NO. 56-453

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM H. MURRAY FOR APPRAISING THE OLD MODESTO HOTEL PROPERTY

Introduced by Robinson

Seconded by Adams

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

Noes: None

Absent: None

CONSIDER ACCEPTANCE OF CONDITIONS ON STATE PERMIT TO OPERATE WATER SYSTEM

4-80

Director of Public Works Ray stated that the report from the State Department of Public Health indicates that the City's water system is in very good order. He read the following conditions of the State Health Department for the issuance of the permit to operate the water system:

- (1) Water for domestic purposes shall, under all circumstances and conditions, be pure, wholesome, and potable and shall not endanger the lives or health of human beings;
- (2) A program for the protection of the domestic water system against possible backflow from premises having dual or unsafe water systems shall be maintained in accordance with the "Regulations Relating to Cross-Connections" of the California State Board of Public Health, Sections 7583 to 7622, inclusive, of the California Administrative Code;
- (3) Competent and adequate operation shall be provided at all times, and operating records, including water flow, quantity of water treated, chemicals used and other data as may be required by the State Department of Public Health shall be maintained;
- (4) Bacteriological and chemical tests performed in compliance with the methods set forth in the U.S. Public Health Service "Drinking Water Standards" of 1946 shall be made in accordance with the requirements of the State Department of Public Health. These analysis shall be made by a laboratory approved by the State Department of Public Health in accordance with provisions of Sections 1075 to 1084, inclusive, or Sections 1174 to 1184, inclusive, of the California Administrative Code;
- (5) Necessary treatment works or improvements in operation, maintenance or construction shall be provided when needed or when required by the State Department of Public Health;
- (6) Modifications, additions, or changes in the source of supply, method of treatment, or distribution system shall comply in all particulars with the provisions of Sections 4011.5 and 4011.6 of the Health and Safety Code.

Mr. Ray stated that when a letter is received by the State indicating that the City accepts the above provisions and its intention and ability to comply with them, then the letter from the State automatically becomes the permit to operate the water system. He recommended to the Council that it accept the conditions as outlined.

RESOLUTION NO. 56-454

A RESOLUTION ACCEPTING THE CONDITIONS ON STATE PERMIT TO OPERATE WATER SYSTEM IN THE CITY OF MODESTO

Introduced by Robinson

Seconded by Anderson

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

Noes: None Absent: None

CONSIDER LIGHTING OF TREE AT 19th and H STREETS FOR HOLIDAYS 5-0

The City Manager presented a report for Council consideration, on the three alternatives for the lighting of the Christmas Tree located at 19th and H Streets, a copy of which is on file with the records of this meeting, and stated that one of the problems in connection with the lighting of this tree is that of vandalism.

Considerable discussion was held by the Council members on the various alternatives. Councilman Hammond asked that if alternative No. 2 was installed could it later be expanded as proposed in alternative No. 3. Director of Parks and Recreation Lowrey stated that the conduit would have to be replaced but that the equipment used in alternative No. 2 could also be used if it were expanded. Councilman Hammond recommended that alternative No. 2 be considered for this year, and as future developments indicate it is advisable, then expand it at that time.

RESOLUTION NO. 56-455

A RESOLUTION APPROVING THE APPROPRIATION TRANSFER OF \$300.00 FROM GENERAL RESERVE TO PARK BUDGET TO PROVIDE FOR THE DECORATION OF THE CHRISTMAS TREE AT 19th and H STREETS

Introduced by Hammond

Seconded by Merrill

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

Noes: None Absent: None

REPORT BY CARLOS J. BADGER ON MODESTO CITIZENS COMMITTEE FOR UNITED NATIONS WEEK 5-65

Carlos J. Badger, Chairman of the Modesto Citizens Committee for the observance of United Nations Week, reported on the activities of the Committee and advised the Council that at the present time there is a debit balance of \$220.90, because the sale of tickets to the speech given by Sir Robert Henry Hadow, the British Counsel General of Northern California and Nevada was below expectations. He stated that he had personally paid all of the bills and asked the Council to assist him in any manner that it could. He also stated that he is presenting to the school board a request that it reimburse him the cost of the rental of the auditorium used for the lecture.

MOTION

That the staff be instructed to investigate and report back to the Council on the method of repaying Carlos Badger for expenses incurred during United Nations Week.

Moved by Merrill Seconded by Arata Unanimously carried

FIRST QUARTER REPORT ON ACTIVITIES OF THE CHAMBER OF COMMERCE (JULY 1, 1956 to OCTOBER 1, 1956) 6-30

The City Manager presented for Council consideration the First Quarter Report (July 1, 1956-October 1, 1956) on the activities of the Modesto Chamber of Commerce, a copy of which is on file, as per Agreement with the City of Modesto, dated October 3, 1956.

Don West, President of the Chamber of Commerce, who was present, reported that the Chamber had been negotiating with the Council Committee for an agreement regarding an industrial program which will be satisfactory to both the City and the Chamber. A tentative agreement with the Committee has been reached, he stated, and asked for Council consideration on a revised budget of the Chamber.

Dan Toquero, Industrial Manager of the Chamber of Commerce, presented the tentative budget of the Chamber for the Council's consideration, a copy of which is on file with the records of this meeting.

Councilman Hammond suggested that consideration of the budget be held over until the next Council meeting in order that the members would have an opportunity to study it, to which the Council concurred.

MOTION

That the First Quarter Report of the Modesto Chamber of Commerce be accepted.

Moved by Merrill Seconded by Hammond Unanimously carried

PROGRESS REPORT ON BUSINESS LICENSE STUDY 6-105

The City Manager reported on the progress of the Committee on the Business License Study. The Committee is beginning to reach conclusions, he stated, but would like to wait a while before making a report to the Council.

PROGRESS REPORT ON SERVICE TO TIDEWATER SOUTHERN INDUSTRIAL TRACT 7-35

The City Manager reported that details are being worked out for both the facilities and services to the Tidewater Southern Industrial Tract and also for a proposed agreement. Mr. Smeath has checked with the County Planning staff, he stated, to be sure that the City is "tying-in" properly.

SET TIME AND DATE FOR PROGRESS REPORT ON ADVANCE PLANNING 7-45

The City Manager recommended to the Council that it set a time and date for a presentation by the Advance Planning Staff on progress of the group. The Council agreed that the report be placed on the agenda for next week's meeting.

APPLICATION FOR RAILROAD CROSSING ON "D" STREET BETWEEN 9th and 10th STREETS 7-60

City Manager Miller asked and received permission to present an item not on the agenda. He presented a report, for the information of the Council, on the application for a railroad crossing on "D" Street between 9th and 10th Street, by the Tidewater Southern Railway Company, a copy of which is on file with the records of this meeting.

After a short discussion by the Council members, it was suggested that the application be referred to the staff for investigation and study.

MOTION

That the application be referred back to the staff for further processing.

Moved by Hammond Seconded by Anderson Unanimously carried

The City Attorney pointed out that if the application comes under the Franchise provision, the Charter requires that compensation be paid for the right granted.

RESOLUTION NO. 56-456

A RESOLUTION COMMENDING FRED LAWRENCE, DIRECTOR OF FINANCE FOR THE SPLENDID WORK DONE 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

It was also authorized that a suitable scroll be inscribed to Mr. Lawrence for his services to the community.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Anderson Seconded by Merrill Unanimously carried

The meeting was adjourned at 5:45 P.M.

ATTEST: 
REX E. GAILFUS, CITY CLERK

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

Invocation was given by Rev. Magnus B. Anderson, pastor of the Calvary Lutheran Church.

COMMUNICATION FROM CHARLES V. DUNCAN RE: PAYING COST OF UNITED NATIONS DAY PROGRAM 1-15

A letter from Charles V. Duncan was read, regarding the possibility of the Council paying the cost of the United Nations Day program. He stated that he did not feel the Council should set a precedent of financing such programs.

A letter from Arden A. Powers, 1862 Maria Court, was read, opposing the use of City funds for the payment of the United Nations Day program.

(Councilman Merrill arrived at 7:34 P.M.)

Councilman Robinson suggested, to which the Council concurred, that action on this matter be delayed until such time as the City Manager presents his report on how it could be financed.

COMMUNICATION FROM CITY OF PATTERSON RE: UNIFORM SALES TAX 1-65

This item was held over until later in the meeting for consideration with the final reading of Ordinance No. 118-C.S.

LETTER FROM FRANK ANDREWS RE: FRANCHISE TAX 1-70

A letter from Frank Andrews regarding Franchise Tax was read and ordered filed.

RESOLUTION REJECTING THE BIDS FOR STORM RELIEF PUMP STATION AT 9TH STREET AND M.I.D. LATERAL NO. 4 1-75

Assistant Director of Public Works Fredricksen reported that two bids had been received for the construction of storm relief pumping station at 9th Street and M.I.D. Lateral No. 4, which had been opened on Tuesday, November 13, 1956, at 2:00 P.M. The low bid in the amount of \$4,849, was submitted by Jesse Wagoner of Modesto. He stated, but the bidder did not hold the necessary license to do this type of work. The second bidder, he stated, was A. P. Rasmussen of Ripon, in the amount of \$6,363. The engineer's estimate for construction of this project was \$5,000.

He presented the following alternatives for Council consideration:

1. The contract be awarded to A. P. Rasmussen, the second low bidder, on the basis of bids received on November 13.
2. All bids be rejected and the City readvertise for construction of the project on a cost-plus basis;

3. The construction be done by City forces;
4. The project be tabled. In this event no construction would be done and the City might be faced with claims for flood damages in this connection.

The report pointed out that the installation of a pumping unit would not solve the drainage problem for properties lying west of Tully Avenue. It was the recommendation of the staff that Alternative No. 3 be followed.

RESOLUTION NO. 56-457

A RESOLUTION REJECTING ALL BIDS SUBMITTED FOR THE CONSTRUCTION OF STORM RELIEF PUMP STATION AT 9TH STREET AND M.I.D. LATERAL NO. 4 AND AUTHORIZE 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

It was pointed out for the record that the bid of Jesse Wagoner was rejected only because he did not hold a qualified license to do this type of construction and such rejection did not carry the slightest stigma. It was pointed out that his past work for the city has always been satisfactory and Councilman Arata stated he would personally vouch for Mr. Wagoner.

FINAL ADOPTION OF ORDINANCE NO. 123-C.S. - REGULATION OF AMBULANCES 2-90

A card from Mr. and Mrs. J. A. Caldera, 1515 Sherwood Avenue, was read, regarding the regulation of ambulances in the City, and the age requirement of ambulance drivers.

Also read, was a letter from Franklin & Downs Funeral Home suggesting that if it is necessary to bar the employment of some funeral home personnel from working for an ambulance company, that all employees of funeral homes, no matter what the category, should be barred. It was also suggested that the words "employed by a funeral home" be inserted in the ordinance, rather than specifying certain personnel.

The City Attorney stated that as re-published, the proposed ordinance still has the provision in it that no person shall be eligible for a drivers' or attendants' permit "who himself handles the dead". In answer to a question from Mayor Marks, the City Attorney stated that the ordinance would go into effect sooner if it was adopted as it now reads, and then amended later to substitute the words to disqualify for permits persons "employed by a funeral home".

Councilman Merrill pointed out that the aim of the Council in adopting this ordinance was to provide the community with the best service, with the highest qualified people; that the Council did not want to bar anyone.

Mr. Alvin Bohn, of the Modesto Ambulance Company, spoke briefly on the regulations and stated that he felt all employees of a funeral home should be barred from employment by an ambulance company.

ORDINANCE NO. 123-C.S. entitled

"AN ORDINANCE ADDING CHAPTER 7, ENTITLED "LICENSING AND REGULATION OF AMBULANCES" TO TITLE III OF THE MODESTO MUNICIPAL CODE"

introduced on October 10, 1956, and having been printed and published as required by the Charter and coming on for final consideration was moved and adopted.

Moved by Merrill

Seconded by Arata

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

Noes: None

Absent: None

MOTION

That the City Attorney be instructed to revise Section 3-7.16 (b2) to disqualify for a permit "any person who is employed by a funeral home".

Moved by Adams

Seconded by Hammond

Unanimously carried

HEARING ON REZONING OF TAYLOR PROPERTY, BLOCK 340, LOTS 13 & 14 3-85

Mayor Marks announced that the hour of 8:00 P.M. had arrived, the time set for the public hearing on the rezoning of the Taylor property, Block 340, Lots 13 & 14, from R-2, Two-family residential, to R-3, Multiple-family residential.

The City Clerk reported that the notice of the hearing had been published in the official newspaper of the City of Modesto, the Modesto Journal; that the property had been posted as provided by law; and that no written protests had been filed.

Resolution No. 345, adopted by the Planning Commission on September 18, 1956, recommending to the Council the amendment to Zoning Map Section 32 was read.

Planning Director Smeath pointed out on the map the location of the property under question, and briefly outlined the action of the Planning Commission. He stated that the City Attorney had pointed out that there is a possibility that this rezoning could be classified as "spot zoning" and would be illegal.

Mayor Marks asked if anyone wished to make any comments or file any protests.

Those opposing the rezoning of the property were as follows:

John Feltes, 216 Ruberto
Mrs. M. L. Erwin, 211 Ruberto
Mrs. M. G. Moitozo, 314 Ash
Mrs. Lucille Benoit, 219 Ruberto

The following points were brought out by those opposing the rezoning:

1. The effect and the desirability of the residents adjoining the property should be considered;
2. The effect it would have on the traffic problem;
3. The residents were opposed to "spot zoning" or "zoning down" of the area;
4. That Mr. Taylor bought the property knowing that it was zoned R-2.

Mr. Feltes pointed out that the property owners had not received a notice of the hearing held by the Planning Commission and therefore did not have an opportunity to appear before the Commission and voice their opposition. Mr. Smeath explained that the people were not notified of the hearing, since the Code does not require that notices be sent on hearings regarding zone changes. Legal notices are put in the official newspaper, he stated, but no further notices are mailed out.

Councilman Arata stated that he would go along with the recommendation of the Planning Commission that the area be rezoned to R-3.

Councilman Hammond stated that he felt if the Council is to be consistent in its zoning, and until such time as it has a better overall planning program for the City, it would be advisable to reject the Planning Commission's recommendation.

Mrs. Edwin Greaves, owner of Lots 4, 5 and 6, Block 343, spoke in favor of granting the request for rezoning the area.

Edward T. Taylor, applicant for the rezoning, reviewed for the Council the previous action which had been granted on this property. He stated that he felt the area should be rezoned because it would be the economical thing to do and that he did not think it would decrease the value of the property in that area if it was rezoned as proposed. He stated that there would be sufficient space for parking for each unit and that it would not cause a traffic hazard.

Councilman Hammond recommended that the Planning Commission make an overall study of the immediate area, including the property owned by Marvin Heckendorf located on the corner of Ruberto, Madison and Paradise Avenues.

ORDINANCE

AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP TO RECLASSIFY PROPERTY FROM R-2 TO R-3

Moved by Arata

Seconded by Merrill

Before a vote was taken, further discussion was held by the Council. Councilman Anderson asked the City Attorney what the circumstances would be if the Planning Commission came back with a recommendation that the parcel in question be zoned C-1. Mr. Grimes replied that it would be extremely difficult to forecast whether the proposed zoning would constitute "spot" zoning.

MOTION

That the application for rezoning be referred back to the Planning Commission for a more detailed study of the area

Moved by Robinson

Seconded by Hammond

Before a vote was taken on the amendment, further discussion was held on the matter. Councilman Hammond stated he felt that both the Taylor property and the Heckendorf property should be studied before the Planning Commission makes its recommendation to the Council. Councilman Arata felt the entire area from Washington Street to Sunset Street should be zoned commercial.

Mayor Marks asked for a roll call on the motion:

Ayes: Adams, Hammond, Robinson and Mayor Marks

Noes: Anderson, Arata, Merrill

Absent: None

Mayor Marks declared the motion carried.

Mayor Marks declared the hearing closed.

PROGRESS REPORT FROM PLANNING COMMISSION ON ADVANCE PLANNING 6-115

Robert Adams, member of the Board of Supervisors of Stanislaus County, and Chairman of the Stanislaus City-County Advisory Planning Committee, reported on the recent regional planning meeting held in Modesto and stated that it was suggested at the meeting that a regional planning body be formed, sponsored by the various planning agencies of the area, the counties and the cities. It was hoped, he stated, that if the committee was formed that it would be an organization of the counties and cities working toward five principles: 1) the great water problem; 2) highways; 3) full use of the recreational facilities; 4) land use; and 5) air pollution. He reviewed briefly the progress which has been made by the Advance Planning staff and outlined the plans for the future. He stated that one of the most important problems is the great urban growth and that he did not know of any other way to meet the challenge of the problems that are developed by the urban growth than through an orderly and comprehensive plan on which the Advance Planning staff is working. He pointed out that a preliminary report on population and land use in the Modesto-Ceres area is now available, and also a General Plan Manual for Stanislaus County. Copies of these reports were offered to the City Council. He stated that the staff has endeavored to get as much citizen participation as possible so that when the plan is completed, citizens of Stanislaus County will be informed on the General Plan so that some precise zoning can be done which will be understood by the people of the county.

Planning Director George Smeath explained that the Master Plan would not get into details of zoning and subdivisions, urban renewal and other operations. The plan itself, he stated, is primarily a statement of policy; it is a report or several reports with a map, or several maps, which constitutes a statement by the Planning Commission, the City Council and the Board of Supervisors and other interested official groups which have to do with the physical development of the area. It is a statement of policy as to what they think the lines of future developments should be in a broad, general sense and these become matters for direction of the staff, of individual citizens and their proposals for private development. When this type of policy is once established it is usually adopted as a master plan or general plan, he stated. The plan is basically a kind of guide for the people of the community to use and to modify from time to time, as needed, but which will set up goals and principles with which the planning staffs can work.

Planning Director Smeath stated that unless the City develops some type of policy in regard to zoning, subdivisions, and other problems which the planning staff works with, it becomes almost impossible to carry out the planning job. The master plan is well over due, he stated, and if it can be developed relatively soon and can establish some policies which the Council, Planning Commission and other agencies involved, and the people of this community can approve, the planning departments can begin to talk to the people of the community "out of the same side of their mouths all the time", and with some reasonable assurance that people can plan their own developments in a logical and straightforward manner.

Martin Schueller, Planning Director for Stanislaus County, spoke briefly and thanked the Council for its cooperation in the program of the Advance Planning staff.

Roy Potter, Director of Advance Planning, introduced the following members of the Advance Planning staff:

Jim Schroeder, Planning Technician
 Don Fetzer, Map Draftsman
 Joe Myers, Map Draftsman
 Louis Angelo, Planning Aide

and thanked the Council and department heads in the City and County for the help and cooperation which the staff has received from them.

Mr. Potter reviewed for the Council the preliminary report on Population and Land Use in the Modesto-Ceres Area and the General Plan Manual, copies of which are on file with the records of this meeting.

He reported that the staff had been asked by Assemblyman Brown to prepare a report on the need for a four year state college for the Stanislaus area and the report is now in a rough draft form and has been approved by many agencies in this community. The staff will report back to the Council, he stated, on this report in a very short time. Another report the staff is working on, he stated, is the population and school needs report.

He reviewed several maps which have been prepared by the staff. 1) a map showing proposed major highways leading to the bay area and extension of other highways; 2) a preliminary study called "County Patterns 1981?"; 3) a sketch regarding the possible development and growth of the Modesto-Ceres area; 4) a land-use study of the Modesto-Ceres area.

The City Manager stated that a point is just now being reached where the Planning Commission and staff can go to this source of detailed data for help. He stated he is working on a report for the Council which points out the importance of trying to plan this program so that it will be economical to run. In the report, he will point out that if the City can use this principle and encourage the development of the areas where they are easy to serve, it will be easier to plan the future development of the city.

Mr. Potter stated that the main object now is to acquaint the people in the community with what the staff is trying to do and receive suggestions from them and the Council as to what they want in the plan.

Mayor Marks thanked Robert Adams and Roy Potter for their presentation and congratulated them on the work Advance Planning has accomplished.

FINAL ADOPTION OF ORDINANCE NO. 118-C.S. -- EXEMPTION FROM SALES AND USE TAX 10-95

A letter to the Board of Supervisors from the City of Patterson was read, stating that the City Council had approved an allocation of 10% of the uniform sales tax revenue collected within the city to the County for a two year period, during which time a study of the county tax structure is to be made to determine the equitable percentage figure.

A letter from Wesley N. Sawyer, Temporary Chairman of the County Sales Tax Committee, and addressed and delivered to Councilman Hammond, was read. It stated that because of various conflicts the new County wide Sales Tax Committee, suggested by the Board of Supervisors, had been unable to meet, but plans had been made to do so during the week of November 18. It further stated that the committee members, who could be contacted, felt it would be unwise if the City of Modesto elected to remove the exemptions from sales and use tax, before a meeting of the sales tax committee.

Emmett Crandall, who was present, stated that he also felt that it would be unwise for the Council to remove the sales tax exemptions at this time. He urged the Council to consider it further before finally

adopting the ordinance and to try to compromise the issue to avoid injuring these business which would be at a disadvantage competing with businesses outside the city.

Robert Adams, Supervisor, explained that the letter from Mayor Marks appointing Modesto members to the sales tax committee and stating the City Council had agreed to withhold final action on removing exemptions until November 14, 1956, had been received between Board meetings. Upon receipt of it, however, the Chairman of the Board contacted Mr. Sawyer and asked him to call a meeting as soon as he could do so.

At the first official meeting of the Board, after receipt of the letter, the Board officially reaffirmed the action of the Chairman of the Board in contacting Mr. Sawyer. He stated that the Board did everything possible to have a meeting called, prior to the date the City Council had indicated it would act.

D. W. Rosenburg, a veterinarian, also urged the Council not to take action on the ordinance, pointing out that removal of exemptions would work a hardship on city retailers, who are in competition with merchants in the unincorporated areas for the farmers business.

Councilman Arata stated that he felt the ordinance should be adopted and then if changes are needed, it can be amended later.

ORDINANCE NO. 118-C.S., entitled

"AN ORDINANCE AMENDING SECTION 8-2.106 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO EXEMPTIONS FROM SALES AND USE TAX"

introduced on October 3, 1956, 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

Before the vote was taken, further discussion was held by the Council. Councilman Hammond stated that he felt the City only hinders its relationship with the County, as a political body, by continuing to "drag this thing out", and he recommended to the Council that it act on the Ordinance, and pointed out that it will not go into effect until January 1, and any time prior to that date the Council could rescind the action in order to reconsider the 7½% compromise that had been offered.

Councilman Robinson urged that the Council proceed on the basic sound principle and not bring undue pressure to bear on the County. He felt the City needed additional capital improvement money and that this was a source of revenue which had not yet been used.

It was pointed out that the City substantially pays for several projects, such as the airport, the parks, the furnishing of water and sewers to the industrial area south of the City, but all the people in the County benefit by it.

Mayor Marks asked for a roll call on the motion finally adopting Ordinance No. 118-C.S.:

Ayes: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and Robinson

Noes: Mayor Marks

Absent: None

1. That the holder of the option covering property owned by M. E. Angelo is willing to sell to the City, for \$15,000, a portion of the property, 40' in depth and extending 250' along the north line of Ross Avenue; and a strip along the east side of the above Angelo holding, being the east 22' and including a small triangular parcel fronting on LaLoma;
2. That the above holder also agrees to dedicate to the City at no cost to the City, the west 19' on Burney Street, to be used for street purposes;
3. That Mrs. Sherda Shelbourne, owner of property at the corner of James Street and LaLoma, is willing to exchange 3,430 sq. feet of the east side of her property for an equal area along the easterly portion of the M. E. Angelo property. This offer expires on December 1, 1956.

The City Manager recommended that the above offers be accepted by the Council.

MOTION

That the recommendation of the City Manager for the acquisition of property for the extension of G Street be approved.

Moved by Merrill Seconded by Robinson Unanimously carried

REPORT ON STUDY OF THE MATTER OF SEWER SERVICE TO PROPERTY OWNERS ON BEVERLY DRIVE 14-25

The City Manager reported that a request from property owners on Beverly Drive for sewer service had been before the Council for sometime, and that the property owners were willing to pay all the cost of installing the service and have agreed to annex to the City at the earliest possible date. It is the recommendation of the staff, he stated, that the City proceed on the following basis:

1. That the property owners pay all of the cost of installing the sewers;
2. That they hire their own contractor to install the lines;
3. That the lines be designed according to City standards;
4. That all the property owners enter into a letter agreement that they would annex to the City;
5. That pending the annexation they would pay the \$3.00 a month outside charge.

MOTION

That the staff proceed on the basis outlined above to furnish sewer service to property owners on Beverly Drive

Moved by Adams Seconded by Robinson Unanimously carried

RESOLUTION SETTING PUBLIC HEARING DATE ON APPEAL OF MRS. MARTHA WALKER FOR A CONDITIONAL USE PERMIT FOR REST HOME 14-50

RESOLUTION NO. 56-464

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON A CONDITIONAL USE PERMIT

Introduced by Anderson

Seconded by Adams

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

Noes: None

Absent: Arata

The hearing was set for December 5, 1956, at 4:30 P.M.

REQUEST BY GEORGE HANSEN FOR PERMISSION TO DRILL A WATER WELL ON THE ELKS CLUB PROPERTY ON MCHENRY AVENUE 14-55

A request from George Hansen for permission to drill a water well on the Elks Club property on McHenry Avenue was referred to the staff for investigation and report back to the Council.

RESOLUTION AUTHORIZING NO PARKING ZONE ON YOSEMITE BOULEVARD AT SANTA RITA 14-60

RESOLUTION NO. 56-465

A RESOLUTION ESTABLISHING NO PARKING ZONES ON YOSEMITE BOULEVARD ON BOTH SIDES OF SANTA RITA AVENUE IN THE CITY OF MODESTO

Introduced by Robinson

Seconded by Adams

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

Noes: None

Absent: Arata

ORDINANCE AMENDING ORDINANCE NO. 345-N.S. - DESIGNATE LALOMA STREET A THROUGH STREET 14-70

Due to the increase in traffic on LaLoma, the Traffic Engineer recommended that LaLoma Avenue between Burney Street and Yosemite Boulevard be arterIALIZED.

ORDINANCE NO. 126-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 THEREON RELATING TO TRAFFIC REGULATIONS AND REPEALING SECTION 1 OF ORDINANCE NO. 45-C.S."

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

Moved by Anderson

Seconded by Robinson

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

Noes: None

Absent: Arata

FURTHER DISCUSSION ON SALES TAX EXEMPTIONS AND UNIFORM SALES TAX 14-95

Councilman Hammond recommended to the Council that it continue to negotiate with the County on a uniform sales tax until, at least, January 1, 1957. After January 1, he stated, new facts would have to be considered in any possible compromise.

MOTION

That the Council Committee continue to meet with the Board of Supervisors to put the provisions of the Bradley-Burns Act in operation in Stanislaus County

Moved by Robinson

Seconded by Hammond

Unanimously carried

26-239

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RESOLUTION TO THE PRESIDENT OF THE UNITED STATES REGARDING SITUATION IN HUNGARY 14-115

Councilman Anderson asked and received permission to bring up an item not on the agenda. He stated that he felt the Council, as representatives of the people in Modesto, should express its sympathy for the Hungarian people and that it should request the support of the President of the United States and the Congress in establishing policies that would help the cause of world peace. He presented a resolution for Council consideration.

RESOLUTION NO. 56-466

A RESOLUTION TO THE PRESIDENT OF THE UNITED STATES

Introduced by Anderson

Seconded by Robinson

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

Noes: None

Absent: Arata

Councilman Robinson questioned whether the City's Civil Defense should be reviewed, in light of the world situation.

Mayor Marks replied that he had asked the City Manager to make a complete report on this matter, after he had received a letter from the Governor, which had been sent to all mayors and Boards of Supervisors, requesting that the entire Civil Defense organization be reviewed. He asked the City Manager to send copies of the report to all Council members.

After further discussion, it was agreed by the Council to discuss the matter at this meeting.

(Councilman Arata returned at 11:08 P.M.)

The City Manager reviewed for the Council, matters concerning Civil Defense. He pointed out that it would take at least two weeks of intensive study by a very intelligent person to begin to understand the problem and not what the answer is. The City could not begin to do the things, he stated, which would have to be done in order to have an effective Civil Defense organization. In his judgement, he stated, the reason there is no effective Civil Defense is that the Federal Government has never accepted the fact that it was important, and has failed to take the action which would make Civil Defense effective any place in the United States. He further pointed out that California has one of the leading civil defense operations in the country because the State Legislature has made money and men available to work on this problem. The City's job, he stated, is to maintain and have in order the basic fundamental services which are involved and have them sharpened and tied together so that when anything happens the City will have experienced forces working together and facing the problems. He explained that periodic drills are held in Modesto; the last one having been held within the last 60 days and lasting about 12 hours. The next one will be held on November 15.

Councilman Robinson asked if the City is doing everything that it possibly can to have an effective Civil Defense.

The City Manager replied that there is practically nothing the Council could do at this time; that if a war came, there would be the incentive and drive to have an effective program. He stated that if a war is declared, the Government will tell the people what to do.

The Mayor asked the City Manager to draft a letter to the Governor of California regarding the Federal Governments' participation in the Civil Defense program.

REPORT ON CHANGES AND IMPROVEMENTS IN THE FINANCE DEPARTMENT BY FRED W. LAWRENCE 16-55

The City Manager submitted a report on the changes and improvements in the Finance Department, which was prepared by Fred W. Lawrence. A copy of the report is on file with the records of this meeting.

REPORT ON EXPANSION OF SHELL DEVELOPMENT LABORATORIES AT MODESTO 16-70

The City Manager reported on the expansion of the Shell Development Laboratories at Modesto. He stated that at a meeting he had recently attended, the chief concern of the company was the problem of finding suitable homes for the people who will be moving to Modesto. He suggested that a small committee be appointed to help with the selection of homes, which would be composed of someone from the City staff, the Chamber of Commerce, the Realty Board, and the Schools. This committee would only give out information; it would not rent or sell houses.

MOTION

That the staff be authorized to work with the Shell Development Laboratories in finding suitable housing for its employees.

Moved by Robinson Seconded by Hammond Unanimously carried

REPORT ON AUCTION SALE OF SURPLUS PROPERTY HELD ON NOVEMBER 10th 16-85

The City Manager reported that the total proceeds from the Auction Sale held on November 10th, were \$3,958.33, compared to \$2,445.76 collected last year.

PRESENTATION OF MONTHLY FINANCIAL REPORT FOR OCTOBER, 1956 16-90

The monthly financial report for October, 1956, was submitted for Council consideration.

RESOLUTION AUTHORIZING COMMENCEMENT OF WALK-WAIT SIGNALS IN CITY OF MODESTO 16-90

The Traffic Engineer reported that the walk-wait signals were now installed at 10th and I Streets and 10th and J Streets and a resolution was needed authorizing the commencement of the signals.

RESOLUTION NO. 56-467

A RESOLUTION CONFIRMING THE COMMENCEMENT OF THE OPERATION OF THE WALK-WAIT SIGNALS INSTALLED AT THE INTERSECTIONS OF TENTH AND J STREETS AND TENTH AND I STREETS IN THE CITY OF MODESTO

Introduced by Arata Seconded by Robinson

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

Noes: None Absent: None

The Traffic Engineer reported that parking meters have been installed in front of the theatres and are now in use.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by Adams Seconded by Anderson Unanimously carried

The meeting was adjourned at 11:25 P.M.

ATTEST: 
REX E. GAZLUFUS, 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, Robinson and Mayor
Marks
Absent: Councilmen: Merrill

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

Rev. John Becker, pastor of the Geneva Presbyterian Church, gave the invocation.

LETTER FROM STATE REGIONAL WATER POLLUTION CONTROL BOARD 1-7

City Manager Miller briefed a letter received from the Regional Water Pollution Control Board, Central Valley Region, regarding federal monies which have been made available for grants to municipalities and intermunicipal agencies for construction or remodeling of sewage treatment works. He reported that the Public Works Department was checking to see whether or not this might be used to the city's advantage at this point and if it could be cleared on any basis where it would be helpful to the city, the staff would report back to the Council.

LETTER FROM THE MODESTO INSURANCE AGENTS ASSOCIATION RE: "DON'T BE A YULE FOOL" 1-11

A letter was read from the Modesto Insurance Agent's Association regarding the traffic accidents during the two week Christmas-New Year season as a result of drinking drivers. The Association invited the Council to cooperate in a campaign to curb these accidents by joining other organizations in endorsing the program of moderation, and by permitting the posting of material in the city offices; and by designating the departments or persons who may assist in making this program a success. This safety program was endorsed by members of the Council.

The City Manager reported that drinking is not permitted at any observance of Christmas and New Year festivity at the city hall.

MOTION

That the City Manager be authorized to write a letter to the Association notifying them of the action taken by the city and express the Council's willingness to join in the proposed program.

Moved by Mayor Marks Seconded by Adams Unanimously carried

LETTER FROM UNITED CRUSADE 1-55

A letter from the United Crusade was read thanking the Council for its cooperation in the recent community crusade campaign.

The City Manager reported that 98% of the city employees contributed to the campaign, raising a total of \$1,886.90. He also reported on the activities of the Government and Education Committee of the United Crusade, on which he served as chairman, and which had gone "over the top", collecting \$18,500.25.

Mayor Marks asked the City Manager to express the Council's gratitude to the city employees for their excellent participation in the program.

COMMUNICATION FROM THE LEAGUE OF CALIFORNIA CITIES REGARDING COMMITTEES 1-80

The City Manager reported on the appointment of Modesto officials on League of California Cities committees, as follows:

Legislative Committee	City Manager Miller
Intergovernmental Relations Committee	" " "
Advisory Committee on Aviation Problems	" " "(Vice Chairman)
Franchise Committee	City Attorney Grimes
Revenues & Taxation Committee	Mayor Marks (Chairman)
(Two former city employees, Fred Lawrence and Bob Shelton are also on this committee.)	

REPORT ON BUSINESS LICENSE ORDINANCE

The City Manager reported that the business license ordinance was now in draft form and copies would be available for the Council shortly.

REPORT ON RESOLUTIONS ADOPTED BY THE LEAGUE AT ITS RECENT ANNUAL CONFERENCE 1-82

For the information of the Council, the City Manager reported on the resolutions adopted by the League of California Cities at its recent annual conference in Los Angeles, October 31, 1956, relating to the following matters: 1) Feather River project; 2) Proposed long range relocation of television frequencies; and 3) police training study.

He reported that a resolution relating to the standardization of 1½ inch threaded fittings and requesting state financial support had been submitted by the Fire Chief's Department and had been referred to the Board of Directors for study and consideration.

LETTER FROM PUBLIC UTILITIES COMMISSION RE: APPLICATION OF SOUTHERN PACIFIC COMPANY TO DISCONTINUE CERTAIN PASSENGER TRAIN SERVICE 1-100

The City Manager reported receipt of a letter from the Public Utilities Commission advising that the Commission staff was presently considering Application No. 38323 of the Southern Pacific Company to discontinue the West Coast passenger train service in connection with its own investigation Case No. 5829 of the Southern Pacific Company's rail passenger service throughout the State of California. The letter advised that hearings would be set in Sacramento and Los Angeles and the city would be advised of the time and place.

To a question from Mayor Marks---is the city on record with the Commission opposing the discontinuance of this service by the Southern Pacific Company---the City Manager pointed out that this was a report from him on the request of the Council to investigate the matter but no formal protest had been expressed by the Council.

Mayor Marks recommended that the Council go on record and file a formal protest with the Commission on the basis 1) that the public interest would best be served by the continuance of these trains; 2) that the state is not getting smaller since the people are coming into the state at the annual rate of 360,000 and these people are not leaving the state; 3) the Southern Pacific Company makes sufficient money on its freight service to subsidize its passenger service.

The City Manager suggested that the Council might also wish to go on record approving the action taken by the commission on its own motion to study the entire passenger service throughout the state.

Councilman Arata pointed out that the operation of passenger trains would assist in relieving some of the traffic problems on the highways---since the state population was increasing rapidly each year.

RESOLUTION NO. 56-468

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ENDORSING THE ACTION TAKEN BY THE STATE OF CALIFORNIA PUBLIC UTILITIES COMMISSION IN CONNECTION WITH ITS INVESTIGATION CASE NO. 5829 (SOUTHERN PACIFIC COMPANY RAIL PASSENGER SERVICE THROUGHOUT THE STATE OF CALIFORNIA) AND STATING THE CITY'S POSITION THAT THERE SHOULD BE NO DIMINUTION OF PASSENGER TRAIN SERVICE

Introduced by Adams

Seconded by Arata

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

Noes: None

Absent: Merrill

COMMUNICATION FROM AMERICAN MUNICIPAL ASSOCIATION RE: PROGRAM ON FIRE INSURANCE RATING 2-15

For the information of the Council, the City Manager reviewed the action taken by the American Municipal Association in New York, at the annual conference a few years ago, relative to a revision of the fire grading schedule of the National Board of Fire Underwriters. He reported that it was generally understood by those attending the conference that the representatives of municipalities would have an opportunity to review the proposed revisions with the Board before it was adopted. Subsequently there was a change in the A.M.A. administration and the follow-up was not as precise as it should have been. The new schedule is out already and the cities have not had an opportunity to review it or participate in its preparation.

The City Manager stated that this matter was discussed in the City Manager's sessions at the League in Los Angeles, at which time representatives from the National Board and the Board of Fire Underwriters of the Pacific joined in the discussion. These representatives, he stated, sensed the concern and bitterness of the city representatives who were present.

A letter from the President of the A.M.A. was read requesting that City Manager Miller serve as chairman of the committee on fire insurance rating, which would meet in St. Louis, Missouri, Sunday, November 25.

The City Manager read a letter from Chief Engineer J. A. Neale of the National Board of Fire Underwriters relative to the misunderstanding which existed in the revision of the grading schedule, and offering to confer with him in St. Louis on the matter.

Councilman Arata considered it highly advisable that Mr. Miller should attend the American Municipal Association conference in St. Louis, to protect the city's #2 fire rating.

The procedure followed in fire grading cities was briefly explained by the City Manager for Council information. The new schedule is published and probably is an accomplished fact, he stated, but that he would suggest to the A.M.A. conference 1) that the schedule be reviewed with the appropriate officials to determine what has been done and what hasn't; 2) that immediate recommendations be made to the Board if all the points are not covered which should be covered requesting appropriate items be included

in the schedule; and 3) that consideration be given to the establishment of a state agency which would rate cities as it relates to fire insurance, such as is being done in Texas, Colorado and a few other states. He pointed out that there was no other private agency which so directly and continuously affects the expenditures of cities as the National Board.

Councilman Arata pointed out the importance of authorizing the attendance of Mr. Miller to the conference since this would also permit him to contact a number of industries in the vicinity near St. Louis and which have been inquiring about moving to the west coast.

MOTION

That the City Manager be instructed to attend the A.M.A. Conference in St. Louis and at the same time contact those industries that have evinced an interest in coming to the west coast.

Moved by Arata Seconded by Anderson Unanimously carried

HEARING ON THE PROPOSED ELECTION FOR ANNEXATION OF THE GARRISON SCHOOL AREA TO THE CITY OF MODESTO 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 election for annexation of the Garrison School area to the City of Modesto.

The City Clerk certified that the notice of the public hearing had been published in the official newspaper of the city, the Modesto Journal, in accordance with the state law, and that no written protests had been filed.

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

The City Manager pointed out that Mr. Olaf Hanson had filed a protest to the annexation with the Modesto City Planning Commission. This protest was read to the Council at this time.

Mayor Marks declared the hearing closed.

City Attorney Grimes read the resolution which would call the special election for annexation of the area.

RESOLUTION NO. 56-469

A RESOLUTION CALLING A SPECIAL ELECTION TO BE HELD ON THE 14TH DAY OF JANUARY, 1957, PERTAINING TO THE ANNEXATION OF THE GARRISON SCHOOL ADDITION TO THE CITY OF MODESTO

Introduced by Robinson

Seconded by Anderson

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

Noes: None

Absent: Merrill

PUBLIC HEARING ON PROPOSED REZONING OF THE COVELL ADDITION 3-20

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the proposed rezoning of the Covell Addition (Section 21 of the Zoning Map) from R-1 to C-2.

The City Clerk certified that the notice of the hearing had been published in the official newspaper of the City of Modesto, the Modesto Journal, in accordance with the provision of the Municipal Code; that

notices were mailed to all property owners within 300 feet of the proposed rezoning on November 9, 1956, and that no written protests had been filed.

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

Resolution No. 352, adopted by the Modesto City Planning Commission on October 16, 1956, recommending to the Council an amendment to Section 21 of the Zoning Map to rezone the Covell Addition from R-1 to C-2, was noted by the Council.

Mayor Marks declared the hearing closed.

The City Attorney briefed an ordinance which he presented for Council consideration which would rezone the property as recommended by the Commission.

ORDINANCE NO. 127-C.S., entitled

"AN ORDINANCE AMENDING SECTION MAP 21 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 Anderson

Seconded by Robinson

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

Noes: None Absent: Merrill

FURTHER REPORT ON EXPANDED INDUSTRIAL DEVELOPMENT PROGRAM 3-30

Memorandum to the Council, dated November 19, from Councilmen Hammond and Arata with attached revised proposed budgets for the Chamber of Commerce for the six-month period January 1, 1957, to June 30, 1957, and for the year July 1, 1957, to June 30, 1958, was considered by the Council. The proposed budgets provided for an industrial manager with a maximum salary of \$10,000 per year, with maximum expenses of \$2,500 a year on the following basis:

- 1- That a man experienced and qualified in industrial development and promotion would be employed on a full-time basis;
- 2- That the city participate in the selection of the person to fill the position and that the appointment be subject to approval by the city;
- 3- That the city participate in the development and operation of the industrial program;
- 4- That the maximum allocation by the city for the present fiscal year, in addition to the \$5,000 already allocated, be \$2,454.65 (This is on the basis of a \$10,000 a year salary; if the salary were \$8,000 a year, the city's allocation would be \$1,000 less, or \$1,454.65 for the half year);
- 5- That the maximum allocation by the city for the next fiscal year 1957-58 be \$11,490. (This would be on the basis of the \$10,000 a year salary; if the salary were \$8,000 the city's allocation would be \$9,490 and if it were \$9,000 it would be \$10,400.)

These allocations would be in addition to the \$3,000 allocated this year to the Merchants' Association for the promotion of special trade events.

Councilman Hammond considered that it was most important that the industrial program be started as soon as possible.

The City Manager pointed out for clarification 1) that this could be only an indication of intention as far as the allocation of funds since it would be subject to budget approval; 2) that the above amounts would be the maximum and that the time the position is filled and the salary agreed upon would determine the exact amount to be allocated. He pointed out that if the committee's report was approved by the Council that the Chamber could proceed with assurance, to fill the position.

MOTION

That the Council endorses the report of the Council Industrial Committee.

Moved by Mayor Marks

Seconded by Robinson

Before the vote was called, Don West, President of the Chamber, expressed approval of the report of the Committee and stated that the "joint venture" would be for the best interest of Modesto.

Mayor Marks called for the vote on the motion which was unanimously carried.

REQUEST BOARD OF SUPERVISORS TO CANCEL TAXES ON PROPERTY PURCHASED BY THE CITY OF MODESTO FROM THE MOOSE LODGE 3-95

RESOLUTION NO. 56-470

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 Arata

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

Noes: None Absent: Merrill

HOLD OVER CONSIDERATION OF APPLICATION FOR RAILROAD CROSSING ON D STREET BETWEEN NINTH AND TENTH STREETS - TIDEWATER SOUTHERN RAILWAY CO. 3-100

At the request of the City Attorney this item was held over.

GRANT PERMIT TO ELKS LODGE TO DRILL WATER WELL ON ITS PROPERTY AT MCHENRY AND FAIRMONT AVENUES 3-105

Pursuant to referring the request of the Elks Lodge to drill a 7 inch diameter water well to a depth of approximately 150 feet on its property located at the corner of McHenry and Fairmont Avenue, to the Public Works Department for investigation and recommendation, the report of Director of Public Works Ray was read. He recommended that a permit be granted under certain conditions which are outlined in his report.

RESOLUTION NO. 56-471

A RESOLUTION GRANTING REQUEST OF THE B.P.O.E. MODESTO LODGE NO. 1282, TO DRILL A PRIVATE WATER WELL ON ITS PROPERTY LOCATED AT THE CORNER OF MCHENRY AVENUE AND FAIRMONT AVENUE 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 ESTABLISHING A SALARY SCALE FOR LAND AGENT AND PROJECT ASSISTANT 4-5

The City Attorney presented for consideration a resolution, as directed by the Council, which amended Resolution No. 56-300 and established the salary for "Land Agent and Project Assistant" at Range 21 (\$436 to \$530).

RESOLUTION NO. 56-472

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

Introduced by Arata

Seconded by Anderson

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

Noes: None Absent: Merrill

MATTERS HELD OVER FOR FURTHER CONSIDERATION 4-20

Since the documents relating to the acceptance of final map of Gregory Gardens No. 2 Addition had not been executed by the subdivider, the City Attorney suggested it be deferred until the subdivider requested the matter again be placed on the agenda.

The City Attorney reported that the right of way dedication on Bowen Street, Tully Avenue and Geneva Drive had not been executed by Lance and Carol Ellis and recommended the matter be held over.

The City Manager asked that item 16 on the agenda regarding reimbursement on sanitary sewer installation in Bel Air Subdivision be held over.

AUTHORIZE RELEASE OF SUBDIVISION BOND FILED BY DALTON P. ELLIS - COLLEGE VILLAGE NO. 2 4-35

RESOLUTION NO. 56-473

A RESOLUTION AUTHORIZING THE RELEASE OF SUBDIVISION BOND FILED BY DALTON P. ELLIS TO GUARANTEE THE DEVELOPMENT OF COLLEGE VILLAGE NO. 2 SUBDIVISION

Introduced by Anderson

Seconded by Robinson

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

Noes: None Absent: Merrill

RESOLUTIONS RELATING TO PARKING LOTS 4-40

Mayor Marks questioned Traffic Engineer Carmody whether he considered that the increase in off-street parking rates would eliminate the necessity for a 3 hour parking limit on the downtown parking lots. Mr. Carmody agreed with this premise and pointed out this could not be generalized but each lot should be considered separately. He stated that there would be sufficient demand on the 11th Street lot (between I and J Streets) to limit the parking, but other lots, such as the 9th Street lot and 10th Street lot, there were peak periods. He pointed out that when the city leased property it was necessary to obtain the maximum revenue. It was generally agreed that this matter be considered again

after the Christmas season. A general Council discussion was held on whether the Ninth and Tenth Street lots should be converted to the new rates on the 3 hour basis.

RESOLUTION NO. 56-474

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM TRAFFIC ENGINEERING (PARKING FUND) TO TRAFFIC ENGINEERING TO COVER COSTS TO CONVERT PARKING METERS TO NEW RATES

Introduced by Arata

Seconded by Anderson

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

Noes: None Absent: Merrill

RESOLUTION NO. 56-475

A RESOLUTION ESTABLISHING AND FIXING PARKING RATES AND CHARGES FOR USE OF MUNICIPAL OFF-STREET PARKING FACILITIES IN THE CITY OF MODESTO, AND RESCINDING RESOLUTIONS NO. 55-291 AND 56-443

Introduced by Robinson

Seconded by Arata

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

Noes: None Absent: Merrill

AUTHORIZE TRANSFER OF FUNDS FROM GENERAL RESERVE TO STREETS BUDGET FOR CURB AND GUTTER INSTALLATION 4-80

The City Manager reported that there was considerable activity on construction of new curbs and gutters and the city had used up the amount allowed in the budget for the installation of curb returns and that an additional appropriation of \$1500 for the balance of the fiscal year was needed.

RESOLUTION NO. 56-476

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM THE GENERAL RESERVE TO STREET DIVISION - CAPITAL FOR CURB AND GUTTER

Introduced by Adams

Seconded by Anderson

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

Noes: None Absent: Merrill

SET DATE FOR PUBLIC HEARING ON REQUEST FOR REZONING OF PROPERTY NEAR MILLER AVENUE, COVENA AVENUE, LALOMA AND YOSEMITE BOULEVARD 4-90

RESOLUTION NO. 56-478

A RESOLUTION OF THE MODESTO CITY COUNCIL SETTING DATE FOR A PUBLIC HEARING ON AN AMENDMENT TO SECTION 27 OF THE ZONING MAP (LALOMA-YOSEMITE-MILLER AREA)

Introduced by Anderson

Seconded by Robinson

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

Noes: None Absent: Merrill

The time set was 8:00 P.M. December 26, 1956. The City Manager informed the Council that a complete report of the background of the request for zoning of the property would be made available to the members prior to the hearing.

RESOLUTION APPROVING SECOND SUPPLEMENTAL MEMORANDUM OF AGREEMENT FOR EXPENDITURE OF GASOLINE TAX ALLOCATION ON MAJOR CITY STREETS 4-120

RESOLUTION NO. 56-477

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ADOPTING BUDGET AND APPROVING SECOND SUPPLEMENTAL MEMORANDUM OF AGREEMENT FOR EXPENDITURE OF GAS TAX ALLOCATION FOR MAJOR CITY STREETS

Introduced by Anderson

Seconded by Robinson

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

Noes: None

Absent: Merrill

REPORT ON PROJECT FOR WIDENING McHENRY AVENUE 5-10

The City Manager reported on the progress being made on the project for widening McHenry Avenue. After conferences with representatives of the property owners and state officials, he stated, a letter was written to the state reassuring that rights of way would be provided locally.

COUNCILMAN ARATA CLEARS STATEMENT MADE AT COUNCIL MEETING OF NOVEMBER 14, REGARDING SALES TAX

Councilman Arata cleared the statement which he had made at the Council meeting of November 14, regarding sales tax which had been misinterpreted in the Modesto Bee. He stated his remarks concerning the size of business referred to the units of sale or to little items and not to little business or big business in the sense of the size of the concern.

REPORT FROM PLANNING COMMISSION ON METHODS USED TO NOTIFY CITIZENS ON PUBLIC HEARINGS 5-30

Planning Director Smeath reported that due to a heavy schedule the report on "methods of notification of citizens regarding hearings on zoning amendments, variances, unclassified use permits, conditional use permits, street changes", had not been presented to the Planning Commission for its consideration. Recommendations on the method will be forthcoming from the Commission shortly and presented for Council consideration, but in the meantime, he stated, the planning staff feels that it would be desirable to make better coverage. He reported that hand bills had been distributed to the residents in the last zoning hearing, so that questions could be answered. This is a time consuming job and works a hardship on the limited staff. The Council indicated its approval of this method.

Mr. Smeath pointed out that there were some legal problems involved in this method of notification which must be cleared with the City Attorney.

FURTHER REPORT ON DISASTER AND CIVIL DEFENSE ORGANIZATION 5-65

Copies of a report on "Disaster Defense Drill", dated November 21, 1956, were distributed to the Council members.

He reported that the city's disaster and emergency ordinance, which is being presently revised, permits immediate action.

The City Manager suggested that the Council members read the report

and if any points needed clearing, the staff would be glad to discuss them.

REPORT ON CONFERENCE ON LONG RANGE PROTECTION OF CIVIL AIRPORT FACILITIES
IN THE JET AGE HELD IN BERKELEY NOVEMBER 15 5-100

The City Manager reported attending the Conference on Long-Range Protection of Civil Airport Facilities in the Jet Age which had been held at the International House, Berkeley Campus, Thursday, November 15, 1956. The conference was sponsored by the California Association of Airport Executives, League of California Cities, California Supervisors Association and California Aeronautics Commission. Councilmen Arata and Merrill and Airport Manager Sham also attended the conference. The protection of airports through zoning was discussed. The construction, municipal, county and C.A.A. viewpoint were presented and discussed by various representatives at the conference.

He reported that in the afternoon panel discussion, that he, as the representative of the League, had pointed out two problems: 1) the lack of authority to obtain immediate possession of land for airport purposes, and 2) the need for protecting the airport developments through planning controls.

Councilman Arata commended the City Manager on his presentation at the panel discussion.

REPORT ON FUNDS FOR ADVANCE PLANNING PROGRAM 6-50

The City Manager reported that the federal money for the advance planning program was still being delayed. The federal government has indicated that the funds will be available in approximately 30 days to 6 weeks. A sum of \$1600 is needed at this time to provide the city's share of the program until January 1, 1957.

He recommended the transfer from the general reserve to the Advance Planning budget for this purpose. He pointed out that these funds could not be reimbursed since the federal funds can not be granted on a retroactive basis.

RESOLUTION NO. 56-479

A RESOLUTION AUTHORIZING TRANSFER OF FUNDS FROM THE GENERAL RESERVE TO THE ADVANCE PLANNING DEPARTMENT (\$1525 for salaries and \$75 for traveling and auto expense)

Introduced by Adams

Seconded by Robinson

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

Noes: None Absent: Merrill

REPORT ON HEARING BEFORE THE PUBLIC UTILITIES COMMISSION ON RAILROAD GRADE
CROSSING PROTECTION DEVICES 6-60

The City Attorney reported on the public hearing before the Public Utilities Commission on railroad grade crossing protection devices in the City of Modesto. The City's case was presented by Traffic Engineer Carmody and Roy Potter of the Advance Planning Department. The matter was continued until Feb. 28, 1957, as both the State and the Southern Pacific Company pointed out that their staffs are occupied by the state survey of traffic in connection with the freeway program and the information might throw some light on the grade crossing protection device situation. This information should be available before any decision is made on the crossing devices.

ADJOURNMENT

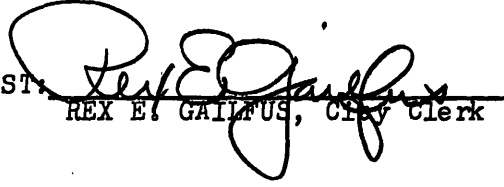
MOTION

That the meeting now in session be adjourned.

Moved by Arata Seconded by Adams Unanimously carried

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

ATTEST:



Handwritten signature of Rex E. Gailfus in cursive script, written over a horizontal line.

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. Dodds Bunch, pastor of the Centenary Methodist Church gave the invocation.

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

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of November 1 and 7, and the same being available for public inspection and there being no objection, the minutes were approved.

LETTER FROM TURLOCK COOPERATIVE GROWERS RE: SALES TAX EXEMPTION 1-15

A letter from the Turlock Cooperative Growers opposing the action taken by the Council on eliminating the exemptions in the city's sales tax ordinance, was read.

In the general Council discussion on the letter the following points were made:

- 1- Most of the surrounding cities and counties have previously eliminated exemptions, 85% of the state now being under the uniform sales tax law with Stanislaus and Fresno Counties being the two big "hold outs";
- 2- The sentiment of the letter was admirable but the association was not clear on its information on the uniform sales tax;
- 3- A communication should be prepared answering the letter to clarify the questions raised and presenting the facts relating to the surrounding counties and cities;
- 4- Modesto should not be precluded, nor any other city that can give comparable value, for competitive reasons;
- 5- Adequate facts are still not being used by some people who are making decisions concerning the issue between the city and the county;
- 6- A statement regarding the sales tax be prepared and multilithed for general information and circulation setting forth the facts obtained from the League of California Cities, State Board of Equalization and pointing out that the City of Modesto had delayed eliminating the exemptions longer than most cities and counties in the state and that a copy of this statement accompanied by a map of the state marked to show the portions now under the uniform sales tax be sent to the Turlock Cooperative Growers.

MOTION

That Mayor Marks be authorized to answer the letter from the Turlock Cooperative Growers and send a copy of the statement and map.

Moved by Hammond Seconded by Robinson Unanimously carried

LETTER FROM UNION OIL COMPANY REGARDING MUNICIPAL CODE REGULATION ON
REPLACEMENT OF CURB 1-120

A letter was read from the Union Oil Company appealing and protesting the payment of fees required by Section 7-1.105 of the Municipal Code and relating to the replacement of curb cuts.

The policy of the city on this regulation, which gave the city the power and funds to replace the curbing, was reviewed by Mayor Marks.

RESOLUTION NO. 56-480

A RESOLUTION DENYING THE APPEAL OF THE UNION OIL COMPANY FROM THE MANDATORY PROVISIONS OF SECTION 7-1.105 OF THE MODESTO MUNICIPAL CODE RELATING TO THE FEE FOR REPLACEMENT OF CURBING IN COMMERCIAL AND INDUSTRIAL AREAS

Introduced by Merrill Seconded by Robinson

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

MOTION

That the Acting City Manager be authorized to write a letter to the Union Oil Company explaining the policy of Council on curb cuts and advising the reasons for denying the appeal.

Moved by Robinson Seconded by Adams Unanimously carried

LETTER FROM CALIFORNIA HIGHWAY COMMISSION RE: WIDENING OF McHENRY AVENUE
2-30

A letter from the California Highway Commission was read acknowledging receipt of Resolution No. 56-445 adopted by the City Council on November 7, urging the Commission to proceed with the widening of McHenry Avenue. The Commission advised that the state highway budget for 1957-58 had been approved on October 16, 1956, based on estimated revenue for that period. In the review of the deficiencies on the state highways system, the letter stated, report was made of consideration of interim improvement between Needham Avenue and M.I.D. Lateral No. 3, a distance of 1.72 miles. The letter advised that in view of the fact that a definite agreement between the city, county and state had not been resolved at the time the 1957-58 fiscal year budget was being prepared, consideration of interim improvement on McHenry Avenue was postponed until a future budget. The Commission advised, if the city desired to make a personal appearance before the Commission at one of its regular monthly meetings in Sacramento that necessary arrangements could be made.

The Acting City Manager pointed out that it had been the city's understanding that in submitting the material and information relating to this project, it had been sufficiently indicated that the rights of way would be made available and details of the project were being worked out between the officers of Division X, the city and county. He suggested

that it would be proper to take this matter to the Commission personally with the information developed to date and to discuss with them the possibility of 1) use of reserve funds which the Commission must have budgeted, and 2) perhaps picking up the funds allocated for some project that cannot be carried out this coming fiscal year.

Mayor Marks suggested that a photostatic copy of the letter be sent to the McHenry Avenue property owners committee and a meeting be called to determine the course of action. A review should be made of the available information and a personal visit be made to the Commission.

Councilman Anderson pointed out that the recommended procedure of District X of the Division of California Highways in Stockton had been carried out, after a number of conferences.

Director of Public Works/^{Ray}stated that the city had been advised that an agreement at that time was not necessary and a letter, which was filed by the city, was adequate for presentation to the Division of Highways. Apparently, the Highway Commission is not aware of this and he suggested that a request be made for a hearing before the Commission as soon as possible. In the meantime, he stated, a check list can be prepared.

MOTION

That the city send a photostatic copy of the letter from the Commission to the McHenry Avenue property owners committee, together with a covering letter bringing the committee up to date on the proceeding and that the City Manager file a request with the Commission for a hearing as soon as possible.

Moved by Merrill Seconded by Anderson Unanimously carried

The Council directed that Senator Donnelly and Assemblyman Brown be furnished copies of the communications relating to this matter.

LETTER FROM DIVISION OF HIGHWAYS REGARDING MAJOR CITY STREETS 2-105

A letter from District X of the Division of Highways relating to the city's selection of its major city streets system was read. The letter noted that no angle parking would be permitted on any of the approved streets.

The Acting City Manager pointed out that presently diagonal parking was in effect on portions of I Street, G Street, Seventh and Washington Street which are included in the system.

MOTION

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

Moved by Robinson Seconded by Anderson Unanimously carried

REQUEST FOR VARIANCE TO CURB CUT REGULATION FILED BY DR. HEINZ VON HUNGEN, 1134 W. GRANGER AVENUE 3-15

Dr. Heinz Von Hungen filed a request for a variance from the curb cut regulations to permit a curb cut of 51' for his residence at 1134 W. Granger Avenue. A sketch of the proposed construction was inspected by the Council members.

The Director of Public Works filed a report on his investigation of the property and recommended that the request be denied. He considered that a 30' driveway, which would be the maximum permitted under the municipi-

pal code, would provide adequate access to the property and that the cemented area between the house and the street could be used for parking with the cars parking parallel to the street.

Dr. Von Hungen appeared and outlined his plans for the development of his residential property which were already underway and reasons for his request for the variance.

Provisions of the Municipal Code which set forth the reasons for limiting the curb cuts to 30' was read by the City Attorney for the information of Dr. Von Hungen.

The Director of Public Works pointed out the hazard involved if the variance was granted which would permit a number of cars parking and backing out across sidewalks where vision is obstructed by other parked cars and also backing out into traffic on the streets.

RESOLUTION NO. 56-481

A RESOLUTION DENYING REQUEST FOR VARIANCE FROM CURB CUT REGULATIONS FILED BY DR. HEINZ VON HUNGEN

Introduced by Anderson

Seconded by Hammond

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

Noes: None Absent: None

LETTER FROM MODESTO RETAIL MERCHANTS RE: CHRISTMAS PARADE 4-35

A letter from the Modesto Retail Merchants requesting permission to hold a small promotional Christmas parade at 4:00 P.M. on December 10 in the downtown section to welcome Santa Claus, was read.

MOTION

That the request be granted, subject to the usual provisions under the supervision of the Police Department

Moved by Arata Seconded by Robinson Unanimously carried

FINAL ADOPTION OF ORDINANCE NO. 126-C.S. RELATING TO THROUGH STREETS - STOP SIGNS 4-45

ORDINANCE NO. 126-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 SECTION 1 OF ORDINANCE NO. 45-C.S."

introduced on November 14, 1956, 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: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor
Marks

Noes: None Absent: None

ORDINANCES AUTHORIZING PURCHASE OF REAL PROPERTY FOR EXTENSION OF G STREET
TO LALOMA 4-47

Copies of a map showing the seven parcels of property which would be necessary for the city to acquire in Block 204 for the extension of G Street to LaLoma, were distributed to the Council for study.

The Acting City Manager reported that

Parcel No. 1--owned by Paul and Dorothy Bomberger would be deeded to the city without cost for the widening of Burney Avenue;

Parcel No. 2 and 6--owned by P. S. and Dorothy Bomberger could be purchased for the sum of \$15,000;

Parcel No. 3 and 7--owned by Cecil Swann could be purchased for the sum of \$5,900;

Parcel No. 4--owned by P. E. Jones could be purchased for the sum of \$5,000.

It was reported the Swan property was zoned C-1 and the Jones' property as R-3. The improvements on the Swan property were held to be better and therefore the appraiser had judged the Swan property more valuable.

After these parcels are acquired by the city, he stated, it is proposed to exchange parcels 6 and 7 for parcel 5 owned by Sherda Shelbourne. This trade would be based on a square footage trade, he stated, which has been supported as an equitable trade by data submitted by an appraiser. In accepting parcel 6 from Mr. Bomberger the southerly line is a straight line but in deeding it to Mrs. Shelbourne it will be a curved line with a radius of 250' and a length of about 22'.

Ordinances which would authorize the purchase of these properties and approve an agreement were presented for Council consideration by the City Attorney.

ORDINANCE NO. 128-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM P. S. BOMBERGER AND DOROTHY P. BOMBERGER"

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

ORDINANCE NO. 129-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM CECIL E. SWANN AND ELSIE E. SWANN"

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

ORDINANCE NO. 130-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM PIERRE E. JONES AND HAZEL H. JONES"

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

The City Attorney reported that the transfer of the Shelbourne property would be held up until the final approval of the ordinances purchasing the property, as well as the acceptance of the dedication from P. S. Bomberger on parcel No. 1.

ACCEPT SAND TRAPS FROM GRINNELL COMPANY, AUTHORIZE PAYMENTS DUE
 4-115

A report filed by the Director of Public Works indicated that the two sand traps had been fabricated and delivered in accordance with an agreement dated August 9, 1956, by contractor Grinnel Company of the Pacific.

RESOLUTION NO. 56-482

A RESOLUTION ACCEPTING TWO SAND TRAPS FROM THE GRINNEL COMPANY OF THE PACIFIC AND AUTHORIZE PAYMENT OF THE CONTRACT PRICE OF \$5,495.05 TO THE CONTRACTOR

Introduced by Anderson Seconded by Merrill

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

APPROVE LEASE OF CITY-COUNTY AIRPORT PROPERTY (BOWEN-HAGEDORN) TO FRONTIS T. ASBILL 4-120

RESOLUTION NO. 56-483

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS AND FRONTIS T. ASBILL FOR THE LEASING OF PORTION OF MODESTO CITY-COUNTY AIRPORT PROPERTY (BOWEN-HAGEDORN)

Introduced by Arata Seconded by Anderson

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

A check for the city's portion of the rental fee, \$800, was filed with the City Clerk. The term of lease is for the period beginning December 1, 1956, and ending on October 31, 1957.

Councilman Arata reported that the bid on the rental of the property which had been received by the county was lower than the previous year because of the fact considerable dirt will be moved in the construction of the air strip which might cause some dust damage to any crop on the land. He suggested that in calling for future bids on the property, that the city and county should agree on a longer term lease. This would permit a lessee to improve the property and to have more leeway on securing a paying crop over a term of years instead of on a one year basis.

ACCEPT DEEP WELL PUMPS FROM JACUZZI BROTHERS 5-10

The Director of Public Works filed a report indicating that the deep well pumps furnished and installed by Jacuzzi Brothers met all the requirements of the contract agreement dated August 10, 1956, and recommended they be accepted, payments due be authorized and notice of completion be recorded with the Recorder of Stanislaus County.

RESOLUTION NO. 56-484

A RESOLUTION ACCEPTING THE DEEP WELL PUMPS FURNISHED AND INSTALLED BY JACUZZI BROTHERS, AUTHORIZING PAYMENTS AS DUE AND FILING OF NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER

Introduced by Adams

Seconded by Hammond

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

Marks

Noes: None

Absent: None

AUTHORIZE RELEASE OF PERFORMANCE BOND TO C. BOYCE ASHFORD ON ASHFORD TRACT NO. 2 5-20

The City Engineer recommended that the performance bond filed by C. Boyce Ashford and Frances E. Ashford, in amount \$39,500, to guarantee improvements in the Ashford Tract No. 2 be released since the improvements had been completed to his satisfaction.

RESOLUTION NO. 56-485

A RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND FILED BY C. BOYCE ASHFORD AND FRANCES E. ASHFORD WITH THE CITY OF MODESTO TO GUARANTEE THE IMPROVEMENTS IN ASHFORD TRACT NO. 2 LOCATED 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

DISCUSSION ON ESTABLISHING OF PARKING LIMIT OF TWO HOUR ON WEST SIDE OF TENTH STREET BETWEEN E AND F STREETS 5-35

Traffic Engineer Carmody filed a report on his investigations of the request filed by R. L. Cloward, President of the Building and Construction Trades Council and D. L. Meyers, Financial Secretary and Business Representatives of Carpenters Local 1235 for the establishing of diagonal parking on the north side of F Street between 10th and 11th Streets, a copy of which is on file with the records of this meeting. He recommended that the west side of 10th Street between E and F Streets be made a two hour parking zone from 9 A.M. to 6 P.M., Sundays excepted, but that diagonal parking not be permitted on the north side of F Street between 10th and 11th Streets, as requested.

Mayor Marks considered that the fact diagonal parking was permitted on the south side of F Street was the basis for this request.

Mr. Carmody reviewed the conditions which had been taken into consideration by the Council in its decision to grant the request of the Stanislaus Implement & Hardware Co. for diagonal parking on the south side of F Street. He pointed out that diagonal parking had been authorized on the south side of F Street between 10th and 11th Streets in spite of his recommendation to the contrary.

Councilman Arata pointed out that the nature of the business operation of this company required the loading and unloading of heavy equipment which should be considered as an aid to industries operating in the city.

R. L. Cloward agreed that the Union's request was based on the fact that diagonal parking had been granted to the Implement Company across the street. He pointed out that the report submitted by Mr. Carmody was accurate and that the Union had worked with him to accumulate the facts.

More spaces and more space hours would be available, Mr. Carmody stated, by more strict enforcement of parking time limit or by parking meters, than by diagonal parking.

Mayor Marks moved that a study be undertaken to establish the need for appropriate loading zones for the Stanislaus Implement & Hardware Company and parallel parking be established on both sides of F Street between 10th and 11th Streets and the recommendations of the Traffic Engineer with regard to parking time limits and that they be rigidly enforced.

MOTION

That the matter be referred back to the Traffic Engineer for study and counsel with Mr. Zimmerman as to his needs for loading zones in lieu of diagonal parking and also the Labor Temple's needs and report back to the Council with his recommendations.

Moved by Hammond

Seconded by Merrill

The City Attorney pointed out that there was a pending motion before the Council and that the motion was not in order.

Mayor Marks declared that the motion he had introduced was lost for lack of a second.

D. L. Meyers suggested that during Mr. Carmody's survey that two hour parking on Tenth should be considered between E and F and also "no parking" limit on Eleventh between E and F Streets and "no parking" on F Street between 11th and 12th Street. He considered that if the parking limit was cut to one hour that it would assist the Labor Temple, as part of this district was not limited which encouraged all day parking. He considered that there was no need for two hour parking on Tenth when there was a limit of one hour in front of the Temple.

Councilman Hammond recommended that the installation of parking meters in this area also be considered in the survey. Mayor Marks recommended that particular attention be given in the study to what is just and equitable for both sides of the street.

Mayor Marks called for the vote on the motion and declared that it was unanimously carried.

The representatives from the Labor Union expressed approval of the Council's action and offered assistance in the proposed study.

PROHIBIT SPECIFIED TURNING MOVEMENTS AT SEVENTH AND TUOLUMNE BOULEVARD 7-25

RESOLUTION NO. 56-486

A RESOLUTION PROHIBITING SPECIFIED TURNING MOVEMENTS AT THE INTERSECTION OF SEVENTH STREET AND TUOLUMNE BOULEVARD 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

The Traffic Engineer pointed out that this prohibition was limited to the hours of 4 o'clock P.M. and 6 o'clock P.M. on all days of the week.

REPORT ON EXTENSION OF RIVER ROAD UNDER THE SEVENTH STREET BRIDGE 7-75

Councilman Adams suggested that since the Road and Bridge Bonds had been approved at the election that consideration be given to contacting the County with regard to extending River Road under the Seventh Street Bridge with the thought the state would construct the road if the right of way was given to the city by the County, as suggested in the Traffic Engineer's report. He pointed out that this would be one way the County could assist the city with some of its traffic problems.

Mr. Carmody reported that he had written to Mr. Delbon, County Road Commissioner, since the election in this regard.

It was agreed that Mr. Carmody should contact Mr. Delbon during the next week and to report back to the Council.

REPORT ON LETTER TO RALPH SHERMAN FROM THE PLANNING COMMISSION RE: REQUEST FOR REZONING OF AREA BORDERING KEARNY AVENUE AT PRINCETON 7-115

A copy of a letter transmitted to Ralph Sherman, 1437 Princeton Avenue, by the Planning Director was read, notifying him that the Commission denied his request to initiate proceedings to rezone the C-M area near Pike Park for the following reasons:

- 1- The master plan of Modesto and Stanislaus County which is in progress is not yet completed;
- 2- Only preliminary studies of the area have been made in connection with the master plan;
- 3- It was the opinion of the Commission that without the necessary area studies, it would not be proper to initiate proceedings to rezone the area at this time;
- 4- The Commercial-Industrial zoning of the area existed prior to the residential development in the Princeton Avenue vicinity, and that portions of the C-M land were already purchased with the intent to develop them for business.

Planning Director Smeath reported that the Municipal Code made it possible for only the property owners, City Council or Planning Commission to initiate a change in zoning, as far as the map was concerned. In the case of this area, located in the 1500 block of Haney Avenue and bordering Kearney Avenue to the south of Princeton and Haney Avenue, it was zoned C-M (Commercial-Industrial) and the surrounding area on the north and east is zoned R-1. Some of the property owners who have purchased homes in the area surrounding the park have requested that the C-M area be

rezoned as R-1 (residential). Since their request has been denied by the Commission they are now requesting the Council to initiate the proceedings. A number of these property owners, he reported, are present at this meeting to present their request for the rezoning of the area.

Ralph Sherman spoke on behalf of his neighbors. He stated that there are many children living in the vicinity of the park. He pointed out that there was no access to the C-M zoned property except through Kearny, Princeton and Haney Avenue. If commercial establishments were constructed, their trucks would prove a hazard to the children going to and from the park. At the time the owners purchased their homes they were informed that the area was zoned C-2 which would permit such types of operations as grocery stores, service stations. They understood a Coca Cola bottling plant was going in, but it would be set far back from the street and landscaped similar to a park. He asked that a study be made of the property adjacent to the park with the idea of creating a boundary line which could be zoned R-1 and the area back of this boundary line zoned commercial with access streets from the highway so as not to create a traffic hazard in the residential area.

Mayor Marks pointed out that the Council recognized these problems but that the people who had purchased the C-M property in good faith were relying on the integrity of the city to keep it zoned for commercial-industrial purposes. Whether the study of the master plan for the city would suggest any changes in the zoning of the area, was another matter, he stated.

The Traffic Engineer reported that efforts were being made to secure the adoption of state legislation which would permit the establishment of 25 mile speed limit on streets on which houses did not front, as in the requirement at the present time. This would permit the establishment of 25 miles on Kearney Avenue which is not now permissible since there are no houses fronting on this street.

Councilman Hammond asked if the Advance Planning Department was making the study of zoning commercial properties which bordered residential areas.

Mr. Smith stated this was a matter to be considered by the Planning Department instead of the Advance Planning Department. The staff is presently working on this matter with the possibility of proposing some suggestions to the Commission, Council and general public relating to control in industrial development as well as protection in the residential area. It is possible set back and landscape control could provide a park-like atmosphere. He said that informal discussions had been held with Richard Lynn, owner of a large portion of the C-M area, with regard to set backs and landscaping, and other conditions which would aid in creating a desirable area. He reminded the Council that it had requested the Planning Department to study the College Avenue area and suggested that the study be enlarged to include the general area under discussion in order to provide additional information for the Council, Commission and people living in the area; to determine the problems; and to help solve them.

The background on the changing of the present zoning of the area adjoining the park from C-2 to C-M, was reviewed by the Planning Director. Mayor Marks pointed out that many public hearings had been held on each section of the city before the adoption of the zoning ordinance in June, 1955.

A number of property owners contended that at the time their homes were purchased they were led to believe by the real estate firm that the area was to be developed as school property or for a Coca Cola bottling plant. They inquired whether they could recover from them. The City Attorney stated if the owners could prove that there was fraud, the courts might set aside the sale, but it would depend on the circumstances involved in each individual case whether it could be proved what the conversations were.

The Planning Director suggested that the residential property owners, commercial property owners and the staff work together to formulate a plan for the development of egress and ingress facilities, which would bypass the residential district and for the landscaping of the area, and for set back lines.

At this time, Dr. Burt Parkinson formally requested the Council to initiate action to rezone the area from C-M to R-1, as outlined in Mr. Sherman's letter to the Planning Commission, the reply to which had been read into this record.

Councilmen once again explained the necessity for consistency and integrity in zoning matters. Councilman Hammond stated that he considered the primary purpose of zoning was not only to protect the majority but also to protect the minority. In zoning, he stated, in many instances seniority rights have to be considered---this property was zoned industrial or commercial when the present home sites were only farm land. If the residential property owners were misinformed, which seems to be the consensus, they should confer with their realtors and legal advisors. He considered that the only position the Council could take and still maintain its zoning integrity---even residential owners want to feel they are protected---was to offer to work with the commercial-industrial property owners to provide for suitable set back and landscaping arrangements and appropriate street patterns which would lessen the burden on the adjacent residential property owners.

MOTION

That the Council reject the petition for initiation of a rezoning of the area adjacent to the Pike Park from C-M to R-1 in line with the Planning Commission's findings and in the spirit of the Council's discussion.

Moved by Hammond Seconded by Robinson Unanimously carried

Mayor Marks assured the residential property owners that they could rely on the Council and the staff to make a study of this area along with the College Avenue area. He asked Mr. Smeath to keep Mr. Sherman and any other property owner who filed his name with the Clerk apprised of the developments.

RESOLUTION ESTABLISHING NO PARKING ZONES ON BOTH SIDES OF H STREET BETWEEN YOSEMITE AVENUE AND FIRST STREET 11-115

RESOLUTION NO. 56-487

A RESOLUTION ESTABLISHING NO PARKING ZONES ON BOTH SIDES OF H STREET BETWEEN YOSEMITE AVENUE AND FIRST STREET 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 ESTABLISHING PASSENGER LOADING ZONES AT THE MODESTO HIGH SCHOOL 12-15

RESOLUTION NO. 56-488

A RESOLUTION ESTABLISHING PASSENGER LOADING ZONES ON BOTH SIDES OF H STREET BETWEEN YOSEMITE AVENUE AND FIRST STREET IN THE CITY OF MODESTO

Introduced by Robinson

Seconded by Adams

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

Marks

Noes: None

Absent: None

RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY AND A.S. AND P.S. BOMBERGER FOR THE LEASING OF LOTS 10 AND 11, BLOCK 66 FOR OFF-STREET PARKING PURPOSES
12-20

The Traffic Engineer reported that A.S. and P.S. Bomberger, owners of lots 10 and 11, Block 66, in back of the Sears Store agreed to rent this property, without cost to the city, for 3 months beginning this date, and the city would install the necessary improvements to use the property for off-street parking. He estimated the cost for improving the property to be \$325. He displayed a collection device which he proposed to install which would dispense a ticket to be placed in the car for four hour parking periods, 9 A.M. to 1 P.M. and 1 P.M. to 6 P.M. The estimate of costs, he reported, was based on the premise that the work would be done with city forces.

RESOLUTION NO. 56-489

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND A. S. BOMBERGER AND P.S. BOMBERGER FOR THE LEASING OF LOTS 10 AND 11 IN BLOCK 66 OF THE CITY OF MODESTO FOR OFF STREET PARKING PURPOSES

Introduced by Anderson

Seconded by Robinson

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

Marks

Noes: None

Absent: None

RESOLUTION NO. 56-490

A RESOLUTION ESTABLISHING AND FIXING PARKING RATES AND CHARGES FOR USE OF THE MUNICIPAL OFF STREET FACILITY LOCATED ON LOTS 10 AND 11 OF BLOCK 66 IN THE CITY OF MODESTO

Introduced by Anderson

Seconded by Hammond

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

Marks

Noes: None

Absent: None

The rate established was 20¢ for the four^{hour}/period or any portion thereof beginning at 9:00 A.M. and 20¢ for the period or portion thereof beginning 1:00 P.M., except Sundays and holidays.

RESOLUTION NO. 56-491

A RESOLUTION AUTHORIZING TRANSFER OF \$325 FROM GENERAL RESERVE FOR IMPROVEMENT OF OFF STREET PARKING LOT

Introduced by Merrill

Seconded by Anderson

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

Marks

Noes: None

Absent: None

ORDINANCE AMENDING MODESTO MUNICIPAL CODE RELATING TO SALES AND USE TAX
12-115

ORDINANCE NO. 131-C.S. entitled

AN ORDINANCE AMENDING SECTION 8-2.104, 8-2.105, 8-2.106, 8-2.108 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTION 8-2.107 THEREOF, RELATING TO SALES AND USE TAX

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

SET DATE FOR HEARING ON REQUEST FOR UNCLASSIFIED USE PERMIT - MODESTO CITY
SCHOOLS 12-120

RESOLUTION NO. 56-492

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT REQUEST FILED BY THE MODESTO CITY SCHOOLS TO CONSTRUCT CERTAIN BUILDINGS AT THE DOWNEY HIGH SCHOOL

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 hearing was 4:30 P.M., December 19, 1956, at the Council Chambers.

GIVE NOTICE OF PROPOSED ANNEXATION OF LALOMA SCHOOL ADDITION 12-125

RESOLUTION NO. 56-493

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

Introduced by Robinson

Seconded by Anderson

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

Noes: None

Absent: None

The time set for the hearing was 8:30 P.M., January 9, 1957, in the Council Chamber.

ACCEPT DEED OF EASEMENT FROM W. S. SCOTT AND LUCILLE T. SCOTT (PUBLIC
UTILITIES - PORTION LOT 1, BLOCK 2171--THOUSAND OAKS AREA) 13-5

RESOLUTION NO. 56-494

A RESOLUTION ACCEPTING EASEMENT FROM W. S. SCOTT AND LUCILLE T. SCOTT

Introduced by Adams

Seconded by Anderson

26-265

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

FURTHER REPORT ON CONSOLIDATION OF CITY-COUNTY HEALTH SERVICE 13-7

Acting City Manager Masonheimer reported that word had been received that the consolidation that took place between the city and county health departments still is not sufficient to qualify the county to receive the state aid funds for the population of the City of Modesto, which amounts to approximately \$13,000 annually. The staff is continuing its study, he reported, to determine the areas in which further consolidation of services might be advisable. A further report on the staff's study will be made in approximately 2 weeks with some further recommendations for additional consolidations to qualify both the city health department as an "approved" health department or health jurisdiction by the State Department of Public Health and to qualify the county to receive the funds which they have earned by furnishing health services to the City of Modesto.

REPORT ON BIDS RECEIVED FOR THE CONSTRUCTION OF THE DOWNEY HIGH SCHOOL SWIMMING POOL 13-20

Mr. Masonheimer reported that the bids for the construction of the Downey High School swimming pool, received by the City Schools, were in excess of the estimate of the architect. All of the bids were rejected by the School Board, and the architect and staff were instructed to review the plans to try to find areas where cost of the construction could be reduced so that it would more nearly approach the estimate of \$50,000. The School will call for bids later and a further report will be submitted at a later date.

REPORT ON RESCHEDULING OF MODESTO IRRIGATION DISTRICT'S ELECTRICAL RATES FOR CITY SERVICES 13-27

Mr. Masonheimer reported that by using the schedule of rates which the M.I.D. has for certain services, it would be possible for the city to reduce the costs to the city by approximately \$800, annually. This estimate is based upon the cost of furnishing electricity to city services during the past year. The sliding scale that is provided in this schedule, he stated, results in the saving. In some instances, i.e., where the city has a service which provides power to a single traffic signal device, the city will be paying more but where a service is providing power to 2, 3 or more signal devices, the city would be saving money by using the schedule. Mr. Viss, city electrician, has checked out the schedule and concurs with the report which was submitted by Acting Finance Director Bird and the Director of Public Works has also concurred in the recommendation. He asked the Council to authorize purchase of power from the M.I.D. on this sliding schedule of rates.

MOTION

That the staff be authorized to purchase power from the Modesto Irrigation District on the sliding schedule of rates.

Moved by Anderson Seconded by Robinson Unanimously carried

ADJOURNMENT

MOTION

That the Council meeting now in session adjourn.

Moved by Adams Seconded by Anderson Unanimously carried

The meeting was adjourned at 10:30 P.M.

ATTEST:

26-266

Ann M. Collins
REX E. GAILFUS, City Clerk
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December 5, 1956

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
Mayor Marks
Absent: None

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

Rev. Cecil Morrision, pastor of the Free Methodist Church, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meeting of November 14, 1956, and the same being available for public inspection and there being no objections, the minutes were approved.

ORAL REQUEST FOR CONSTRUCTION OF BRIDGE OVER M.I.D. LATERAL NO. 3 AT EXTENSION OF SYCAMORE AND SHERWOOD 1-15

Warren Giddings asked that the Council consider the construction of a bridge across the Modesto Irrigation District lateral No. 3, at the extension of Sycamore Avenue and Sherwood Avenue. His firm was interested in a subdivision beyond this point, he stated, and there were also quite a number of people who lived beyond the proposed bridge and south of this location who would be benefited.

MOTION

That the request be referred to the staff for study of the traffic flow and estimated cost.

Moved by Adams Seconded by Anderson Unanimously carried

Councilmen Merrill and Arata arrived at 4:04 P.M.

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR GASOLINE FOR YEAR ENDING JANUARY 15, 1958 1-35

RESOLUTION NO. 56-495

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR GASOLINE FOR YEAR ENDING JANUARY 15, 1958

Introduced by Robinson

Seconded by Hammond

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

Noes: None Absent: None

Bids to be opened at 2:00 P.M. January 7, 1957

APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS ON AUTOMOTIVE EQUIPMENT FOR FISCAL YEAR 1956-57 1-39

City Manager Miller presented plans and specifications for the purchase of passenger vehicles and trucks approved in the 1956-57 budget, for 15 replacements; 2 additional pick-ups; 1 additional truck; and one additional Police car, bids to be received on or before 2:00 P.M., December 27.

After a brief discussion by the Council on the question of timing on the bid call, it was agreed that if the bids received were not satisfactory that the bids be rejected and a new call would be made at a later time.

RESOLUTION NO. 56-496

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR AUTOMOTIVE EQUIPMENT FOR FISCAL YEAR 1956-57

Introduced by Robinson Seconded by Anderson

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

Noes: None Absent: None

FINAL ADOPTION OF ORDINANCE NO. 127-C.S. AMEND SECTION MAP 21 OF ZONING MAP (COVELL ADDITION) 1-76

ORDINANCE NO. 127-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"

introduced on November 21, 1956 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 Robinson

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

Noes: None Absent: None

RESOLUTION REQUESTING CANCELLATION OF COUNTY TAXES ON CARROLL PROPERTY FROM THE COUNTY BOARD OF SUPERVISORS 1-80

RESOLUTION NO. 56-497

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO CANCEL CITY AND COUNTY TAXES ON PROPERTY OWNED BY THE CITY OF MODESTO (CARROLL PROPERTY)

Introduced by Robinson Seconded by Adams

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

Noes: None Absent: None

APPROVE APPLICATION OF TIDEWATER SOUTHERN RAILWAY FOR CROSSING OF D STREET BETWEEN NINTH AND TENTH STREETS 1-84

Mr. Miller reported that the staff had checked out the application of the Tidewater Southern Railway Co. for a crossing over D Street, between 9th and 10th streets, both as to traffic and engineering, and recommended its approval.

City Attorney Allen Grimes presented a resolution which would grant a revocable permit to the company, as requested, for Council consideration.

Jack Kenady, representing the company, at the request of the City Manager, explained the volume of traffic over the crossing for Council information. He pointed out that the new track would hold 14

cars on one single track which would mean only one move would be made when the company had five cars to interchange with the M. & E.T. He estimated the speed of the train to be approximately four m.p.h. or less on the crossing and all of the movements would be preceded by a member of the train crew acting as a flagman.

RESOLUTION NO. 56-498

A RESOLUTION GRANTING TO THE TIDEWATER SOUTHERN RAILWAY COMPANY A REVOCABLE PERMIT TO CONSTRUCT, OPERATE, AND MAINTAIN A RAILWAY TRACK ACROSS D STREET IN THE CITY OF MODESTO, STATE OF CALIFORNIA

Introduced by Merrill

Seconded by Robinson

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

Noes: None Absent: None

Councilman Arata questioned Mr. Kenady on the method which the company planned to use in replacing the street after the tracks had been placed. Mr. Kenady pointed out that the Public Utilities Commission and the State provided certain standards for this type of work which would be complied with.

APPROVE EXTENSION OF TEMPORARY APPOINTMENT OF ELLIS HOLDEN, BUILDING INSPECTOR AND FRANK BUCHANAN, JANITOR 2-31

Mr. Miller reported that the examinations for Building Inspector and Janitor would be cleared shortly but not prior to expiration of the temporary appointments of Ellis Holden and Frank Buchanan. He asked for Council approval on the extension of these appointments for an additional 60 day period.

MOTION

That the temporary appointment of Ellis Holden, Building Inspector be extended from December 7 through February 6, 1957 and the temporary appointment of Frank Buchanan, janitor from November 30 through February 28, 1957.

Moved by Merrill Seconded by Arata Unanimously carried

ACCEPT TRAFFIC SIGNALS AT 14-J STREETS AND TRAFFIC SIGNALS AND STREET LIGHTING AT 19-H STREETS 2-41

Mr. Miller reported that the installation of traffic lights at 14-J Streets and traffic signals and street lighting at 19-H Streets had been completed by the contractor, Industrial Electrical Company and he recommended their acceptance, recording of notice of completion with the County Recorder, and authorization of payments due the contractor.

RESOLUTION NO. 56-499

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT NINETEENTH AND H STREETS AND TRAFFIC SIGNALS AT FOURTEENTH AND J STREETS FROM INDUSTRIAL ELECTRICAL COMPANY

Introduced by Anderson

Seconded by Robinson

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

Noes: None Absent: None

FURTHER CONSIDERATION OF RIVER ROAD FRONTAGE ROAD 2-46

Mr. Miller reported that after investigation it appeared the best way to proceed with clearing the possible construction of a frontage road, connecting the River Road with the frontage road serving Crows Landing Road, would be to present the matter to the County Planning Commission.

MOTION

That the staff be authorized to present this matter to the County Planning Commission.

Moved by Hammond Seconded by Adams Unanimously carried

CONSIDER APPLICATION TO PUBLIC UTILITIES COMMISSION FOR WIDENING OF ORANGEBURG AVENUE AT THE TIDEWATER SOUTHERN RAILWAY TRACKS 2-54

Director of Public Works Ray presented for Council consideration, an application to the P.U.C. for a hearing on acquiring an additional width of 20 feet on each side of the street from the existing center line of the street at the railroad tracks of the Tidewater Southern Railway Company, on Orangeburg Avenue for the widening of the street.

RESOLUTION NO. 56-500

A RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION TO THE PUBLIC UTILITIES COMMISSION FOR AN ORDER AUTHORIZING THE WIDENING OF A PUBLIC ROAD, HIGHWAY OR STREET ACROSS RAILROAD TRACKS OF THE TIDEWATER SOUTHERN RAILWAY COMPANY (ORANGEBURG AVENUE) AND EXECUTION OF APPLICATION BY THE MAYOR AND CITY CLERK OF THE CITY OF MODESTO

Introduced by Anderson Seconded by Arata

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Nones: None Absents: None

AUTHORIZE APPROPRIATION TRANSFER OF FUNDS FOR PAYMENT OF COUNTY AND M.I.D. TAXES 2-65

RESOLUTION NO. 56-501

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,031 FROM THE GENERAL RESERVE TO VARIOUS DEPARTMENTS FOR THE PAYMENT OF INCREASED MODESTO IRRIGATION DISTRICT AND STANISLAUS COUNTY TAX BILLS

Introduced by Anderson Seconded by Merrill

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson and Mayor Marks
 Nones: None Absents: None

REPORT BY CITY ATTORNEY ON MAGGI CONDEMNATION SUIT FOR AIRPORT PROPERTY 2-77

Mr. Grimes reported that the Attorney for Mr. Maggi had advised that Mr. Maggi would raise no objections to the city obtaining a court order for immediate possession of the property. This would mean, he stated, that the city must deposit in court the appraiser's estimate of the value of the property and the award would carry 7% interest from the date of the order of immediate possession.

Mr. Ray stated that the city would like to proceed as soon as

possible to advertise for bids. Considerable grading is involved in the project and now would be a good time to call for bids so that the work could be done while the weather is suitable for grading and the surfacing done when the weather is more suitable. He advised he had contacted the C.A.A. as to whether the right of entry order would be satisfactory for its purposes to permit the city-county to proceed to advertise for bids.

MOTION

That the Council indicates that if this is satisfactory with the C.A.A. that the City Attorney proceed with the securing of immediate possession and the staff be authorized to prepare the necessary call for bids.

Moved by Arata Seconded by Anderson Unanimously carried

**APPROVE FINAL MAP AND AGREEMENT ON THE GREGORY GARDENS #2 SUBDIVISION
2-112**

RESOLUTION NO. 56-502

A RESOLUTION APPROVING THE FINAL MAP OF THE GREGORY GARDENS #2 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Merrill Seconded by Hammond .

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

Noes: None Absent: None

**ACCEPT DEEDS FROM LANCE E. ELLIS AND CAROL L. ELLIS, FOR WIDENING OF
BOWEN, TULLY AVENUES AND GENEVA DRIVE 3-9**

RESOLUTION NO. 56-503

A RESOLUTION ACCEPTING GRANT DEED FROM LANCE E. ELLIS AND CAROL L. ELLIS, HUSBAND AND WIFE, FOR WIDENING OF BOWEN AND TULLY AVENUES

Introduced by Merrill Seconded by Anderson

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

Noes: None Absent: None

RESOLUTION NO. 56-504

A RESOLUTION ACCEPTING GRANT DEED FROM LANCE E. ELLIS AND CAROL L. ELLIS, HUSBAND AND WIFE, FOR WIDENING OF GENEVA DRIVE

Introduced by Merrill Seconded by Anderson

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

Noes: None Absent: None

**PUBLIC HEARING ON APPEAL OF MRS. MARTHA WALKER FOR A CONDITIONAL USE
PERMIT FOR REST HOME 3-40**

Mayor Marks announced that the hour of 4:30 P.M., had arrived, the time set for the public hearing before the Council on the appeal of Mrs. Martha Walker for a conditional use permit to operate a rest home for 5 aged persons at 1425 Concord Avenue, which had been denied by the Board of Zoning Adjustment at its meeting held on October 25.

The City Clerk filed a certification that notices were mailed to all property owners in this area on November 19, 1956, as required by the Municipal Code, informing them of the hearing. He reported that a petition signed by 33 persons residing in this area, protesting to the proposed use permit had been filed by Edward Ealey. Mr. Miller read the petition and letter of transmittal.

Resolution No. 16, adopted by the Board of Zoning Adjustment on October 25, denying Mrs. Walker's request, was reviewed by the Council.

Mrs. Walker spoke briefly, giving her reasons for her request. Her letter to the Council, dated Nov. 6, was read at this time.

No oral protests or other comments were made.

Mayor Marks declared the hearing closed.

RESOLUTION NO. 56-505

A RESOLUTION DENYING REQUEST OF MRS. MARTHA WALKER FOR A CONDITIONAL USE PERMIT TO OPERATE A REST HOME FOR FIVE AGED PERSONS AT 1425 CONCORD AVENUE

Introduced by Merrill Seconded by Hammond

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

Noes: None Absents: None

GRANT A REVOCABLE PERMIT TO K. W. EVERS, TO ERECT A FENCE ACROSS HACKBERRY AVENUE IN FRONT OF HIS PROPERTY AT 1028 HACKBERRY AVENUE 3-110

Mr. Grimes reported that he had personally inspected the K.W. Evers property where there is only one-half of the street dedicated, which is not improved. There is no indication of the other half of the street being dedicated at the present time nor any efforts being made to extend Hackberry Avenue through to connect to another street. He reported that Mr. Evers owned the land at the dead end of the street and had planted lawn and installed a small masonry fence and is asking permission to keep this fence on public property and plant lawn until the permit was revoked.

A Council discussion was held on this case as compared to other decisions on encroachment permits in industrial locations. Since it would be a revocable permit, it was agreed that it would not prove to be a problem or set a precedent.

Mr. Miller reported that some proposals were under consideration for extension of the street but that they had not yet been worked out.

RESOLUTION NO. 56-506

A RESOLUTION APPROVING REVOCABLE PERMIT AGREEMENT BETWEEN THE CITY OF MODESTO AND K. W. EVERS TO ERECT A FENCE ACROSS A PUBLIC RIGHT OF WAY IN FRONT OF PROPERTY LOCATED AT 1028 HACKBERRY AVENUE IN THE CITY OF MODESTO

Introduced by Anderson Seconded by Robinson

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

Noes: None Absents: None

EXTEND TIME FOR COMPLETION OF WORK IN IMPROVEMENT DISTRICT #5 (STREET LIGHT MATERIALS AND SEWER LATERALS IN LALOMA AREA) 1-26

RESOLUTION NO. 888-S.P.

A RESOLUTION EXTENDING THE TIME FOR THE CONTRACTOR TO COMPLETE THE WORK AND IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 5

Introduced by Anderson Seconded by Robinson

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

Noes: None Absent: None

The City Manager reported that Joe D. Miller had completed the installation of the sewer laterals in the Laloma area except for a few minor details.

Mr. Grimes reported on the arrangement which had been worked out for connections to the laterals in hardship cases.

INTRODUCTION OF ORDINANCE AMENDING AMBULANCE REGULATIONS RELATING TO ELIGIBILITY FOR DRIVER AND ATTENDANT PERMITS 4-36

Mr. Grimes presented, as directed by the Council, an ordinance which would revise the regulations for issuance of driver and attendant permits to provide that no such permit should be issued to any person employed by funeral homes.

ORDINANCE NO. 132-C.S. Entitled:

"AN ORDINANCE ADDING CHAPTER 8, ENTITLED 'LICENSING AND REGULATION OF AMBULANCES' TO TITLE III OF THE MODESTO MUNICIPAL CODE"

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

REPORT ON STATUS OF ACQUISITION OF MODESTO HOTEL PROPERTY 4-47

Mr. Grimes reported that the city has been granted permission by the property owners of the Modesto Hotel to go into the hotel and to make the necessary excavations in order to determine the nature and status of the foundations. It is proposed, he stated, that the work of opening four typical columns will be done by the city's Public Works Department, starting at 8 A.M. Monday, Dec. 10. Attorney Francis Halley, who is representing the property owners, has been advised of the desire of the city to commence the work at this time, which will allow the owners to have inspectors present if they desire.

Mr. Miller reminded the Council that earlier the staff had been asked to make arrangements for a second structural engineer, subject to Council approval. Some of these qualified engineers have been contacted, he stated. He asked whether or not in view of this development, it wished to still hire the second structural engineer.

Mr. Grimes pointed out that it would not be necessary for this engineer to be on hand when the openings were made but that he would wish to inspect them before they were closed.

MOTION

26-273

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That the City Manager be directed not to proceed any further with the employment of a second structural engineer until further direction.

Moved by Merrill Seconded by Robinson Unanimously carried

To a question from Mayor Marks, Mr. Grimes stated that he considered it would be highly desirable to hire the second engineer if this matter goes to trial but as this time it is not necessary, but this decision has to be made before the openings are covered.

It was generally agreed by the Council that the two appraisers hired by the Council should continue their work on the hotel property.

PROGRESS REPORT ON WIDENING OF McHENRY AVENUE

The City Manager reported that the staff had met with representatives of the McHenry Avenue Improvement Association on Monday, Dec. 3 and again checked with the Stockton office of the Division of Highways, to determine the status of the project for widening of McHenry Avenue. This office advised that arrangements had already been made to talk with engineers in the Sacramento office and that the city would be advised of the outcome.

Mr. Miller reported that he had received notice from the Sacramento office that upon receipt of a resolution from the Council, which would have to be prepared with the drawings and maps related to it, the Division of Highways would take further action regarding the interim project, the city to furnish the rights of way and the state to construct the storm drain and furnish the improvement on the street.

The State had advised that the 1957 budget was approved Oct. 16, and while this project was not in this budget, it was not impossible that it might yet be included, although they did not offer any specific encouragement. The city will proceed on the basis, the City Manager continued, with Council approval, that it will be move as promptly as possible and if it is possible to get it in this year, the city will so urge and request. If it not cleared this year, he stated, the state will propose it specifically in the next year's budget. The State has been advised that if action is started immediately, the rights of way, with the assistance of the new appraiser authorized, could possibly be cleared by April.

Mr. Miller pointed out that if the rights of way were forthcoming the project will "go" and if not the project will "not go". This will mean that each property owner will have to do his part and this project lies squarely in the hands of the property owners in this area.

Mayor Marks assured the property owners, who were present, that the city would help and cooperate in every way possible but this project would have to be a question of "neighbor working with neighbor and friend working with friend out there".

Mr. Miller pointed out that the property owners will not be asked to give improvements, that the city's regular policy will be followed. This will be the city's contribution---the damage to improvement on the property caused by granting the requested rights of way. Since this will be a tremendous project, he stated, the city must proceed with the full understanding of the Council that whatever additional help would be required for right of way appraisal, legal, negotiation or anything else, will be furnished to get the job done. He pointed out that the city would be required to bear the cost of the design of the drainage system, or which the preliminary work has already been done, but the design of the highway will be the state's expense.

Councilman Arata pointed out that if widening of the street was not done now, that the city would have to do it alone later on.

Mr. Grimes stated that this was a large project but his office could handle it in good shape with the necessary help. If it is the city's proposal to proceed with the project the property owners can show their willingness to support it by providing the necessary rights of way. If they are not willing to make an outright dedication of their property for drainage and public road purposes, possibly a compromise might be worked out. This would be to put a reverter in the dedication which would provide that if the property is not used for public purposes within a specified period of time, say 4-5- years, that it would automatically revert back to the owner. This would avoid the difficulty of getting deeds and holding ^{them} if they are held it proves difficult in the transfer of properties, deaths, etc. It is desirable to record the deeds immediately and the reverter clause will protect them. By going ahead "full steam" on such a program, he pointed out, the city will know in 90 days just what the situation is going to be. One large item of expense, he stated, which the Council should be aware of in consideration of this project, is the cost of the preliminary title report on the individual properties involved. This cost will be approximately \$17.50 per parcel. It is necessary to have these reports to prepare the documents.

A brief discussion was held on the approximate ^{total} cost for the title reports but due to the fact the number of parcels involved was not definitely known, no estimate could be made.

Mr. Wilbourn, representative of the Association reported that approximately 80-85% of the owners had signed an agreement to dedicate their property without cost for this project. He believed that there would not be any "hold-outs".

Mr. Miller stated that if the Council wished the staff to proceed on the project that a further report would be presented at the next meeting and a particular resolution for consideration.

MOTION

That the staff be authorized to make a report on this project and to prepare a resolution for Council action at its next meeting.

Moved by Robinson Seconded by Anderson Unanimously carried

Mr. Miller reported that arrangements had been made to meet with the Highway Commission at 10 A.M. December 19, in Sacramento.

AUTHORIZE CHANGE IN STOP SIGNS AT DOWNEY AND SCENIC AVENUES

Traffic Engineer Douglas Carmody reported on the temporary channelization installed last week at the intersection of Kimble, Downey, Burney, Scenic Drive, and H Street, which has previously been authorized by the Council. He listed the 24 hour two-way traffic volumes for the various streets and recommended:

- 1- Remove the stop sign on Scenic, stopping westbound traffic on Scenic;
- 2- Remove the stop sign on H Street at Burney Street stopping eastbound traffic on H Street;
- 3- Install a stop sign on Downey to stop traffic entering Scenic and H Streets.

He estimated the cost to the motorist to stop their cars at

the two stop signs, which he recommended removing, to be approximately \$500 monthly. He reported on the complaints received from the merchants in the area against the channelization island. He pointed out the traffic hazards involved at this intersection where there were 25 different turning movements and 150 points of conflict. He considered that this channelization was necessary now and would be necessary when the one-way street program was in effect. He agreed that it did limit access to Kimble Street to a certain extent. The problem at the intersection was not one of accidents, he stated, but one of congestion.

Councilman Merrill and Arata reported on their personal inspection of the channelization. Councilman Arata suggested that additional time be given to determine the type and size of channelization which would be most effective and for the people to get used to the change. He suggested that the other Council members personally inspect the location before they consider the complaints.

Mr. Carmody agreed with this suggestion but recommended that the change be made in the stop signs which he had suggested in order to get the real benefit of the channelization.

Gilbert Weiss, operator of the Downey Avenue Grocery Store, Mr. Parker operating the Market Basket, the operator of the Richfield Service Station and Charles Jeffers operating a real estate office, all close by the intersection offered their recommendations for the location of the traffic island and complained on the present set up.

RESOLUTION NO. 56-507

A RESOLUTION ESTABLISHING A STOP SIGN ON DOWNEY AVENUE TO STOP EASTBOUND TRAFFIC ON DOWNEY AVENUE ENTERING H STREET AND SCENIC DRIVE IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 6763-N.S.

Introduced by Anderson Seconded by Robinson

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

Noes: None Absents: None

MOTION

That the work be continued with the arrangements for this intersection for two weeks and the matter be placed on the agenda for the Council meeting of December 19 for further consideration.

Moved by Merrill Seconded by Arata Unanimously carried

MAYOR ASKS CITY CLERK TO FURNISH INFORMATION TO COUNCIL MEMBERS ON VACANCIES WHICH WILL EXIST ON THE VARIOUS BOARDS AND COMMISSIONS DURING THE MONTH OF JANUARY 8-70

Mayor Marks asked the City Clerk to furnish a list of names of members of various boards and commissions whose term will expire during the month of January, 1957, so that the members of the Council could give consideration to the appointments to be made.

REPORT ON STUDY OF INCINERATION OF GARDEN REFUSE 8-73

Mr. Ray reported that the Council Garbage Committee had been working with the staff, not only on a solution of the garden refuse disposal problem, but that of garbage as well. He reported on discussions held with representatives from an incineration company. He stated that certain information had been supplied to this company for the

preparation of a preliminary design for a structure suitable for the city's needs and it had been asked to give estimated costs.

Most of the materials at the present garden refuse area at the airport were fired yesterday, he reported. The city is most interested in working as rapidly as possible on a solution to this problem other than the present method of operation, either by an incinerator possibly located at the sewage treatment plant or by disposal under the present method but at a different location.

He reported on the various types of incinerators which could be designed by the company. The city asked the company whether it could design an incinerator on the basis that it would provide, 1) a fairly low degree of pollutant removal, 2) a high degree and 3) an intermediate basis.

REPORT ON AMERICAN MUNICIPAL ASSOCIATION CONFERENCE IN ST. LOUIS BY THE CITY MANAGER 8-110

Mr. Miller gave a brief report on his trip to St. Louis to attend the A.M.A. conference, as chairman of the Fire Rating Committee. This committee presented a resolution which was adopted by the resolution committee and general session, which he brief for Council information. Disappointment was expressed by the Association that it had not had an opportunity to review the fire grading schedule revision before it was adopted and published by the National Board of Fire Underwriters. The staff of the A.M.A. was authorized to make a study of the new schedule to determine what changes had been made and to analyze how the schedule was applied throughout the country since there seemed to be a wide variation, and to analyze the pressure brought to bear and the influence exerted on public expenditures for fire protection services by the application of the grading schedule by the National Board and related agencies, and requested the President of the U.S. to appoint a fact-finding committee to make a thorough investigation and report from the standpoint of public policy on this whole matter.

He reported that he had contacted some industrial prospects and had spent some time in Chicago with a factory locating service. He reported that there was a rapidly growing interest in what is called industrial parks where there is more room, light and beauty of landscaping, instead of the old smoke stack, tightly bound sort of thing. He talked briefly on the traffic problems facing industrial concerns.

CITY MANAGER RECOMMEND THAT THE CITY OF MODESTO JOIN WITH OTHER AGENCIES TO SPONSOR AND SUPPORT LEGISLATION TO CUT DOWN TRAFFIC ACCIDENTS ON PUBLIC STREETS AND HIGHWAYS 9-25

Mr. Miller stated that he had returned to Modesto from his eastern trip with increased conviction that the general public has not yet begun to face up to the problem of traffic. We are not doing nearly as much as we should and should to control abuse of the privilege of driving, he stated. He suggested a complete reevaluation of the speed limit system in the state; that there should be stricter enforcement by both the police officers and the judiciary; and there should be mandatory penalties for violations. He cited examples of laws in several states where mandatory penalties were involved for certain violations which had materially reduced the accident rate.

He pointed out that no city could do this alone and suggested that the League and other related agencies be contacted and asked to sponsor and support whatever legislation was necessary or whatever enforcement practices required and judicial mandate, to cut down the unnecessary slaughter on the highways.

MOTION

That the City Manager confer with the City Attorney, Traffic Engineer and Police Chief to prepare a resolution along this line for Council consideration.

Moved by Anderson Seconded by Mayor Marks Unanimously carried

CITY MANAGER TO CHECK REGARDING SPONSORING A HUNGARIAN REFUGEE FAMILY
IN THIS COMMUNITY 10-33

The City Manager suggested that the City of Modesto help sponsor the relocation of one Hungarian family in this community.

MOTION

That the City Manager be authorized to check with the Council of social agencies and other groups regarding this matter

Moved by Anderson Seconded by Robinson Unanimously carried

REPORT ON HEALTH ASPECTS OF TIRE RECAPING 9-48

A report was filed by Dr. Irena Heindl, as requested by the Council, on the health aspects of tire recapping. She reported that she had contacted the State Health Department which had advised that basically this should not be a health problem but it would depend upon the conditions particularly and treatment should be sufficient to handle the problem.

Mr. Miller pointed out that the suggestions which had been made by the U.S. Tire Company for their plant should be sufficient.

REPORT ON SPECIAL CHRISTMAS HOLIDAY LEAVE FOR CITY EMPLOYEES 10-55

The City Manager was authorized to make changes in the work schedules of the city employees and to thin down the staff on the basis of employees putting in the regular number of hours but at different time on different days so that the city services would be continued and the employees would be permitted to rearrange their time to take advantage of the holidays.

SET DATE PRESENTATION OF RESERVE DEFENSE AWARD 10-1

Mr. Grimes reported that he had been asked by the U. S. Air Force to present to the City of Modesto its reserve defense award on December 19 at 4:30 P.M. in the Council Chamber during the regular Council meeting.

MOTION

That the presentation of the award be set as a special order of business at 4:30 P.M., Wednesday, Dec. 19

Moved by Anderson Seconded by Hammond Unanimously carried

REQUEST FROM STANISLAUS FOOD PRODUCTS TO BURN REFUSE FROM WOODEN BOXES
BEING REPAIRED AT ITS PLANT 12th and D STREETS 10-6

Cecil Jones, representing the Stanislaus Food Products, asked for Council permission to burn refuse from wooden boxes being repaired at its plant located on 12th and D Streets. He reported that the Fire Department had refused to issue a permit for this burning.

MOTION

That the City Manager, City Attorney and Fire Chief check the situation to determine if the request could be legally worked out.

Moved by Anderson Seconded by Arata Unanimously carried

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Anderson Seconded by Adams Unanimously carried

The meeting was adjourned at 6:36 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.

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. Lee Nelson, pastor of the Church of the Brethren, gave the invocation.

APPROVAL OF MINUTES

Council members having received copies of the minutes of the Council meetings of November 21 and 28, and the same being available for public inspection and there being no objections, the minutes were approved.

LETTER FROM PUBLIC UTILITIES COMMISSION RE: INVESTIGATION OF SOUTHERN PACIFIC COMPANY PASSENGER SERVICE CASE NO. 5829 1-4

A letter received from the Public Utilities Commission was read regarding the Commission's investigation of the Southern Pacific Co. passenger service, Case No. 5829. The Commission assured the city that it would be notified of the public hearing on the request for the discontinuance of the service.

LETTER FROM THE PUBLIC UTILITIES COMMISSION RE: GRADE CROSSING PROTECTIONS IN THE CITY 1-10

A letter received by City Attorney Allen Grimes from the Public Utilities Commission was read. The Commission advised that it wanted to take into account in its grade crossing protection investigation the results of the study which is being made on traffic, both present and future in the city.

Mr. Grimes pointed out that the city had requested the P.U.C. at the recent public hearing, to undertake an investigation with its field staff on its own, with respect to the need for these grade crossing gates in the city and the Commission indicated in its letter, because of the pendency of the State's study it would not proceed with its own investigation at this time.

City Manager Ross Miller advised that Traffic Engineer Douglas Carmody had indicated that the information on the State's origin and destination traffic study would possibly be available in February.

LETTER FROM U.S. DEPARTMENT OF STATE RE: HUNGARIAN RELIEF 1-46

A letter from John P. Meagher, Chief Public Services Division of the U.S. Department of State, acknowledging receipt of the city's resolution expressing concern for the Hungarian people, was read and ordered filed. Pamphlets describing some of the action taken by the United States and the free world to assist the Hungarian people were enclosed with the letter.

LETTER FROM MODESTO CITY HOSPITAL REQUESTING INSTALLATION OF "EMERGENCY ENTRANCE" SIGN ON H STREET 1-26

A letter from the Modesto City Hospital was read, requesting that

the city install an "Emergency Entrance" street sign on the public right of way on H Street adjacent to the hospital directing emergency admission to the hospital ambulance entrance located in the rear of the hospital.

Mr. Miller recommended that the request be granted on the basis that the sign be erected in accordance with standard signs on the streets and highways after checking with the Public Works Department. Mr. Grimes recommended that the permit be a revocable permit.

MOTION

That the sign be erected at this location as requested on a revocable permit basis after the Public Works Department had checked out the matter.

Moved by Robinson Seconded by Arata Unanimously carried

LETTER FROM BUILDING AND CONSTRUCTION TRADES COUNCIL RE: PARKING ON F STREET 1-36

A letter received from R. L. Cloward of the Building and Construction Trades Council requesting that its request to restore diagonal parking on F Street between 9th and 11th Streets be withdrawn.

Mr. Miller reported that Mr. Zimmerman of the Stanislaus Implement & Hardware Company, who was also interested in this request had contacted him today to advise that he was ill and unable to attend and that if any action was proposed that it be held until he had a chance to appear.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR TRACTOR LOADER 1-60

Specifications for the purchase of one new rubber tired tractor loader were presented by Director of Public Works Marvin Ray. He proposed that the date of December 27 at 3:00 P.M. be set as the time for the opening of the bids in the City Clerk's office.

RESOLUTION NO. 56-508

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR ONE NEW RUBBER-TIRED TRACTOR LOADER

Introduced by Anderson

Seconded by Arata

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

Noes: None Absent: None

AUTHORIZE RESOLUTION TO DIVISION OF HIGHWAYS ON WIDENING OF McHENRY AVENUE 1-72

Mr. Miller presented for consideration as directed by the Council, a resolution requesting the state to proceed with widening of McHenry Avenue in the City of Modesto. Maps attached to the resolution indicated the width of the rights of way to be obtained along McHenry Avenue from Needham Avenue to M.I.D. Lateral No. 3 and the proposed location of the storm drain trunk sewer.

If the state approved, Mr. Miller stated, it will be followed subsequently by an agreement which could commit the state to the project and then with the providing of the rights of way by the property owners and on the basis previously discussed, the city staff is confident that the project can proceed. He stated that this will be presented to the Commission next Wednesday, December 19. The question on timing is actually whether the state can make the money available in this year's budget. The

width of rights of way to be obtained, he reported, varied from 5 feet to 25 feet at certain locations. The width of the street would be 80 feet from Needham to Griswold and 86 feet beyond. It was agreed that the city would assume the cost of getting the job done other than the value of the land. The city will furnish staff assistance and it might be necessary to hire additional assistance, he stated, and the city will assume the cost where buildings have to be revised.

RESOLUTION NO. 56-509

A RESOLUTION REQUESTING THE STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS, CALIFORNIA HIGHWAY COMMISSION AND DIVISION OF HIGHWAYS TO PROCEED WITH WIDENING OF MCHENRY AVENUE 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

Councilman Arata suggested that since the property owners along McHenry Avenue had donated their property free of cost to the city and state, they should be eliminated from any future over-all drainage improvement project, in this area.

Mr. Ray pointed out since there would be no benefits gained by these property owners except on some very large parcels under any other over-all project, they automatically would not be assessed for any additional storm drainage facilities in the area.

Mr. Grimes stated that if other drainage was put in by improvement district procedure any assessment would be in proportion to benefit. If the property owners along McHenry Avenue, who have deeded the rights of way do not benefit from any of the facilities proposed in an improvement district they will not be charged.

The Council discussed the possibility of establishing a "benefited area" line or specified depth set up but Mr. Grimes pointed out that such assessment would be determined on benefit alone.

Mr. Arata pointed out that some of the owners in back of the property owners along McHenry Avenue would benefit from the proposed storm drainage who would not be contributing to the project.

Mr. Miller stated that it could be shown in the record that the property owners facing McHenry are trading their land on the highway project for their obligation on the drainage.

Mayor Marks asked that the record show this fact.

HOLD OVER ITEMS 6-7-8-10 RELATING TO PUCHASE OF PROPERTY FOR EXTENSION OF G STREET 2-60

Mr. Miller asked that items 6, 7, 8 and 10 be held over for consideration since the state has not yet returned an executed copy of agreement providing for the purchase of property on the extension of G Street.

FINAL ADOPTION ORDINANCE NO. 131-C.S. RELATING TO SALES TAX 2-63

ORDINANCE NO. 131-C.S. entitled

AN ORDINANCE AMENDING SECTIONS 8-2.104, 8-2.105, 8-2.106, 8-2.108

26-282

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OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE AND
 REPEALING SECTION 8-2.107 THEREOF, RELATING TO SALES AND USE
 TAX

introduced on November 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 Robinson

Ayes: Adams, Anderson, Arata, Hammond, Merrill, Robinson

Noes: Mayor Marks

Absent: None

FURTHER REPORT ON PARKING IN THE TENTH AND F STREETS AREA 2-65

Pursuant to the Council's request, Mr. Carmody presented a report
 on "F Street in the Vicinity of 10th Street Parking". Mayor Marks asked
 that copies of this report be mailed to the Council, representatives of
 Labor Unions and Mr. Henry Zimmerman of Stanislaus Implement & Hardware
 Company. It was agreed that this matter should not be placed back on the
 agenda until one of the interested parties requested that it be brought
 up for discussion again.

Mr. Grimes pointed out that the recommendations in the report
 prepared by Mr. Carmody did not concur with the Union views or the Zimmer-
 man view.

Mr. Meyer of the Labor Union concurred in the decision of the
 Council.

REPORT ON OFF STREET PARKING LEASED FROM BOMBERGER BROTHERS IN REAR OF
 SEARS STORE ON ELEVENTH STREET 2-70

Mr. Carmody reported on the good use being made of the recently
 leased temporary off-street parking lot on Eleventh Street, back of Sears
 store. A general Council discussion was held on whether the parking fee
 established for parking four hours was out of line but it was agreed that
 the fee was in conformity with other lots and that it would not warrant
 the purchase of a different type of ticket machine which would change the
 parking hours.

APPROVE LEASE ON ADDITIONAL OFF-STREET PARKING LOT ON NORTHEAST CORNER OF
 TWELFTH AND I STREETS-STANISLAUS COUNTY TITLE COMPANY 1-115

Mr. Carmody reported that Stanislaus County Title Company, owner
 of the vacant property on the northeast corner of 12th and I Streets,
 would lease this property formerly occupied by the Mobile Gas Company
 to the city for a term of one year at a monthly rental of \$70, for off-
 street parking purposes. This property is 60' x 70' and would permit the
 parking of 14 cars. He estimated the cost to the city of placing the
 parking improvements on the lot to be approximately \$563. He outlined the
 provision relating to the cancellation of the lease also. He stated that
 this lot could be placed in operation by Monday, December 17.

RESOLUTION NO. 56-510

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO
 AND STANISLAUS COUNTY TITLE COMPANY FOR THE LEASING OF PROPERTY
 FOR OFF-STREET PARKING, TWELFTH AND I STREET, IN THE CITY OF
 MODESTO

Introduced by Hammond

Seconded by Arata

covering property to be deeded to the city by R. E. Turner and Ida B. Turner to be used in the widening of Tully Avenue at N. 99 Highway.

RESOLUTION NO. 56-514

A RESOLUTION ACCEPTING GRANT DEED FROM R. E. TURNER AND IDA B. TURNER, HUSBAND AND WIFE

Introduced by Anderson

Seconded by Adams

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

Marks

Noes: None

Absent: None

SET DATE FOR PUBLIC HEARING ON AMENDMENT TO ZONING MAP SECTION 28 CHARLES D. WARNER APPLICATION 3-50

RESOLUTION NO. 56-515

A RESOLUTION OF THE MODESTO CITY COUNCIL SETTING DATE FOR A PUBLIC HEARING ON AN AMENDMENT TO ZONING MAP SECTION 28 (CHARLES D. WARNER APPLICATION)

Introduced by Merrill

Seconded by Robinson

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

Mayor Marks

Noes: None

Absent: None

The time set was 8:45 P.M. January 9, 1957, in the Council Chamber.

DISCUSSION ON ARTICLE IN THE MODESTO BEE RELATING TO CITATIONS ISSUED TO AMBULANCE COMPANY 3-66

Questions raised by Councilman Merrill regarding the article which had appeared in the Modesto Bee, this date, regarding the citations given by the Modesto City Police personnel to drivers of ambulances for traffic violations which had occurred at the intersection of Downey, H and Scenic Drive when the ambulances were taking injured and ill persons to the Stanislaus County Hospital were discussed by the Council and staff. Mr. Merrill reminded the Council that Mr. Carmody had contended that changing of stop signs at this location would save money for the drivers in the city. He questioned whether the Council should put gasoline savings over life savings. He accused Mr. Carmody of making an illegal left hand turn at this intersection. This was cleared by Mr. Carmody who pointed out that a left hand turn was legal at the location in question. He claimed that the present arrangements at the intersection, which were being tried out for a two weeks period, was unsatisfactory. He claimed that the drivers should not have been cited.

Mayor Marks asked Councilman Merrill at this time just what his complaint was.

Councilman Merrill said that the first complaint was that since this was a trial deal at the intersection, he objected to the fact that the Police Department was issuing citations to the ambulance people. The Police Department should be cognizant of the fact, he stated, that human lives come first and that if a an ambulance driver would go over a little on the left hand side of a double line, with a red siren and red lights, he should be permitted to proceed since he is driving an emergency vehicle.

Councilman Arata asked for information on the state law relating to emergency vehicles, which was furnished by Mr. Carmody. Mr. Arata stated

that he had observed the operation of automobiles at this five leg intersection on numerous occasions recently and it was his opinion that the new regulations installed on a two week temporary basis was an improvement over the beginning of the operation and that it would work out in a satisfactory manner. Mayor Marks recommended that a staff report be obtained on the incidents referred to by Mr. Merrill--citations to ambulance drivers.

Councilman Merrill asked the City Manager how Sergeant Sturm could issue a citation to one of the ambulance drivers when the violation had occurred last week, and why it wasn't issued at the time of the infraction.

Mr. Miller replied because Mr. Sturm wasn't at the scene of the infraction. This incident was brought to the attention of the staff by citizens in the area who saw this incident and since that time a thorough going investigation has been made of it and a number of witnesses have indicated that they saw exactly what happened and all of this information has been presented to the District Attorney, who handles these matters in the normal course of events. If in his judgment it warrants a citation, one will be issued. The witnesses to this incident testified that the speed with which the driver was operating this ambulance at this intersection was beyond all reason. Mr. Miller stated that the proper place to try this was in the court and it would be tried in the court.

Mr. Miller stated that there was a misconception on the part of some people who drive emergency vehicles, including our own drivers in the Fire and Police Departments, to some extent, that when they blow a siren the right of way is cleared. It is not true, he continued, this does not clear the right of way. He stated that he had fought this problem for years in every city he had been in. First of all with the city personnel--police and fire emergency vehicles. He reported that he had witnessed an incident involving the driver of one of the ambulances who was driving at a rate of speed which would have meant, if they hadn't been lucky, that a number of persons could have been slaughtered. He stated that he had personally suspended city employees in both these departments for this type of driving. He pointed out that--"you can't clear the right of way with a siren, it won't work". When a driver has an injured person in his ambulance or car the way to save his life is to get him there and "not to bust somebody enroute". He stated that he had called the ambulance companies and the police and fire department personnel into his office several months ago and made it clear to them that they must drive these cars at a speed which would permit control. Whenever these emergency vehicles are operated beyond this control, the driver is not saving lives, but taking lives in his own hands. He stated that he had done everything he could do to impress this upon 1) the city's own department, and 2) the ambulance drivers and any other emergency vehicles which are concerned their obligation is to get the vehicles to where they are suppose to be to help. He pointed out that he did not know the exact facts in this case, since he had not been present, but in his judgment the cases are in competent hands and he hoped that they would be handled in the normal procedure which is--if a citation is justified it should be issued and then it goes to court and the court decides whether the citation was in order and if so what judgment should be rendered.

Councilman Merrill stated that he concurred with Mr. Miller but he was perturbed about the item in the paper. He pointed out that the driver was cited for driving 30 miles per hour in a 25 mile zone and that five miles over the 25 miles in that emergency vehicle was not wrong. He wanted to know more facts about the case.

Mr. Miller stated that Mr. Sturm had been at the intersection at the time of the violation by the ambulance driver at the request of citizens in the area on prior violations.

Councilman Arata suggested that the staff report be held up so that the judge could make the decision.

Mayor Marks suggested that Councilman Merrill or any other interested Councilman be furnished the facts in the case.

Mr. Miller stated that with Mr. Grimes' approval he would be glad to furnish copies of all the reports which have already been prepared. He stated that the estimates of speed which he had heard were much higher than 35 miles per hour. He stated "but for the grace of God, we would have slaughtered a lot of people in this town already with emergency vehicles and I just hope and pray that we can keep this down to where we won't kill somebody on the street trying to save somebody in an ambulance or by going to a fire."

Mayor Marks asked Mr. Miller to see that Councilman Merrill gets the facts in this case.

REPORT ON STREET AND BRIDGE DEFICIENCIES 4-97

Mr. Carmody filed a copy of the report on Street and Bridge Deficiencies which had been requested by the Joint Interim Committee. He pointed out that the City of Modesto has \$900,000 more deficiencies than it had in July, 1954, when the earlier survey was made. He stated that the city had \$9,531,000 worth of work ahead and at its current average rate of construction from gas tax funds, \$55,000 per year, it can look forward to the next 173 years before it will have eliminated the current deficiencies.

Mr. Miller reminded the Council that it had allocated in this year's budget over \$300,000 for streets and if the projects, already approved, can be lined up, more will be done on streets this year, by far, than it has ever done in any comparable period in the history of the city.

REPORT ON PRESENTATION TO THE STATE LEGISLATURE INTERIM COMMITTEE ON WATER PROBLEM 5-36

Mr. Miller reported he had made a brief presentation to the Subcommittee of the State Legislature Interim Committee on Water, in San Francisco, Monday, December 10. Two matters had been brought to the committee's attention, he stated, 1) the urgency of coordinating recreational and other water use development and, 2) the importance of underground water supplies to this area. He had pointed out, he stated, that a substantial portion of the water for the Modesto area is pumped from underground, and the water table is going down. He pointed out to the committee that the city would like the committee to take into account the fact that underground water is a most important part of the problem.

REPORT ON MODESTO HOTEL PROPERTY 5-66

Mr. Grimes reported that the excavation of the Hotel Modesto foundations have been completed by the Public Works Department and Mr. Robert Dewell has indicated that he will be in the city Thursday, December 13, to make the inspection.

He also called to the attention of the Council that if it wished to consider placing the financing of a city hall on the ballot of the General Municipal election being held in April, 1957, that the time was growing short to do the necessary ground work and preliminary studies with bond counsel.

The Council indicated that until certain reports on the building were available and the method to be used in financing decided on, it could not determine the time for the voting on this question.

Mr. Grimes was asked to notify the Council at the next meeting the last date on which it could decide whether to place the city hall question on the April General election ballot.

FINANCIAL STATEMENT FOR MONTH OF NOVEMBER, 1956 5-100

The City Manager presented copies of the financial statement of the city for the month of November, 1956, to the Council members.

CITY ATTORNEY CALLED ATTENTION TO PROVISIONS OF RESOLUTION NO. 55-223 5-104

Mr. Grimes reminded the Council members of the provisions of Resolution No. 55-223 which related to the attendance of members of various boards and commissions to meetings. He pointed out that the statistics indicated in the report prepared by the City Clerk on the attendance of the members to the meetings apparently revealed that three members of three boards had come within the scope of that rule.

Mayor Marks was asked by the Council to contact these persons and report back to the Council.

Mr. Grimes pointed out that the language of the resolution is mandatory.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Adams Seconded by Anderson Unanimously carried

The meeting was adjourned at 8:45 P.M.

ATTEST:


REX E. GALLUS, 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, Hammond, Merrill, Mayor Marks

Absent: Councilmen: Arata and Robinson

Councilman Arata arrived at 4:15 P.M.
Councilman Robinson arrived at 4:50 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

Mayor Marks called attention to the fact that the minutes of December 5, showed that Councilmen Merrill and Arata had answered the roll call although they did not arrive until after the call. It was agreed that the method of showing Council members present at the meeting should be changed to show only those present at the actual time of roll call. The minutes of December 5 and 12 were approved by the Council.

LETTER FROM RAYMOND HATCH RE: ROAD CONNECTING HATCH ROAD AND WHITMORE AVENUE 1-42

A copy of a letter sent to the Stanislaus County Planning Commission by Ray Hatch regarding acceptance of a 60 foot road connecting Hatch Road and Whitmore Avenue, was read.

MOTION

That the letter be referred to the administrative staff to check and report to the Council if it is necessary.

Moved by Adams Seconded by Anderson Unanimously carried

LETTER FROM GEIGER IRON WORKS REGARDING SALES AND USE TAX 1-56

A letter from Geiger Iron Works, Inc., was read, pointing out that under the provisions of the city's sales and use tax ordinance, which eliminated the exemptions effective January 1, 1957, a resident of an adjoining county, where there was a uniform sales tax, wishing to do business in Modesto would be subject to a 4% sales tax, plus a 1% use tax in his own county of residence, a total of 5%.

City Attorney Allen Grimes explained the provisions of the Bradley-Burns Sales Tax Act---that there would be not only the states' 3%, City of Modesto 1% and when the purchaser took the article into a county operating under the uniform sales tax, an additional 1% use tax would also have to be paid. He stated that apparently this was put into this Act in order to encourage counties to "get on the uniform band wagon".

REPORT ON MEETING OF ADVISORY COMMITTEE ON UNIFORM SALES TAX 1-89

Councilman Hammond reported on the meeting held December 18, of

the Advisory Committee on Uniform Sales Tax. It was agreed at the meeting to urge the county and cities within the county to secure the services of Harold Wise and Associates to make a study of the fiscal relationships between the cities and the county. Payment for this survey would be made on a pro rata basis of the retail sales data as put out by the State Board of Equalization. It was also agreed that the County be requested to withdraw its ordinance establishing the basis of 10% division of the sales tax and to put the uniform sales tax in effect on the basis of 7½% of the 1% tax and that on or before July 1 on the basis of the survey, the cities and county would further confer on areas of adjustment which the survey might suggest.

Councilman Hammond pointed out that there were some differences of opinion of the members of the committee on the items to be included in the survey. Each community would have its individual problems and the basic survey should be of a general nature, the committee decided, Councilman Hammond reported. One of the matters which had come up for discussion at all the meetings of the committee was---relationship of irrigation districts with the cities. Due to the objections of the rural members of this community and other communities in the county, it was considered that this general study should not include irrigation districts. However, if communities have individual problems, such as irrigation districts, they could have a study made and pay for it individually.

Mayor Marks stated the committee was not averse to any particular studies being made for the particular cities with the cost being paid by the cities individually. He suggested that if the county goes ahead and shows its good will and does what the committee asks and withdraws its ordinance providing for the 10% basis of distribution and signifies its intention to proceed on the basis recommended before January 1, he would like to propose that the city rescind its ordinance providing for the elimination of exemptions. It was generally agreed by the other Council members that no action be taken on the rescinding of this ordinance since this had already been decided and was not discussed at the committee meetings.

Councilman Arata considered that it should be generally known that the City of Modesto would be paying 52% of the cost of the survey, and the balance of 48% is being paid by the county and the balance of the cities within the county.

Mayor Marks commended Councilmen Hammond and Arata who had served on the Advisory Committee.

FURTHER DISCUSSION ON GEIGER IRON WORKS LETTER 2-20

The Council members generally agreed that further investigation should be made into the situation presented by Geiger Iron Works, Inc.--double taxation in counties where the uniform sales tax was in effect.

MOTION

That this matter be referred to the staff for investigation and further report to the Council.

Moved by Merrill Seconded by Hammond Unanimously carried

LETTER FROM EL VISTA SCHOOL P.T.A. RE: PARK IN THE AREA 2-55

A letter from Mrs. Harvey F. Grote, Recreation Chairman of the El Vista School P.T.A., regarding the location of a park in the El Vista School District, was read.

City Manager Miller suggested that he be authorized to check the city's situation with the organization and report any suggestions or

recommendations, to which the Council concurred.

SPECIAL ORDER OF BUSINESS
PRESENTATION OF RESERVE DEFENSE AWARD 2-60

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the presentation of the Department of Defense Reserve award to the City of Modesto.

Reserve Officer Lt. Col. Allen Grimes of the Air Force Reserve gave a brief resume of the reserve activity in the Modesto area and environs and introduced the following representatives of the various reserve organizations:

Commanding Officer, Naval Reserve Electronics Battalion 12-3 D. H. Barnes; Commanding Officer of the Third Battalion of the 363 Infantry Major James B. Alexander; Commanding Officer of the Air Reserve Squadron Major Lynn Windus, who spoke briefly on the reserve activities.

Major Windus introduced the Commandant of the Sacramento Air Reserve Center Col. Philibosian, who presented the pennant and the Department of Defense Reserve Award Certificate for outstanding cooperation with the Armed Forces Reserve, which was signed by C. E. Wilson, Secretary of Defense.

Major Windus read the following:

CITATION TO ACCOMPANY THE AWARD OF THE DEPARTMENT OF DEFENSE RESERVE AWARD TO THE CITY OF MODESTO, CALIFORNIA

"The City of Modesto, California, is cited for outstanding cooperation with reservists and Reserve activities. The City has cooperated with Reserve activities by assisting in preliminary research to determine desirable sites for building military installation in the city; leasing, for a token fee, a part of the city airport property for construction of a Reserve administration and training building; and providing free time on local radio stations for Reserve recruitment purposes. The city has encouraged its employees to participate in Reserve activities by providing leave, with pay, in addition to normal vacation, for annual reserve tours. This award is presented as tangible evidence of the appreciation of the Department of Defense."

Mayor Marks expressed the city's appreciation for the honor in receiving the award and assured the city's continued cooperation in the Reserve program.

Lt. Col. Grimes introduced the other representatives of the various branches of the Reserve Forces who were present, from Sacramento and local units.

U. S. Naval Reserve Officer Lt. Com. Bill Masonheimer was presented by City Manager Ross Miller. He mentioned other city employees who were members of the Reserve who had been unable to attend.

PUBLIC HEARING ON APPLICATION OF THE MODESTO CITY SCHOOLS FOR UNCLASSIFIED USE PERMIT TO CONSTRUCT CERTAIN BUILDINGS AT THE DOWNEY HIGH SCHOOL 3-60

Mayor Marks announced that the hour of 4:30 P.M. had arrived, the time set for the public hearing on the application of the Modesto City Schools for an unclassified use permit to construct a swimming pool, 12 additional classrooms, a student center building and a cafeteria-study hall unit on the Downey High School site.

City Clerk Rex E. Gailfus filed a certification that notices of

the public hearing had been mailed to all property owners owning property in the city in the areas of the Downey High School on December 5, as provided by the Municipal Code and that no written protests had been received as of this date.

Resolution No. 356, adopted by the Planning Commission on November 20, recommending that the Council grant the permit was considered.

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.

RESOLUTION NO. 56-516

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO THE MODESTO CITY SCHOOLS TO CONSTRUCT ADDITIONAL BUILDINGS AT THE DOWNEY HIGH SCHOOL SITE

Introduced by Adams

Seconded by Arata

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

Noes: None Absent: Robinson

FURTHER DISCUSSION ON UNIFORM SALES TAX 3-80

Councilman Hammond presented for Council consideration a resolution to be sent to the Board of Supervisors and the various cities which set forth the recommendations of the Citizen's Advisory Committee on uniform sales and use tax. He read the resolution and a few changes in the wording were made by the Council and staff.

Mr. Hammond recommended that it might be advisable for the City of Modesto at a later date, to have the same firm making the general analysis, make a study of Districts for the city's information at the time the city discusses other factual data.

To a question from Councilman Adams---whether the report could be interpreted differently by each city and the county or would the report be easy to interpret---Councilman Hammond stated that the people representing all of the cities and the people representing the county, when the study is presented, would sit down in good faith and discuss any problem that these studies may evaluate. He stated that by no stretch of imagination could a group of today bind a group of July 1, 1957, since there would be changes in the various governing bodies of cities and the county. This resolution, he stated, is merely an expression of intent to sit down in good faith and further discuss the problems without any other prior commitments. One of the things that came out at these meetings is that there has been a lot of discussion and conversation taken place as a result of not having enough facts. As soon as the members of this committee had an opportunity to gain a few more facts, settlement was possible and a recommendation was being made to the Board of Supervisors.

Councilman Hammond stated that it was roughly estimated by the committee that the City of Modesto should stand 50% of the estimated cost of \$4,000 for the survey, the other cities would stand 25% and the county itself 25%, on the basis of retail sales as of January 1, with the precise sum to be adjusted when the study is made. Wise and Associates of Sacramento have agreed to make the survey and will have, when its studies are completed, the precise figures on the retail sales in each community. Preliminary contributions made by each community as provided in the resolution, Councilman Hammond reported, will be equalized on the basis of the final study.

The survey is being made on a cost plus basis and at any time that the cities and county feel that they have enough facts and that the survey does not need to be continued, it can be terminated. Mr. Wise will appear before the committee at frequent intervals and report on his findings and if the cities and county agree that they have enough facts they can terminate the agreement. The agreement for the service must be flexible since nobody in the county or cities is especially trained to make this type of survey to precisely state what they want.

The survey is primarily designed for the equitable settlement of the sales and use tax, he stated. If the Council decides it wishes to continue the survey and get additional information that can be done. Perhaps the other groups in the county do not want to participate in that cost and may want to drop out at any point.

Mr. Grimes cleared all of the amendments in the wording of the resolution discussed and approved by the Council, and the following resolution was introduced for adoption as amended.

RESOLUTION NO. 56-517

DECLARATION OF WILLINGNESS TO ADOPT A UNIFORM SALES TAX ORDINANCE IN ACCORDANCE WITH THE BRADLEY-BURNS UNIFORM LOCAL SALES AND USE TAX LAW AND ENTER INTO AN AGREEMENT WITH OTHER PUBLIC AGENCIES TO OBTAIN AN IMPARTIAL STUDY OF THE FISCAL RELATIONSHIPS OF PUBLIC AGENCIES OF THE COUNTY OF STANISLAUS

Introduced by Mayor Marks

Seconded by Hammond

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

Noes: None Absent: None

LETTER FROM ASSOCIATED PLUMBING CONTRACTORS 5-138

A letter from the Associated Plumbing Contractors asking that when the 1955 Uniform Plumbing Code was adopted by the city that the following changes be made:

Section 401 of Chapter 4, Page 30, covering Drainage System materials, be changed to read:

(a) Drainage pipe shall be cast iron, copper or brass

Section 2.15 (page 11-A) be changed to read as follows:

"It shall be unlawful for any person not in legal possession of a valid business license and California State Plumbing Contractor's (C-36) license to engage in---etc."

Mr. Miller reported that the staff had been working with the group on the new code and asked them to indicate their desires in this matter. He suggested, to which the Council concurred, that the request be referred to the staff so that it could be taken into consideration in the drafting of the revisions which would be presented to the Council shortly.

APPROVE SPECIFICATIONS FOR THE PRINTING OF REVISED OR SUPPLEMENTAL PAGES OF THE MODESTO MUNICIPAL CODE 6-15

RESOLUTION NO. 56-518

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

Introduced by Arata

Seconded by Anderson

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, January 14, 1957 at 2:00 P.M.

Mr. Miller stated that the necessary appropriation transfer of funds would be presented later to cover the cost of this work.

FINAL ADOPTION OF ORDINANCES RELATING TO EXTENSION OF G STREET 6-25

ORDINANCE NO.128-C.S. entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM P.S. BOMBERGER AND DOROTHY P. BOMBERGER"

introduced on November 28, 1956, 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

ORDINANCE NO. 129-C.S.,entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM GECIL E. SWANN AND ELSIE E. SWANN"

introduced on November 28, 1956, 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

ORDINANCE NO. 130-C.S.,entitled

"AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM PIERRE E. JONES AND HAZEL H. JONES"

introduced on November 28, 1956, 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

FINAL ADOPTION OF ORDINANCE NO. 132-C.S. AMEND CODE RE: APPLICATION FOR LICENSE FOR DRIVER OR ATTENDANT FOR AMBULANCES 6-27

ORDINANCE NO. 132-C.S. entitled

"AN ORDINANCE ADDING CHAPTER 8, ENTITLED 'LICENSING AND REGULATION OF AMBULANCES' TO TITLE III OF THE MODESTO MUNICIPAL CODE"

introduced on December 5, 1956, and having been printed and published as required by the Charter and coming on for final consideration, was moved and adopted.

Moved by Merrill

Seconded by Arata

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

Noes: None

Absent: None

INTRODUCTION OF ORDINANCE NO. 133-C.S. AUTHORIZE EXCHANGE OF CERTAIN REAL PROPERTY BY THE CITY AND SHERDA A. SHELBOURNE (EXTENSION OF G STREET) 6-33

ORDINANCE NO. 133-C.S. entitled

"AN ORDINANCE AUTHORIZING THE EXCHANGE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO AND SHERDA A. SHELBOURNE (EXTENSION OF G STREET)"

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

Moved by Anderson

Seconded by Adams

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

Noes: None

Absent: None

ACCEPT GRANT DEED FROM P.S. BOMBERGER, ET UX, FOR WIDENING OF BURNEY STREET 6-37

RESOLUTION NO. 56-519

A RESOLUTION ACCEPTING GRANT DEED FROM P. S. BOMBERGER AND DOROTHY P. BOMBERGER, HUSBAND AND WIFE

Introduced by Merrill

Seconded by Arata

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

Noes: None

Absent: None

This property located on the east side of Burney Street in Block 204 is to be used in the widening of this street, Mr. Miller reported.

RESOLUTION CALLING FOR LOCAL AND STATE-WIDE ACTION TO ELIMINATE UNNECESSARY TRAFFIC INJURIES AND DEATHS 6-42

As directed by the Council, Mr. Miller presented a resolution for Council consideration which would endorse a program to decrease deaths, injuries and property damage resulting from traffic accidents, and read the resolution in full.

RESOLUTION NO. 56-520

A RESOLUTION ENDORSING A PROGRAM TO DECREASE DEATHS, INJURIES, AND PROPERTY DAMAGE RESULTING FROM TRAFFIC ACCIDENTS

Introduced by Adams

Seconded by Robinson

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

RENEW LEASE AGREEMENT WITH STATE FOR RENTAL OF HANGAR SPACE AT THE MODESTO
 CITY-COUNTY AIRPORT 6-65

Mr. Grimes presented for Council consideration a renewal of an existing lease between the State and City for tie-down space for the California National Guard airplane at the Modesto City County airport which provided for a one year term beginning January 1, 1957, at an increased monthly rental fee of \$7.50 as provided by Ordinance No. 67-C.S.

RESOLUTION NO. 56-521

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR TIE-DOWN SPACE AT THE MODESTO CITY-COUNTY AIRPORT

Introduced by Anderson

Seconded by Robinson

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

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION TO P.U.C. RELATING TO
 WIDENING OF GRANGER AVENUE AT THE RAILROAD TRACKS OF THE TIDEWATER SOUTHERN
 RAILWAY COMPANY 6-72

Director of Public Works Marvin Ray presented for Council consideration an application to the Public Utilities Commission for an order authorizing the widening of Granger Avenue across the Tidewater Southern Railway Company's tracks to a 60 foot street, which is currently 40 feet wide. He reported that this is one of a series of applications in this general vicinity.

RESOLUTION NO. 56-522

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE PUBLIC UTILITIES COMMISSION FOR AN ORDER AUTHORIZING THE WIDENING OF A PUBLIC ROAD, HIGHWAY OR STREET ACROSS RAILROAD TRACKS OF THE TIDEWATER SOUTHERN RAILWAY COMPANY (GRANGER AVENUE) AND EXECUTION OF APPLICATION BY THE MAYOR AND CITY CLERK OF THE CITY OF MODESTO

Introduced by Anderson

Seconded by Robinson

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

FURTHER CONSIDERATION OF CHANNELIZATION AT INTERSECTION OF DOWNEY AVENUE
 AND SCENIC DRIVE 6-81

A letter was read from Kennan H. Beard expressing his appreciation for the new design for the traffic pattern at the five corners intersection, Scenic Drive, H Street, Downey, Kimble and Burney, and urged that the design now being tried on a trial basis be made permanent since it was accomplishing real results during these difficult days of rapid growth in the community.

Mayor Marks reported on his personal inspection of the intersection. He considered that it was a tremendous improvement but that it did work a hardship to some of the persons on Kimble. However, the ratio

of cars using this street was so much less as compared to some of the other streets at this intersection. He stated that he would like to see the intersection left in the present traffic pattern permanently providing it will not change when the one-way streets are established.

Mr. Miller pointed out that a number of changes had been made in the original channelization and experience might indicate that additional changes should be made but since the Traffic Engineer was not present, he suggested that no other changes be made until his return and further study is made.

Gilbert Weiss, operator of the Downey Avenue Market located at this intersection, stated that the traffic coming into the city around 5:00 P.M. flowed satisfactorily but it was being tied up on Downey Avenue back to McHenry Avenue, which blocked 19th Street. He considered that overall traffic had been slowed down. He stated that the stop sign should be replaced on the corner of Scenic and Downey Avenue because cars were travelling through this intersection now at 35-40 miles per hour. He considered that accidents would occur as soon as all the motorists learned that the stop signs were removed.

Mr. Miller reported that there was a problem on the backing up of cars on Downey Avenue and closing of access to 19th Street from this street and suggested that Mr. Carmody study this matter further. This is the peak Christmas traffic right now, he stated, and will be reduced afterward and as soon as the one-way street system is installed the channelization would work much better. He suggested that the intersection remain "as is" for two weeks and a further report be submitted by Mr. Carmody.

The operator of the service station at the intersection stated the blocking of 19th Street tied up the traffic so badly that it could not move.

Mr. Weiss stated he had a petition objecting to the present channelization, signed by 200 persons. Mayor Marks asked that the residents in the area be patient while the Council tried to work out the proper channelization for the people who live near the intersection and the other motorists who use the street but do not live nearby.

MOTION

That the temporary channelization be left for an additional two weeks so that a fair analysis can be made of the situation after the Christmas traffic subsides.

Moved by Merrill Seconded by Arata Unanimously carried

AUTHORIZE STAFF TO INVESTIGATE PROPERTY OFFERED FOR SALE TO CITY FOR OFF STREET PARKING, LOCATED ON EAST SIDE OF 12TH STREET BETWEEN J AND K STREETS 7-56

MOTION

That the staff investigate the possibility of purchasing property offered for off-street parking facility located on 12th Street between J and K Streets, with no obligation on the part of the city.

Moved by Anderson Seconded by Robinson Unanimously carried

EXTEND ADVANCE PLANNING PROGRAM PENDING RECEIPT OF FEDERAL MATCHING FUNDS 7-64

Mr. Miller reported that federal funds to be used for the Advance
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Planning Program had not yet been received. The staff was proposing for Council consideration, after consultation with the county and other interested parties, a way by which it could be kept going for an additional 60 days pending final determination on the application to the federal government.

Planning Director Smeath reported on the meeting of the County Advisory Committee. He pointed out that funds for this staff would be depleted by January 1, 1957, unless new appropriation would be made or unless the money which is made available for matching the federal government money. The Committee recommended to the City Councils and the County the appropriation of additional funds to carry the present reduced staff of this department. He reported that the county had approved an additional appropriation of its share of the operation expenses for two months, this afternoon, and the City of Ceres tentatively approved its share, and Oakdale and Turlock have also approved their share for the two months. Modesto's share would be \$1,056.10 per month or a total of \$2,112.20 for the two month period. This would not all be used if the federal money was received, he pointed out.

Councilman Robinson also reported on the meeting which he had attended as the Council representative. He pointed out that if the city was to disturb the \$8,600 which had been set aside as a matching fund, it would no longer qualify for federal money requested.

RESOLUTION NO. 56-523

A RESOLUTION TRANSFERRING \$2,113 FROM THE GENERAL RESERVE TO ADVANCE PLANNING (SALARIES)

Introduced by Anderson

Seconded by Adams

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

Marks

Noes: None

Absent: None

REFER PETITION FOR ANNEXATION OF SYCAMORE ADDITION TO THE PLANNING COMMISSION FOR REPORT TO COUNCIL 8-15

RESOLUTION NO. 56-524

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

Introduced by Merrill

Seconded by Robinson

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

Marks

Noes: None

Absent: None

REQUEST BY CALIFORNIA ALCOHOLISM FOUNDATION (D.W. ROLOFSON) FOR OFFICE SPACE IN THE COMMUNITY SERVICE BUILDING 8-20

A letter request was filed by D. W. Rolofson on behalf of the California Alcoholism Foundation for the rental of office space in the Modesto Community Service Center.

Mayor Marks asked Mr. Rolofson if it would be for office space only. He replied that it was to be for office space only for a short term, on a month to month basis if possible, since the group really needed a rehabilitation center combined with office quarters. It is planned to operate from this office, an information and referral center and not a rehabilitation center, until a more suitable location can be secured.

Director of Parks and Recreation Lloyd Lowrey stated that the space requested by the organization was available at the center at the present time. He reported on the plans for the improvement of the room if the request was approved by the Council. He recommended that the rental arrangement be for a minimum of six months, on a month to month basis, provided that it be used only as presented by Mr. Rolofson.

MOTION

That the request be granted on a month to month basis and that the staff proceed on this basis to prepare an agreement for Council approval.

Moved by Merrill Seconded by Robinson Unanimously carried

Councilman Anderson questioned Mr. Rolofson on the number of callers he anticipated, who answered that since the organization was new to the state, it would be hard to determine the number of visitors.

Mr. Miller asked---"you are talking about an office operation where people who are interested and concerned in helping you with this movement and program would come rather than anybody who might be under treatment or asking for treatment." Mr. Rolofson stated that this was true and possibly the wife or husband of an alcoholic wanting to know what to do with the patient, and that it would be very rare if a patient would come to the office.

Since a number of the other organizations renting office space related to activities involving children the Council asked Mr. Rolofson specifically that the office not be used for the treatment of patients, although it was very much in sympathy with the organization, this would be incompatible with the other activities in the building.

Mr. Rolofson answered the Mayor's direct question on this subject by stating "no, we would not allow that at all". It was made clear that the patients being rehabilitated would not be brought to this building.

Mayor Marks stated that the city would do the best it could to see if a location could be found for a rehabilitation center near the community.

REPORT ON LAND ACQUISITION AT THE AIRPORT 8-110

Mr. Grimes reported that the C.A.A. would not approve the commencement of the airport improvements until the title to the Maggi property was acquired by the City-County. The grant offer requires title to all property involved be acquired prior to the time of improvements.

INVITATION TO ATTEND PRESENTATION OF ANNUAL INVENTORY OF TRAFFIC SAFETY ACTIVITIES SPONSORED BY THE NATIONAL SAFETY COUNCIL 9-10

An invitation was issued to the Council and the general public to attend the presentation, by Inspector Donaldson of the California Highway Patrol, of the National Safety Council annual inventory of the traffic safety activities of the city, at 1:30 P.M., Friday, December 21, in the Council Chamber.

ANNOUNCEMENT OF GROUND BREAKING CEREMONY FOR MOORE BUSINESS FORMS, INC. PLANT 9-14

Mr. Miller announced the ground-breaking ceremony for Moore Business Forms, Inc. plant on Yosemite Boulevard at Snowden Avenue, was to be held Thursday, December 20, 1956, at 9:30 A.M.

REPORT ON MEETING WITH HIGHWAY COMMISSION 9-20

Mr. Miller reported on the meeting with the Highway Commission, this date at 10:00 A.M. The McHenry Avenue widening proposal was presented. As soon as a complete report from the Highway Division's staff was presented, the Commission advised, the matter would be cleared. The city asked particularly that this be considered in this year's budget. While they indicated that this was not impossible they indicated that this budget was tight and did not offer any encouragement.

REPORT BY CITY ATTORNEY ON CITY HALL 9-27

Mr. Grimes reported that he had contacted the bond counsel, who had advised that February 6 would be the latest time for the Council to decide to place the financing of the city hall upon the ballot for the general municipal election being held in April.

The Council members expressed the view---until the property is acquired it had nothing specific to present.

DISCUSS HOLDING REGULAR MEETING DECEMBER 26 9-35

Since a hearing was set for the regular Council meeting of December 26, it was agreed that this meeting should be held.

CITY MANAGER CLEAR WITH COUNCIL MATTER OF ENGINEERING WORK AT THE HOTEL 9-60

Mr. Ray reported that the excavations around the four columns in the Hotel Modesto building had been completed by the Public Works Department, and Structural Engineer Dewell made his inspection this date and the owner has requested that these excavations be replaced. He stated that if the services of another structural engineer would be required that he could use the data gathered by Mr. Dewell and results of the laboratory tests on soil bearing characteristics, but the staff wanted to be certain that the City Manager and Council was aware of this before these excavations were replaced. Under arrangements made between the attorneys, the concrete disturbed is to be replaced, he stated.

Mr. Miller pointed out that this would be a matter of judgment on the part of the Council as to whether or not another engineer should look at the excavations while it is open.

Mr. Grimes stated that he considered that it would be preferable, if there is going to be a second engineer, to hire him in time to have an opportunity to make his own measurements of the uncovered foundations.

It was agreed by the Council that the closing of the excavations should be held up until it had an opportunity to review Mr. Dewell's report.

MOTION

That the City Manager be authorized to ask the owners to permit the excavations to remain open until the Council has an opportunity to review Mr. Dewell's report.

Moved by Hammond Seconded by Merrill Unanimously carried

ADJOURNMENT 9-97

MOTION

That the meeting now in session adjourn.

Moved by Hammond Seconded by Arata Unanimously carried

The meeting was adjourned at 6:30 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: Councilmen: Adams, Anderson, Hammond, Merrill, Robinson and Mayor Marks

Absent: Councilmen: Arata

Councilman Arata arrived at the meeting at 7:47 P.M.

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.

LETTER FROM JAMES H. CORSON, SUPERINTENDENT OF SCHOOLS 1-15

A letter received from James H. Corson, Superintendent of Schools, was read expressing appreciation on behalf of the Board of Education to the Council members and the city administrative staff for the "understanding and cooperation and many actions of courtesy extended to the Modesto City Schools throughout 1956".

Mayor Marks was authorized to acknowledge receipt of the letter on behalf of the city.

FINAL ADOPTION OF ORDINANCE NO. 133-C.S. EXCHANGE OF PROPERTY WITH SHERDA SHELBOURNE, EXTENSION OF G STREET 1-25

ORDINANCE NO. 133-C.S. entitled:

"AN ORDINANCE AUTHORIZING THE EXCHANGE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO AND SHERDA A. SHELBOURNE (EXTENSION OF G STREET)"

introduced on December 19, 1956, 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 Robinson

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

Noes: None

Absent: Arata

RESOLUTION FROM PLANNING COMMISSION REAFFIRMING ITS RECOMMENDATION ON THE REZONING OF THE EDWARD T. TAYLOR PROPERTY ON H STREET 1-26

Pursuant to referring the application of Edward T. Taylor for the rezoning from R-2 to R-3, lots 13 and 14 in Block 340 back to the Planning Commission for an additional report, the Council considered Resolution No. 361 adopted by the Commission on December 18 reaffirming its recommendation to the Council that Section 32 of the Zoning Map be amended as requested by Mr. Taylor.

City Manager Miller reported that requests had been filed by residents in the area that the reconsideration by the Council on this application be scheduled for an evening meeting so that they could have a chance for participation in the discussion. A study of the Washington School area made by the Planning staff, he reported, copies of which were

distributed to the Council, was considered by the Commission and the Commission reaffirmed its position---that the property be rezoned as requested by Mr. Taylor.

City Clerk Gailfus reported that he had advised the residents in the area that he would recommend to the Council that it further consider the application at an evening meeting.

MOTION

That the Council further consider the application of Mr. Taylor for the rezoning of his property at the regular Council meeting at 8:00 P.M., January 23, 1957.

Moved by Anderson Seconded by Hammond Unanimously carried

Mr. John Feltes, 216 Ruberto Street, approved the time and date set by the Council. The City Clerk was directed by Mayor Marks to notify all the parties concerned in this area and asked that City Attorney Allen Grimes furnish a definition of "spot zoning" before this date.

Councilman Arata arrived at 7:47 P.M.

Councilman Hammond pointed out that there was nothing in the study prepared by the planning staff which indicated whether this area could ever serve as an apartment house district or might be pointed toward that way, since it was close to the schools. He asked if this could also be considered at the hearing scheduled for January 23.

City Manager Miller stated that all available information which might be helpful to the Council in making its decision would be furnished.

Planning Director Smeath pointed out that the study furnished the Commission by the staff was a broad study of the whole area. Mayor Marks asked that the Council be furnished with copies of all reports which were given to the Commission on this request.

Councilman Hammond stated that since there was some vacant land in that area that it might be a logical area to encourage apartment house development.

Councilman Arata asked Mr. Smeath if in the staff's study the fact that the west side would be losing a number of blocks of business property due to the freeway location, as well as some apartment houses, was considered.

Mr. Smeath stated that the staff considered that a considerable amount of property zoned commercial on the west side should be rezoned to residential. In answer to the question of apartment house areas, he stated, there are presently a number of R-3 areas which are not now developed. The question of future land use, he stated, if there is to be a redevelopment program, if buildings are to be removed and new ones constructed, there has not been a study of this type. The uses of the buildings to be taken out due to the freeway, he reported, have not as yet been listed by the staff---this information might be assembled prior to the hearing on January 23.

SET DATE HEARING ON CLOSING OF SIX FOOT PARTIAL ALLEY IN BLOCK 6068 IN ROOSEVELT PARK TRACT 1-114

Resolution No. 363, adopted by the Modesto City Planning Commission on December 4, 1956, recommending to the Council the closing of a six foot partial alley in Block 6068 (Roosevelt Park Tract), was considered by the Council.

RESOLUTION NO. 889-S.P.
RESOLUTION OF INTENTION NO. 255

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A SIX FOOT ALLEY
IN BLOCK 6068 OF THE ROOSEVELT PARK TRACT 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 time and place set for the hearing was Wednesday, the 16th day
of January, 1957, at 4:30 P.M. in the Council Chamber.

ESTABLISH NO PARKING ZONE ON MILLER AVENUE BETWEEN LALOMA AND COVENA AVENUE
(BOTH SIDES) 2-15

RESOLUTION NO. 56-525

A RESOLUTION ESTABLISHING A NO PARKING ZONE ON THE NORTH SIDE
OF MILLER AVENUE BETWEEN LALOMA AND COVENA AVENUES IN THE CITY
OF MODESTO

Introduced by Robinson

Seconded by Hammond

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

Noes: None

Absent: None

PRELIMINARY REPORT ON THE NEED FOR STUDY OF BUILDING CODE AND FIRE PRE-
VENTION CODE REQUIREMENTS 2-22

Mr. Miller reminded the Council of the serious fire which had occurred on December 19 at 12th and J Streets, in the Seeley Building, which resulted in serious losses to the property owner, Fred Seeley, and business concerns leasing the building. He reported that there had been two minor injuries and three more serious, one of the firemen suffered a broken heel bone and would be off duty for some time. One of the basic problems involved in the fire was that there was a series of buildings separated by partial walls to the ceiling which were removed somewhat from the roof with a vacant attic area through most of the building, with practically no blocking off so that the fire got into the roof and attic area and there was no way to get in and stop the fire from spreading across the series of stores. He stated that he would like to present at the next Council meeting a preliminary summary of what could be done in this community to prevent a reoccurrence of this sort of fire. He pointed out that this building was built in conformance with the regulations in force at the time the building was constructed. The staff would like to suggest to the Council, he stated, some procedures which could help the property owners, the lessees and the community as a whole. He reported that he had checked this date, and found that the city's deficiency points, out of just less than one thousand, which the city has in order to attain its No. 2 fire rating, 300 of them are for preexisting conditions. Some of these can be substantially reduced, at minimum cost through the cooperation of property owners or lessees, whatever it may be, or if the Council decides it should, some requirements that some of these things be done. He stated that a very minimum, nominal expenditure for some kind of fire breaks in these areas would have cut the past losses in some of the fires down by 90% or more. The city has been fortunate so far that no lives have been lost in recent fires of this type. In some of the buildings, he reported, some action can be proposed by the staff to the Council and to the owners which will minimize this kind of unnecessary loss.

Unless some constructive, cooperative action is taken soon, other similar fires will occur.

Councilman Merrill considered that the property owners would welcome these recommendations since it would mean a savings to them in replacing their buildings at the increased present costs and if there are existing leases, the rent cannot be increased and in the long run the owner will suffer a large financial loss.

To a question from Councilman Adams, Mr. Miller stated that this type of construction is not approved under the present day code but that there had been no such fire wall requirements at the time the Seeley building was constructed, which is no reflection on the owners but he, the city and the lessees are now paying the penalty for not having the kind of construction requirements earlier.

Councilman Arata reported that Mr. Seeley was unaware that he did not have fire walls in his building.

Fire Chief Wemyss assured the Council that the department knew the location of the buildings in the city which did not have fire walls.

Mr. Miller stated that next week a more detailed report would be filed with the Council with some specific suggestions offered for its consideration.

REPORT ON FAVORABLE COMMENTS ON CHRISTMAS TREE LIGHTING AT 19TH AND H STREETS 2-91

Mr. Miller reported that a great many favorable comments had been received by the City Manager's office and the Office of Parks and Recreation on the lighting of the tree at 19th and H Street.

REPORT ON PROGRESS OF NEW PARKING LOT LOCATED AT 12TH AND I STREETS 2-95

Traffic Engineer Douglas Carmody reported that the improvement of the new parking lot located on the northeast corner of 12th and I Streets, leased from the Stanislaus County Title Company, had been delayed because 1) it had been impossible to remove the gasoline tanks soon enough for the Christmas season, and 2) when they were removed the water from the Seeley Building fire filled the excavation. The water has now been removed and the lot will be in operation shortly, he reported.

REPORT ON EXCAVATIONS AT MODESTO HOTEL 2-100

Director of Public Works Marvin Ray reported that he had contacted most of the members of the Council, Monday, December 24, and received affirmative answers on the filling of the excavation at the Modesto Hotel property. The Department was to have done the work on Monday, but were requested to delay it until Thursday, December 26, by Harry Crow. This excavation will now be filled in and concrete floor replaced. This is being done because of the possibility of some flooding during heavy rains in that section of the basement.

MOTION

That the staff proceed on the basis outlined by the Director of Public Works

Moved by Merrill Seconded by Arata Unanimously carried

HEARING ON PROPOSED CHANGE OF ZONE BOUNDARIES SECTION MAP 27 MILLER AVENUE NEAR LALOMA AND YOSEMITE AVENUE 2-120

Mayor Marks declared that the hour of 8:00 P.M. had arrived, the

time set for the public hearing on the recommendation of the Planning Commission for the reclassifying from Single-Family Residential Zone (R-1) and Two-Family Residential Zone (R-2) to Neighborhood Commercial Zone (C-1) the following described property:

"The area bounded on the east by the north-south alley between Covená Avenue and Camellia Way; on the south by the commercial zoning north of Yosemite Boulevard; and on the west by LaLoma and on the north by Miller Avenue."

The City Clerk filed a statement that the notice of the hearing had been published in the city's official newspaper on December 6, 1956, as required by the Municipal Code and that notices were mailed to all property owners in the area proposed to be rezoned on December 13 and that no written protest had been received as of this date. One written letter in favor of the proposed change had been received from C. G. Reynolds, 134 Covená Avenue, (located in the affected area) which was read by the City Manager.

Resolution No. 355 adopted by the Planning Commission on November 8, recommending to the Council the amendment to Section 27 of the Zoning Map to reclassify the property described above as requested by the applicant, was read.

Reports submitted to the Council were reviewed by the Council, as well as the background on the negotiations with Mr. Spearing on the deeding of a portion of his property located on Rowland and Miller Avenues to the city for the widening of Miller Avenue. The negotiations were based on the premise that they would not in any way hamper or help any zoning matters of the area to be considered by the Council, the City Manager stated.

Mayor Marks asked if there were any oral protests or comments to be made.

The City Clerk reported that four letters had been filed with him since the meeting had started, approving the rezoning by persons owning property within the area to be rezoned. The letters were read into the record from

Ernest E. Walene, 118 Rowland, D. S. John, 131 Covená,
Mrs. Laura E. Kauffman, 144 Covená and H. K. and Marian
L. Clarke, 137 Covená Avenue.

Sam Kauffman, 203 Rowland, objected to the proposed rezoning on the basis that it would be an encroachment into the residential area which would depreciate the value of the residential properties.

Planning Director Smeath reviewed the report which had been submitted to the Planning Commission by the staff, copies of which were distributed to the Council, which pointed out that the main problems to be considered in the rezoning were as follows:

1. That on Yosemite Boulevard, between Beard Brook and Riverside Drive there was 85 acres of land now zoned C-1 and C-2 but only 40 acres was being used commercially and the balance of 45 acres was being used for residential purposes or vacant. The uses to which the 85 acres is now being used are commercial 27.7 acres; industrial, 9.3 acres; residential 26.9 acres; agriculture, 4.2 acres; vacant property 14.4, and other uses, 2.6 acres;
2. If all of the surrounding area was fully developed there would only be 9 acres more needed for commercial development to serve

the area, making an excess of 36 acres of commercial zoned property.

He pointed out that all of the areas throughout the city which are developing are requesting some commercial development also, and the staff considers that the Yosemite Boulevard commercial area cannot provide this service for all over the city.

3. The state has already expressed the desire to eventually move the state highway off of Yosemite Boulevard, either to the north and south which would mean that this will not be a state highway but will become a local business street without an excessive amount of through traffic;
4. This area proposed to be rezoned is now completely developed to residential purposes;
5. The question of moral obligation to Mr. Spearing on the widening of the street, the staff feels that it should not be involved in this matter.

Mr. Carmody reported that the state and city were working on the installation of traffic signals for the intersection of Covena and Yosemite Boulevard. The State suggested that the control would be much simpler if Covena Avenue was closed but the property owners objected to this proposal and presently the plans call for a deemphasizing of Covena Avenue with the traffic channeled into LaLoma rather than Yosemite. This would be changed if commercial zoning was approved for the area since the commercial concerns would wish direct egress and ingress from Yosemite.

A general Council discussion was held on the danger of zoning excess commercial areas which would decentralize the center commercial core of the city. An excess of commercial area would be a disservice to the people who own commercial property, Mayor Marks pointed out.

Mr. Smeath stated that a report would be presented soon on the subject of urban renewal, with recommendations. The things involved, which have been proved in cities over the entire country, are that when excess commercial zoning is made there is never enough commercial business to fill it and then the commercial zoned properties left over remain either vacant or in residential use and cannot be improved because they are in commercial zones or they go into fly-by-night or stop and go sort of business concerns. These are the trends to block and this is the thing which is encouraged by long strips of commercial zoned properties. The downtown business district unquestionably suffers from excessive zoning of the comparison shopping type in areas all over.

Mayor Marks pointed out that studies and discussions had been conducted on such areas as Yosemite Boulevard and McHenry Avenue but that no studies had been made or discussions held on the downtown area between H and G Street that is continually going down, and also on the west side area.

Mr. Smeath stated that the planning staff had placed the study on the freeway area high on its agenda, since it was a problem which needed most careful consideration. He stated that there is zoned for commercial uses on McHenry Avenue 104 acres and only 54 acres used commercially. One-half of the 54 acres is not fully developed.

Mayor Marks stated that there was a moral obligation to the people in the community who had been paying taxes for a long time in the areas between G and H Streets and 7th and 8th Streets and H and I Streets; those areas are being hurt by this excess commercial zoning.

Mr. Smeath pointed out that the staff opposed the zoning of McHenry Avenue as C-2, because of the effect on comparison shopping area in the community. This has been done, he stated, and the staff now feels strongly on Yosemite, McHenry, Paradise Road and on Tully, there should be some policy decisions by the city as to how much more land is going to be zoned. If the fort can be held for a little while until these studies can be completed, the Council, Commission and public will have enough facts to make these decisions.

Mayor Marks asked Mr. Smeath if, in generally speaking of areas like Yosemite Boulevard, there is more than a sufficient number of properties zoned commercial already, it does not make economic good sense not to add to that excess. Mr. Smeath agreed with this premise.

Councilman Hammond stated that consideration should be given to eliminating strip zoning and to getting some depth into the commercial zoning. He stated that the Council should face up to the possibility of removing some of the commercial strip zoned areas.

Mr. Miller stated that the Commission and Council will face this problem as it proceeds with the study and finds the facts and in the long run all will be convinced that there should be less commercial zoning in some of the areas. He pointed out that urban renewal was all kinds of things, such as building fire walls, etc.

Councilman Hammond stated that the only alternative available to prevent strip zoning was to provide enough depth so that business could get enough traffic to support themselves. If an area is provided where people can shop in a foot traffic area instead of chasing up and down the highway, the evils of strip zoning will be decreased.

Mayor Marks stated that the entire area from 9th Street down to Needham is zoned commercial and many older settlers owning this property have been paying quasi-commercial taxes for many years and their property is not developing as commercial property. There is a responsibility toward these people, he contended.

Councilman Arata pointed out that problems would be presented when the city tried to rezone commercial property since the property owners had paid a commercial price for the property. He suggested a program of stopping the advancement of commercial zoning rather than rezoning commercial property.

Mr. Spearing spoke on the zoning of the properties adjoining the proposed rezoned area. He considered that his property should be rezoned as requested, since there was a moral obligation and Planning Directors had stated that it should be rezoned commercial.

Mayor Marks pointed out that since the previous discussions with the present Council on the zoning of this area, facts have been presented which indicate that the Council's moral obligation is to all of the 34,000 people in the city and not to the individual property owners of this area.

Councilman Hammond asked Mr. Spearing if the property owners in this area had definite plans for this property or if they were asking it to be rezoned on speculation.

Mr. Spearing stated they did not but he wanted to use his own property for his business.

Councilman Hammond pointed out that there was no commitment or moral obligation by the Council in the prior discussion on the zoning of the property but that it would be reconsidered after the street widening problem had been solved.

Mr. Spearing differed with this statement.

Mr. Miller pointed out that no property was zoned until it was zoned by the Council and that there had been no rezoning of this property. The moral obligation of the Council is to rezone it or to not rezone it as they see it in the best interest of this community.

Mr. Smeath stated that the planning staff had never recommended that this property be zoned commercial and that there are no plans for the development of the area as commercial.

Councilman Hammond pointed out that although there was an excess of commercial zoning in the city, the Council should not say that in certain areas under certain conditions that it will not extend the commercial areas. Each individual case must be considered on its own merits. But areas should not be zoned on a speculative basis. If a man has an area that should be logically developed as a commercial area, along with that should come a plan for development to get away from what the city now has in the downtown section.

Legal procedure to be followed in rejecting the Commission's recommendation for the rezoning of the area and referring the matter back for further report was discussed by the Council, Mr. Grimes and Mr. Smeath.

RESOLUTION NO. 56-526

A RESOLUTION REJECTING THE RECOMMENDATION OF THE MODESTO CITY PLANNING COMMISSION THAT SECTION 27 OF THE ZONING MAP BE AMENDED TO REZONE THE AREA SET FORTH IN RESOLUTION NO. 355, ADOPTED BY THE COMMISSION ON NOVEMBER 8, 1956, AND REQUESTING A FURTHER REPORT FROM THE COMMISSION IN ACCORDANCE WITH SECTION 10-2.2214 OF THE MUNICIPAL CODE

Introduced by Hammond

Seconded by Mayor Marks

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

Noes: Merrill

Absent: None

A further discussion was held on the procedure of referring matters back to the Planning Commission for further study and report before the Council's decision is made final. Mayor Marks contended that the procedure should be clarified.

REQUEST OF CITY MANAGER FOR COUNCIL DISCUSSION ON DRAINAGE PROBLEMS 7-116

Mr. Miller asked that the Council consider certain drainage problems with the staff at a regular meeting. It was agreed that the matter be placed on the agenda of the meeting of January 2.

ADJOURNMENT

MOTION

That the Council meeting now in session be adjourned.

Moved by Merrill Seconded by Arata Unanimously carried

The meeting was adjourned at 9:15 P.M.

ATTEST:


REX E. GALFUS, CITY CLERK