

Council Meeting

January 2, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 959-N.S.

Present: Councilmen: M. Adams, Mellis, Merrill and Mayor Marks

Absent: Councilmen: R. Adams, and Annan

APPROVAL OF
MINUTES

Councilman Mellis introduced

RESOLUTION NO. 9691-N.S.

which was seconded by Councilman Merrill approving the minutes of the regular Council meeting of December 26, 1951, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Annan

2 FINAL ADOPTION ORD. Ordinance No. 1015-N.S. having been heretofore introduced
NO. 1015-N.S. CLOSING and ordered printed and published at the regular meeting of
HOUR OF BOWLING ALLEYS December 26, 1951 and entitled: "AN ORDINANCE AMENDING SECTION 14 OF ORDINANCE NO.
10-N.S. OF THE CITY OF MODESTO AS AMENDED BY ORDINANCE NO. 543-N.S. AND ORDINANCE NO.
688-N.S." (CLOSING HOUR BOWLING ALLEYS) and thereupon printed and published as required
by the Charter of the City of Modesto coming on for final adoption, Councilman Merrill
moved and Councilman M. Adams seconded and the ordinance upon roll call was finally
adopted by the following vote:

Ayes: Councilmen: M. Adams, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Annan

3 ACCEPT DEEDS FROM Councilman Mellis introduced
ALBERT SGRO AND RESOLUTION NO. 9692-N.S.
FREDERICK KNORR

which was seconded by Councilman M. Adams, accepting deed from Albert Sgro and Rose
Sgro on the west 30 feet of South 65 feet of east half of lot 7 of the Rice Colony to
be used for street purposes (Ramona Avenue) and accepting deed from Frederick Knorr for
land to be used for street purposes (Ramona Avenue) and for land to be used for widening
of alley along the west boundary of his property in the Rice Colony and annexed to the
City of Modesto and authorizing the City Clerk to record deeds with the Recorder of
Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Annan

4 REQUEST DANCE PERMIT A communication from Edward Alloway, operating the Rendezvous
E.A. ALLOWAY Club, requesting that a permanent permit to operate a dance
at 1728 Ninth Street until 2:00 A.M. be granted under regulations of Ordinance No. 1011-N.S.
This request was referred to the Chief of Police.

5 APPOINTMENT OF DAVID Councilman A. M. Frad having resigned from the City Council
L. ARATA AS COUNCILMAN on December 26, 1951, Mayor Marks proposed that David L. Arata,
a long time resident of the City of Modesto, be appointed to serve out the unexpired
term of Councilman Frad. Mayor Marks stated that it was agreeable with the entire Council
that Mr. Arata be appointed.

Councilman Merrill introduced

RESOLUTION NO. 9693-N.S.,

which was seconded by Councilman Mellis, appointing David L. Arata to serve out the
unexpired term of Councilman A. M. Frad, until the next general election to be held in
April, 1953 or at the first special municipal election as provided in Section 702 of
the Charter of the City of Modesto, which resolution was regularly adopted by the
following vote:

Ayes: Councilmen: M. Adams, Mellis, Merrill, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Annan

6 NOTICE TO BIDDERS ON Councilmen M. Adams introduced
GASOLINE RESOLUTION NO. 9694-N.S.

which was seconded by Councilman Merrill authorizing the City Clerk to advertise for
bids for approximately 25,000 gallons of first grade gasoline (Ethyl) and approximately
40,000 gallons of second grade gasoline (Regular) to be furnished during a period from
the 16th day of January, 1952 to the 15th day of January, 1953, said bids to be filed at

the office of the City Clerk, not later than 10:00 A. M. on Wednesday, January 16, 1952, award to be made by action of the Council in regular session at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes : Councilmen: M. Adams, Mellis, Merrill, Mayor Marks

Noes: Councilmen: None

Absents: Councilmen: R. Adams and Annan

7 NOTICE TO BIDDERS ON Councilman M. Adams introduced
AIR COMPRESSOR

RESOLUTION NO. 9695-N.S.

which was seconded by Councilman Mellis, authorizing the City Clerk to advertise for bids for new air compressor in accordance with specifications set forth in the Notice to Bidders, said bids to be filed at the office of the City Clerk not later than 4:00 P. M. January 21, 1952, all bids to be opened at the above specified time and award to be made by action of the Council at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Mellis, Merrill, Mayor Marks

Noes: Councilmen: None

Absents: Councilmen: R. Adams and Annan

8 LETTER TO MAYOR MARKS A personal letter to Mayor Harry Marks from C. A. Swanson
FROM C. A. SWANSON & SONS & Sons was read to the Council. They thanked the Council
for the information they had given their company concerning the unification program
and stated that Councilman Clifford M. Annan had recently visited their plant in Des
Moines, Iowa.

9 REPORT ON REQUEST City Manager Miller reported that Director of Public
M. L. SUTTON ON Works, Marvin E. Ray had investigated the request of M.
APPROACH TO FIRE ALLEY L. Sutton for permit to place a concrete approach entrance
AT STATE THEATRE to the fire alley for the State Theatre on 13th Street, lots 17-20, Block 107 and to
fill in, with concrete, between sidewalk and curb. Mr. Miller stated that although
the concrete could be placed in the alley, the alley must be kept clear. Also the
parkway between the sidewalk and curb could be filled in. As no action was necessary
by the City Council, the City Manager was asked to handle the matter.

10 LETTER FROM CITY City Manager Miller presented to the Council, copies of
MANAGER OF LODI ON a letter to City Attorney Allen Grimes from H. D. Weller,
P. G. & E. GAS RATE CASE City Manager of Lodi giving a resume of the Pacific Gas
& Electric Company gas rate case before the Public Utilities Commission.

11 CANCEL TAX ASSESSMENTS Upon the recommendations of City Manager Miller, Councilman
ON THE 1951-52 TAX ROLL Merrill introduced

RESOLUTION NO. 9696-N.S.

which was seconded by Councilman M. Adams, cancelling the following assessments on the 1951-52 tax roll:

Assessment #722, Block 228, N.E. cor, owner, Charles T. Carroll, et ux., improvements \$8,250.00, rate \$1.28, tax \$105.60. This property assessment is also assessed to Charles T. Carroll in the first annex to the City of Modesto, Block 2173, Lot A. A double assessment.

Assessment #3118, Block 82, lots 21 and 22, owner G. B. Page, improvements \$7,285.00. Rate \$1.28, tax \$93.24. This property was destroyed by fire in 1950 and was reassessed in error this year at full value.

Assessment #984, Block 64, lots 29 and 30, owner R. J. Crow, et ux., improvements \$1,470.00, rate \$1.28, tax \$18.82.

As sessment #2415, Block 64, lots 27 and 28, owner Jules Loeb, improvements \$200.00, Rate \$1.28, tax \$2.56.

Assessment #107, Block 67, lots 27 and 28, M. E. Angelo, improvements \$5,355.00, rate \$1.28, tax \$68.54.

Assessments #984, #2415 and #107, improvements, were removed prior to the first Monday in March, 1951 and should not be included on the 1951-52 tax roll. which resolution was regularly adopted by the following vote:

Ayes : Councilmen: M. Adams, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Annan

12 REPORT BY CITY MANAGER
ON TREES LULU RYAN PROPERTY

Following the appearance of Mrs. Lulu Ryan before the City Council in regard to the condition of the trees adjoining her property in Block 123, portion lots 17-20, inc. on 15th Street between J and K Streets, City Manager Miller reported that he and the Director of Public Works had investigated this situation and were of the opinion that the matter could be corrected for the present by trimming the trees. Councilman Mellis suggested that the matter be considered on a more permanent basis and that in his opinion the trees were too tall and regardless of what trimming was done they would still be a nuisance and a detriment to the property at this location. City Manager Miller stated that the matter could be solved by authorizing Mrs. Ryan to remove the trees and to replant them with ornamental trees at her own expense. It was decided to hold the matter over until a decision could be made on what type of tree would be used to replace trees in the commercial area of the city.

13 REQUEST OF SILVIO
BALASSI REMOVE TREE

Silvio Balassi filed a request with the Council to remove a tree in front of the driveway of his new home under construction at 317 Rosedale Avenue. The Director of Public Works indicated that the tree was blocking a driveway already constructed and the City Council granted permission to proceed with the removal.

14 REPORT BY CITY MANAGER
STRUCTURAL CONDITION
POLICE DEPARTMENT BUILDING

City Manager Miller reported that Marvin E. Ray, Director of Public Works, Fred E. Lange, City Engineer and Tom Hermida, Building Inspector, had made a thorough inspection of the city building housing the Police and Recreation Departments. It was their opinion that the building had no apparant structural defects but the settling of the vault in the center of the building had resulted in considerable sloping of the second story floor toward that point. This created a rather undesirable condition from the standpoint of use. City Manager Miller stated that his report was entirely on the structural condition of the building and that the Police Department was working under very unsatisfactory conditions due to the lack of room.

15 POLICE COURT REMOVAL
TO COUNTY

City Manager Miller reported that after January 2, 1952, the Police Court and the Traffic Bureau was being operated under the county government, although the actual transfer of the department to the county building had not taken place. He stated that the employees of the department had done a splendid job in carrying out this transfer and that the Post Office Department was cooperating in the handling of a new envelope which would be used in connection with traffic violations.

16 BUILDING PROGRAM
FOR CITY

Mayor Marks and City Manager Miller reported that the Planning Department of the City of Modesto was proceeding with a six year program for city building. They stated that development of the program in the first year would necessarily be less adequate than the following years. Each department is being asked to make a study of the needs of their department and present them to the Manager. These requests are to be based on two possibilities, one, the city remaining a city of 19,000 and two, the needs if the city were increased to a city of 50,000 through unification.

17 SEWER SERVICE
FRINGE AREA

City Manager Miller reported that there was a serious sewage service problem in the fringe area.

He brought out that people in these areas must understand that sewer service cannot be supplied overnight. He stated that the unification program was the cheapest and most satisfactory method of solving their problem and explained the need for running large new lines to take care of these areas. He also brought out that it was the policy of the city to get sewer service to each area needing sewage that became a part of the city. Mayor Marks brought up the question as to the liability of the city in spending the city's money for the installation of large lines which might not be used in case the unification program failed. It was brought out that the cost of supplying sewage service would probably be three times what it would have been if the sewers had been installed originally under a logical, orderly plan.

18 APPROVE CLAIMS FOR
CITY

Councilman Merrill introduced

RESOLUTION NO. 9697-N.S.

which was seconded by Councilman M. Adams approving claims paid for the following months:

Month	Amount	Check Numbers (City)	Check Numbers (Library)
July	\$174,391.61	#1503 to 1703	#10694 to 10710
August	118,391.04	1704 to 1920	10711 to 10720
September	114,209.15	1921 to 2117	10721 to 10739
October	129,669.58	2118 to 2357	10740 to 10752
November	139,844.13	2358 to 2585	10753 to 10772

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Annan

19 LEAGUE MEETING IN
OAKDALE

City Manager Miller reminded the Council of the Central Valley Division of the League of California Cities meeting

in Oakdale on January 17, 1952 at 7:00 P. M.

20 PERSONNEL PERFORMANCE
RECORD REPORT BY CITY
MANAGER

City Manager Miller filed a memorandum with each Councilman relating to personnel records for city and stating that a

record would be made of those employees who are taking special courses of study to help them improve themselves in their job with the city. He stated that in these cases the employees should be commended for their efforts and given credit in their personnel record for any improvement that is shown in their work.

21 GRANT PERMIT INSTALL
CURBING McCLATCHY
NEWSPAPERS

City Attorney Grimes reported on the request of the McClatchy Newspapers for permit to install and maintain curbing along

a part of the 14th Street side of their new building. He reported that a revocable permit could be granted for the placing of a curbing in the unused part of the sidewalk area adjacent to this building to provide protection for flowers and shrubbery to be planted along the side of the new building of the Modesto Bee with the understanding that the liability involved would be accepted by the property owner. Councilman Mellis introduced

RESOLUTION NO. 9698-N.S.

which was seconded by Councilman Merrill, granting a revocable permit to McClatchy Newspapers to maintain a concrete or masonry retaining curb with the sidewalk area on

the west side of Fourteenth Street between H and I Streets to be used for the purpose of providing protection for flowers and shrubbery to be planted along the side of the new building of the Modesto Bee, This permit is granted upon the condition that the McClatchy Newspaper protect and safe harmless the City of Modesto from all damage, costs and causes of action of any nature or kind whatsoever which have or might arise out of the construction, installation, and maintenance of said retaining curb, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Mellis, Merrill, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Annan

22 ADJOURNMENT There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST: *[Signature]*
REX E. GAILFUS, CITY CLERK

Council Meeting

January 9, 1952

The Council of the City of Modesto met in regular session this date at 7:30 P. M. as provided by Ordinance No. 959-N.S.

Presents: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: Annan

APPROVE MINUTES OF COUNCIL MEETING Councilman M. Adams, introduced

RESOLUTION NO. 9699-N.S.

which was seconded by Councilman R. Adams, approving the Council minutes of the regular meeting of January 2, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

2 EXPRESS APPRECIATION OF COUNCIL TO DAVID L. ARATA Councilman Mellis, on behalf of the City Council, expressed their appreciation to David L. Arata for his acceptance

of the appointment as City Councilman. He stated that Mr. Arata could be of great help to the Council in solving their many problems.

3 RESOLUTION ACKNOWLEDGING RECEIPT OF NOTICE OF INTENTION CIRCULATE PETITION ANNEX GREATER MODESTO AREA Councilman Mellis introduced

RESOLUTION NO. 9700-N.S.

which was seconded by Councilman Merrill acknowledging receipt of the affidavit of publication of Notice of Intention to circulate a petition to annex territory (Greater Modesto Area) to the City of Modesto by certain proponents and approving the circulation of said petition for annexation within the territory described in said notice, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

4 REQUEST LEAGUE STUDY WAYS REPRESENT PEOPLE BEFORE PUBLIC UTILITIES COMMISSION The City Council having instructed the City Attorney to prepare a resolution to express the views of the Council in regard to representation before the State of California, Public Utilities Commission, in the interest of the people, City Attorney Grimes

presented a resolution which was introduced by Councilman M. Adams, being

RESOLUTION NO. 9701-N.S.

which was seconded by Councilman R. Adams, recommending that the Central Valley Division of the League of California Cities ask the Board of Directors of the State League of California Cities to appoint committee to study and report its findings and recommendations on ways and means to better represent the interest of the people in rate proceedings before the Public Utilities Commission and the City Clerk is hereby directed to send a copy of this resolution to the Board of Directors of the League of California Cities in Berkeley and to all cities in the Central Valley Division of the League of California Cities, for their consideration at the meeting in Oakdale, January 17, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

5 AWARD BIDS ON PIPE- VALVES-FITTINGS AND ON STREET NAME SIGNS Pursuant to advertising for bids for furnishing pipe, valves, fittings and street name signs, the City Clerk reported that six bids were received for water pipe, items 1 through 5, on the proposal form of the City of Modesto; 11 bids were received for cast iron fittings, items 6 through 33; 11 bids were received on gate valves, items 34 through 38 and two bids were received on street name signs. These bids were opened at 2:00 P.M. on Monday, January 7, 1952 in the Council Chambers, as provided by the Notice to Bidders, in the presence of City Clerk Gailfus, L. M. McFarland, Marvin Ray, Director of Public Works and several representatives of the various companies furnishing bids. Mr. Miller reported that Mr. Ray had recommended that the following bids be accepted by the Council:

Items	Material	Name of Bidders	Amount
1 through 5	Water Pipe	United States Pipe and Foundry Co.	\$36,909.61
6 through 33	Cast Iron Fittings	Grinnell Company	1,401.86
34 through 38	gate valves	Tay-Holbrook Co.	3,302.16
1	Street name signs	Cesco Contractor's Equipment & Supply Co.	1,984.19

and that the bid of Terco Equipment Company be rejected, due to the failure to include a bond or certified check and the proposal form as specified in the bid call was not used. Councilman Merrill introduced

RESOLUTION NO. 9702-N.S.

which was seconded by Councilman Arata recommending that the bids be awarded as recommended by the Director of Public Works as these were the lowest and best bids. The City Clerk was directed to return the bidding checks to the unsuccessful bidders and payment is hereby authorized upon delivery and acceptance of the pipe, valves, fittings and street name signs, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

6 REQUEST PUBLIX PARKING CHANGE LOCATION ENTRANCE TO PARKING LOT The Publix Parking Corporation, operating a parking lot on the Southwest corner of 12th and J Streets, Block 84, lots 1 to 4 inc. requested that the present entrance driveway on the West side of 12th Street South of J Street, be changed to conform with their revised parking plan.

Councilman Mellis introduced

RESOLUTION NO. 9703-N.S.

which was seconded by Councilman R. Adams, granting permit to change this entrance under the supervision of and subject to the approval of the Director of Public Works and conditional upon the filling in of the abandoned 30 foot curb cut on 12th Street and the unused 40 foot curb cut near the alley on J Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

7 W. G. MORTIMER REQUEST
CURB CUT

William G. Mortimer, 930 7th Street, requested a 30 foot curb cut, lowering of catch basin and alley gutter on the South side of J Street between 7th and 8th Streets, being Block 42, lots 30-32, inc. to building a driveway entrance to his property. Councilman R. Adams introduced

RESOLUTION NO. 9704-N.S.

which was seconded by Councilman M. Adams authorizing the installation of a curb cut and the lowering of a catch basis, the work to be done under the supervision and subject to the approval of the City Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

8 REQUEST CURB CUT
HOOVER E. LONG

Hoover E. Long filed a request for a permit to cut the curb 16 feet in Block 85, Lots 6 and 7 and a portion of Lot 8 on the West side of 12th Street for an entrance into his parking lot between the Scott Building and the American Trust Branch Office. He stated in his request that the traffic congestion was so heavy in the alley that it is necessary for him to have a street exit. Councilman M. Adams introduced

RESOLUTION NO. 9705-N.S.

which was seconded by Councilman Arata, granting permission to Hoover E. Long to cut the curb 16 feet for a driveway to serve this lot with the understanding that the location of the driveway and the width of the curb cut should be under the supervision of the City Manager and the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

9 COUNCIL MEMBER TO MEET
WITH CITY OF MODESTO
PARKING AUTHORITY

A letter from the City of Modesto Parking Authority requesting that a member of the City Council be appointed to set in with the Parking Authority at all their meetings was received by the Council. Councilman Arata introduced

RESOLUTION NO. 9706-N.S.

which was seconded by Councilman M. Adams, appointing Councilman Dan Mellis to represent the City Council at all meetings of the Parking Authority, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

10 TWO HOUR PARKING
11th STREET BETWEEN
L AND M STREETS

City Manager Miller reported on the request of Margaret Cole and Alan Heaston for the establishing of two hour parking on 11th Street, between L and M Streets. He reported that he had set up an Inter-departmental Traffic Committee, composed of Police Chief Pickering, Director of Public Works, Marvin E. Ray and Cyril M. Henderson, Director of Planning, who would study and make joint recommendations to him on traffic problems. He stated that this committee had recommended, after a study of the request, that two hour parking be instituted as this fits in with the general scheme for parking time limits. Councilman Merrill introduced

RESOLUTION NO. 9707-N.S.

which was seconded by Councilman M. Adams, establishing two hour parking on both side of 11th Street, between L and M Streets, between the hours of 9:00 A.M. and 6:00 P.M. except on holidays and Sundays, and directing the Director of Public Works to erect the necessary signs designating this street for two hour parking, which resolution was regularly adopted by the following vote:

Ayes: Councilman: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

// DECLARE TULLY AVENUE
AND COLLEGE AVENUE-
ARTERIAL STREETS

The City Manager reported that the Inter-departmental Traffic Committee, after study had recommended that Tully Avenue and College Avenue should be designated arterial streets within the city limits. Councilman M. Adams introduced

RESOLUTION NO. 9708-N.S.

which was seconded by Councilman R. Adams, designating the portion of Tully Avenue and College Avenue, within the city limits, as arterial streets and directing the Director of Public Works to install stop signs where required, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

12 STOP SIGNS ON NEEDHAM
AVENUE AT COLLEGE AND
TENTH STREET INTERSECTION

A study having been made of the necessity of installing four way stop signs at the intersection of Needham Avenue, College Avenue and Tenth Street, Councilman R. Adams introduced

RESOLUTION NO. 9709-N.S.

which was seconded by Councilman Merrill, authorizing two stop signs on Needham Avenue, stopping traffic entering College Avenue and Tenth Street and directing the Director of Public Works to establish the necessary signs, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

13 STOP SIGNS AT ORANGEBURG
AND TULLY AVENUES

Members of the City Council suggested that four way stop signs be established at the intersection of Orangeburg and Tully Avenues, adjacent to the John C. Fremont School. A general discussion was held concerning the traffic on Tully Avenue and College Avenue and City Manager Miller

requested that time be taken for a more detailed report on this traffic condition before any change in the existing traffic signs be authorized.

14 LETTER REQUEST SEWER SERVICE

A letter was read from Henry G. Turner and Warren W.

Giddings, Jr. to City Manager Ross Miller, requesting that city sewer service be furnished the owners and residents on Carolyn Avenue from the present city limits on Griswold Avenue northward to the intersection of Brady Avenue. They indicated that this section was desirous of coming into the city and strongly approved of the current unification program and as, at the present time, they would not be able to annex this section separately, they requested that the above sewer line be installed. Each property owner in this section having paid to the city their share of the cost of this line, the City Council indicated their intention to proceed with the work.

15 APPROVAL OF PLANS AND SPECIFICATIONS ON SANITARY SEWER LINE IN CAROLYN AVENUE BETWEEN GRISWOLD and BRADY AVENUE

Councilman Merrill introduced

RESOLUTION NO. 9710-N.S.

which was seconded by Councilman Arata approving plans and specifications for the construction of a sanitary sewer line in Carolyn Avenue between Griswold Avenue and Brady Avenue, as prepared and presented by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilman: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

16 CALL FOR BIDS ON CONSTRUCTION OF SEWER LINE-CAROLYN AVENUE

Councilman Merrill introduced

RESOLUTION NO. 9711-N.S.

which was seconded by Councilman Arata, authorizing the City Clerk to call for bids on the construction of a sanitary sewer line in Carolyn Avenue, between Griswold Avenue and Brady Avenue in accordance with the plans and specifications on file in the office of the Director of Public Works, said bids to be received not later than 2:00 P.M. on Wednesday, January 23, 1952 at the office of the City Clerk, to be opened at this time in the City Council Chambers and award to be made by the Council in regular session at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

17 APPOINTMENT NEW MEMBERS OF PERSONNEL COMMISSION

Mayor Marks reported to the City Council that only one member of the present Personnel Commission of the City

of Modesto is a resident of the City, and he suggested that in order to conform with the new city charter that two new members, residents of the City of Modesto, should be appointed at this time. Councilman Merrill introduced

RESOLUTION NO. 9712-N.S.

which was seconded by Councilman M. Adams, appointing Ray W. Jones to serve out the unexpired term of Edward P. Griswold until January 15, 1953 and Fred D. Condit to serve out the unexpired term of R. E. Markel until January 15, 1955, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

18 CIVIL SERVICE RULES AND REGULATIONS TO BE REVISED

City Manager Miller informed the Council that the Civil Service Rules and Regulations were being revised and that he was pleased to have these men appointed to the Commission as they could be of much service in carrying out the program.

19 CLAIMS FOR MONTH OF DECEMBER

Councilman Mellis introduced

RESOLUTION NO. 9713-N.S.

which was seconded by Councilman Arata approving the claims for the City of Modesto for the month of December, 1951 in the amount of \$168,200.87, being check numbers 2586 to 2805 inc. for the City and check numbers 10773 to 10795 inc. for the McHenry Public Library and validating the issuing of warrants in payment by the City Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

20 LETTER APPRECIATION 20-30 INTERNATIONAL

A letter to Mayor Harry Marks from the 20-30 International was read in which they expressed appreciation to the official family of the City for the hospitality shown the Central California District of 20-30 International at their recent meeting in Modesto.

21 TRAFFIC CONDITION McHENRY AND MORRIS AVENUES

Councilman Mellis stated that he was concerned about the traffic condition at Morris Avenue and McHenry Avenue and was anxious that something be done at once to help this situation. City Manager Miller suggested that the Council pass a resolution authorizing him to contact the State Department of Public Works, Division of Highways, in regard to their work on the traffic condition at this location and find out when we may expect a recommendation from them so that this intersection can be taken care of. Councilman Mellis introduced

RESOLUTION NO. 9714-N.S.

which was seconded by Councilman Merrill, authorizing the City Manager to contact the State Department of Public Works, Division of Highways, to determine how soon we may expect a report on the traffic conditions at the intersection of McHenry Avenue and Morris Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

22 ESTABLISH POLICY FOR FURNISHING SEWER SERVICE OUTSIDE CITY LIMITS

City Manager Miller reported on a preliminary draft to establish a policy for furnishing of sewer service to property in newly annexed territory and property just outside the city limits, which could not be annexed at this time. He stated that the city would do everything possible to get sewer service into the outlying area. The City Council indicated that they agreed with the policy and thought that in special cases each request for sewer service should be taken up separately.

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:


REX E. GAILFUS, CITY CLERK

Council Meeting
January 16, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 959-N.S.

Present: Councilmen: M. Adams, R. Adams, Arata, Mellis, Mayor pro tem Merrill

Absent: Councilmen: Annan and Mayor Marks

AWARD BID ON PURSUANT TO ADVERTISING FOR BIDS FOR FURNISHING GASOLINE DURING THE PERIOD OF JANUARY 16, 1952 TO JANUARY 16, 1953 FOR THE CITY OF MODESTO, THE CITY CLERK REPORTED THAT FIVE BIDS WERE RECEIVED. THESE BIDS WERE OPENED AT 10:00 A.M., JANUARY 14, IN THE COUNCIL CHAMBERS AS PROVIDED BY THE NOTICE TO BIDDERS IN THE PRESENCE OF CITY CLERK GAILFUS, L. M. MCFARLAND, MARVIN RAY, DIRECTOR OF PUBLIC WORKS AND REPRESENTATIVES OF THE COMPANIES BIDDING. MR. MILLER REPORTED THAT MR. RAY HAD RECOMMENDED THAT THE BID OF THE SHELL OIL COMPANY BE ACCEPTED AS FOLLOWS:

Less than 400 gallons	Tank Wagon 400 Gals. & over		Truck & Trailer Full Capacity	
Regular Ethyl	Regular	Ethyl	Regular	Ethyl
.197 .2145	.192	.2095	.182	.1995

Maximum prices

and that the bids of the Seaside Oil Company and the Tide Water Associated Oil Company be rejected due to the fact they had failed to include bid bonds as required by the Notice to Bidders. Councilman Arata introduced

RESOLUTION NO. 9715-N.S.

which was seconded by Councilman R. Adams accepting the bid of the Shell Oil Company for the furnishing of gasoline from this date to January 15, 1953, as this was the lowest and best bid and appointing the City Manager as signatory official on agreement and directing the City Clerk to return the bidding checks to the unsuccessful bidders, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Mayor pro tem Merrill

Noes: Councilmen: None

Absent: Councilmen: Annan and Mayor Marks

2 APPOINT HERBERT E. BROOKS MEMBER OF PLANNING COMMISSION In order to bring the membership of the Modesto City Planning Commission up to the number required under Ordinance No. 1014-N.S., Councilman Mellis introduced

RESOLUTION NO. 9716-N.S.

which was seconded by Councilman M. Adams, appointing Herbert E. Brooks, a resident of the recently annexed Northwest Addition, as a member of the Modesto City Planning Commission for a term of four years, until January 1, 1956, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Mayor pro tem Merrill

Noes: Councilmen: None

Absent: Councilmen: Annan and Mayor Marks

3 REQUEST FOR SEWER SERVICE J. G. McCABE J. G. McCabe, residing at 815 Ila Way, adjacent to the city limits, filed a request for sewer service and stated that he was in favor of the unification program and if it were possible, would annex to the city at this time. The City Council indicated their approval of furnishing sewer service and asked City Manager Miller to proceed with the necessary steps in order to furnish this service to Mr. McCabe.

4 RETAIL MERCHANTS BUREAU Upon receipt of a request from the Retail Merchants Bureau
REQUEST ERECT SIGNS ON for permission to place placards on 125 electric light
ELECTRIC LIGHT STANDARDS standards in the business district of the city to advertise a "White Elephant Sale"
set for January 17, 18, 19, 1952.

Councilman R. Adams introduced

RESOLUTION NO. 9717-N.S.

which was seconded by Councilman M. Adams granting permission for the placing of these placards providing the Retail Merchants Bureau assumed full responsibility for the placing of and removing of these placards following the sale, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Mayor pro tem Merrill

Noes: Councilmen: None

Absent: Councilmen: Annan and Mayor Marks

5 GRANT PERMIT PLACE WISHING Following receipt of a request from the Modesto
WELLS ON SIDEWALKS FOR MARCH Junior Chamber of Commerce for the placing of
OF DIMES CAMPAIGN wishing wells on various downtown sidewalk locations until January 31, 1952 in connection
with this year's March of Dimes campaign, Councilman Arata introduced

RESOLUTION NO. 9718-N.S.

which was seconded by Councilman M. Adams, authorizing the placing of these wishing wells on the sidewalks in the business area during the month of January, 1952 by the Modesto Junior Chamber of Commerce, with the understanding that the Junior Chamber of Commerce accept all liability therefor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Mayor pro tem Merrill

Noes: Councilmen: None

Absent: Councilmen: Annan and Mayor Marks

6 AWARD BID ON SLUDGE Pursuant to advertising for bids for Duplex Sludge Pump, the
PUMP City Clerk reported one bid on file from the Dorr Company for
\$1649.00, which had been opened on Monday, January 14, 1952 at 2:00 P.M. as provided
by the Notice to Bidders. City Manager Miller reported that upon recommendation of
Marvin Ray, Director of Public Works, he recommended that this bid be accepted.

Councilman M. Adams introduced

RESOLUTION NO. 9719-N.S.

which was seconded by Councilman R. Adams, accepting the bid of the Dorr Company of \$1649.00 for one new Duplex Plunger Pump, which includes a suction air chamber as part of the equipment as listed in their bid, the said company being a responsible bidder. The City Clerk is hereby directed to draw warrant upon receipt and approval of equipment, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Mayor pro tem Merrill

Noes: Councilmen: None

Absent: Councilmen: Annan and Mayor Marks

7 AGREEMENT BETWEEN CITY Councilman M. Adams introduced
AND NEIL M. CECIL

RESOLUTION NO. 9720-N.S.

which was seconded by Councilman Arata approving agreement between the City and Neil M. Cecil, owner of the water system in the College Gardens Tract, recently annexed to the City and to provide for the payment of \$600.00 to Neil M. Cecil as compensation for hydrant connections in this tract; also to provide for the installation by the city of such fire hydrants in said water distribution system as are deemed necessary by the city;

to provide for the use by the city of water for fire protection and fire fighting uses without cost to the city and to provide for emergency standby connection and service for both the City and the owner, Neil M. Cecil. The City Manager and City Clerk are appointed signatory officials. The foregoing resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Mayor pro tem Merrill

Noes: Councilmen: None

Absent: Councilmen: Annan and Mayor Marks

8 REQUEST FOR CURB CUT Gene Thompson, used car dealer at 1204 Tenth Street,
GENE THOMPSON-L STREET having requested a 12 foot curb cut on L Street for a
AT TENTH STREET new used car lot to be operated in Block 65, westerly portion of lots 17 and 18,
Councilman Mellis introduced

RESOLUTION NO. 9721-N.S.

which was seconded by Councilman R. Adams, authorizing a 12 foot curb cut on L Street as requested, the work to be done under the supervision and subject to the approval of the City Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Mayor pro tem Merrill

Noes: Councilmen: None

Absent: Councilmen: Annan and Mayor Marks

9 STOP SIGNS INSTALL Upon the recommendation of the Inter-departmental Traffic
ON M, N & O STREETS Committee, City Manager Miller recommended that stop signs
AT TENTH STREET be placed on corners of M, N and O Streets where they enter Tenth Street, stopping
traffic entering Tenth Street. Councilman Mellis introduced

RESOLUTION NO. 9722-N.S.

which was seconded by Councilman Arata, establishing stop signs on the Southwest corners and Northeast corners of M Street, N Street and O Street, stopping traffic entering Tenth Street and directing the Director of Public Works to install the necessary signs, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Mayor pro tem Merrill

Noes: Councilmen: None

Absent: Councilmen: Annan and Mayor Marks

10 ORDINANCE PROHIBIT Upon the recommendation of City Manager Miller and Chief
FLAME THROWING VEHICLES of Police Pickering, City Attorney Grimes presented an
ordinance for consideration by the Council regarding the amending of Traffic Ordinance No. 345-N.S. to prohibit flame throwing vehicles operating in the City of Modesto. Councilman Arata introduced

ORDINANCE NO. 1016-N.S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED: ' AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO' BY ADDING SECTION 30 PROHIBITING FLAME THROWING VEHICLES", and moved its adoption to passage and publication, which motion being duly seconded by Councilman Mellis, it was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Mayor pro tem Merrill

Noes: Councilmen: None

Absent: Councilmen: Annan and Mayor Marks

11 CHANGE TRUCK ROUTE FROM N STREET TO L STREET City Manager Miller reported that the Inter-departmental Traffic Committee had recommended that Ordinance No. 895-N.S. be amended to eliminate N Street as a truck route and to designate L Street from Ninth Street to Needham Avenue as a truck route. City Attorney Grimes was instructed to prepare an ordinance for the consideration of the Council, changing this truck route.

12 STUDY ON ADDITIONAL TRAFFIC SIGNALS BEING MADE BY TRAFFIC COMMITTEE City Manager Miller reported that the Inter-departmental Traffic Committee was still studying the matter of the installation of additional traffic signals in the city and that additional counts were being taken at various locations and a report would be made shortly on this matter.

It was also explained that additional study was being made of the Seventh and B Street intersection traffic signal and some recommendation for improvement would be made at this location.

13 REMIND COUNCIL OF LEAGUE MEETING City Manager Miller reminded the Council of the meeting to be held in Oakdale, January 17 of the Central Valley Division of the League of California Cities.

14 ORGANIZATIONAL CHART An organizational chart of the City of Modesto was presented to the City Council by City Manager Miller.

15 LETTER FROM COUNCILMAN CLIFFORD M. ANNAN A communication from Councilman Clifford M. Annan who is vacationing in Florida, was read to the Council.

16 There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST: 
REX E. GAILFUS, CITY CLERK

January 23, 1952

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Ordinance No. 959-N.S.

Present: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, Mayor Marks

Absent: Councilmen: Annan

1 APPROVAL OF MINUTES Councilman M. Adams introduced

RESOLUTION NO. 9723-N.S.

which was seconded by Councilman Mellis, approving the minutes of the Council meetings of January 9 and 16, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and R. Adams

Councilman R. Adams arrived at the meeting at this time.

2 ORDINANCE PRESCRIBE REGULATIONS FIRE PREVENTION Fire Chief Wemyss having stated that the city lacked ordinances to cover certain fire prevention problems in the city, City

Manager Miller recommended that a new ordinance be introduced embodying certain sections of the "Suggested Fire Prevention Ordinance" of the National Board of Fire Underwriters, Councilman Merrill introduced an emergency ordinance being

ORDINANCE NO. 1017-N.S.

entitled: "AN ORDINANCE PRESCRIBING REGULATIONS FOR FIRE PREVENTION AND LIFE SAFETY IN CONNECTION WITH HAZARDOUS MATERIALS AND PROCESSES AND REPEALING ORDINANCE NO. 208-N.S., ORDINANCE NO. 209-N.S., and SECTION 8 of ORDINANCE NO. 424-N.S." and moved its adoption and passage to print which motion being duly seconded by Councilman M. Adams, it was upon roll call carried and the ordinance ordered published as above by the

following vote:

Ayes: Councilmen: M. Adams, Arata, Mellis, Merrill, R. Adams and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

3 FINAL ADOPTION ORDINANCE Ordinance No. 1016-N.S. entitled: "AN ORDINANCE AMENDING
NO. 1016-N.S. PROHIBIT ORDINANCE NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED
FLAME THROWING VEHICLES ' AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO'
BY ADDING SECTION 30 PROHIBITING FLAME THROWING VEHICLES", having been heretofore
introduced and ordered printed and published at the regular meeting of January 16,
1952 and thereafter printed and published in the Modesto Bee, the official newspaper
of the City of Modesto on January 18, 1952, Councilman M. Adams moved that the
ordinance be finally adopted, which motion was seconded by Councilman Merrill and it
was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

4 REPORT BY CITY MANAGER City Manager Miller reported that there were approximately
ON FIRE PROTECTION 15 industries in the vicinity of Modesto having fire
protection contracts with the City of Modesto which could be cancelled by giving
thirty days notice. He stated that 5 of these firms were in the Northwest area
recently annexed to the City of Modesto and 4 were in the Crows Landing industrial
area which is in the process of being annexed to the city, leaving 6 firms still to
be served outside the city limits. The Council asked City Manager Miller to contact
these firms individually and refund any amounts due those who were annexed to the
City of Modesto and consider the standing of the 6 firms which will remain outside
the City of Modesto in the interest of protecting the very favorable fire insurance
rate inside the City of Modesto.

5 REQUEST TRANSFER OF A communication was received from Roy Keller, 433 Enslin
TAXICAB PERMITS TO Avenue, for permission to purchase the permits to operate
ROY KELLER taxicabs from Jefferson French and Johnnie L. French. These cabs are to be operated
as the Modesto Cab Company and the Veteran Cab Company. This request was referred to
the City Manager.

6 REAPPOINT ROY BYLLING Mayor Marks reported that the term of Roy Bylling on the
MEMBER OF PARKING AUTHORITY Parking Authority had expired and that he was willing to
be reappointed, whereupon Councilman Mellis introduced

RESOLUTION NO. 9724-N.S.

which was seconded by Councilman Arata reappointing Roy Bylling a member of the
City of Modesto Parking Authority for a term of four years from January 18, 1952,
which resolution was regularly adopted upon roll call by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

7 CONSTRUCTION ON MADDUX City Manager Miller informed the Council that there was
YOUTH CENTER some money now available for proceeding with work on the
Maddux Youth Center building and he suggested that he be authorized to proceed with
plans for the construction of a roof and other improvements in order that the building
could at least be closed in and if possible put to some use by the City Recreation

Department. The City Council informally expressed their approval of the proposal that the City Manager proceed on this basis.

* IMPROVEMENT DISTRICTS City Manager Miller reported to the Council that a great many improvement districts might be initiated following the annexation of the large outer urban area under the unification program. He also stated these districts are set up under very strict state regulation and he suggested that special assistance be obtained in setting up the forms and procedure on handling these district. City Attorney Grimes stated that he believed this was necessary and that much time and expense would be saved if there could be some guidance on the first districts. Councilman M. Adams introduced

RESOLUTION NO. 9725-N.S.

which was seconded by Councilman Arata approving of the obtaining of special help in the setting up of forms and procedures for such districts and authorizing the City Manager to proceed with this work, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

9 AGREEMENT WITH PERCY M. PIKE, ET UX City Manager Miller recommended that the City enter into an agreement for the use of certain portions of the J. M. Pike Park for street and alley purposes, with Percy M. Pike and Elizabeth P. Pike, and reported that they wanted to be sure that the park was called the "J. M. Pike Park".

Councilman Mellis introduced

RESOLUTION NO. 9726-N.S.

which was seconded by Councilman Arata approving agreement between the City of Modesto and Percy M. and Elizabeth P. Pike and appointing the City Manager and City Clerk as signatory officials and reaffirming the name "J. M. Pike Park" as the official name of the park, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

10 PAYMENT TO KING-KNIGHT COMPANY ON CONVERSION PUMP AT STATION NO. 6 A report was filed by Marvin E. Ray, Director of Public Works on the conversion of an existing electric motor driven turbine pump to a combination gas engine and electric motor driven unit with automatic controls at pump station No. 6, by contractors, King-Knight Company. He reported that the work had been done by the contractor in accordance with the specifications and had been tested and approved by City Engineer Lange and himself, and he recommended that the job be accepted. Councilman Arata introduced

RESOLUTION NO. 9727-N.S.

which was seconded by Councilman R. Adams accepting the contract as completed by King-Knight Company and authorizing partial payment in the amount of \$5,919.94 as provided by the contract and directing the City Clerk to file a Notice of Completion with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

11 REQUEST REMOVE TREES MARY FLEENOR The City Manager reported that Mrs. Mary Fleenor, 317 Magnolia Avenue requested the City to remove 6 S ycamore

trees along the north side of her property. The Director of Public Works and Councilman Merrill stated that they had inspected the trees at this location and found them free from disease and property spaced 28 feet apart and recommended that these trees should not be removed. The City Council informally agreed that the trees should not be removed and that Mrs. Fleenor should be so advised.

2 AWARD BID ON SANITARY SEWER LINE ON CAROLYN AVENUE City Manager Miller reported that 8 bids had been received City Clerk for the construction of a sanitary sewer line on Carolyn Avenue between Griswold Avenue and Brady Avenue and they had been opened in the presence of the Director of Public Works, City Clerk, L.M. McFarland and representatives of the bidding companies at 2:00 P.M. this date and had been tabulated for consideration of the Council at this time. Councilman Merrill introduced

RESOLUTION NO. 9728-N.S.

which was seconded by Councilman R. Adams, accepting the bid of \$2,997.00 of the Standard Materials, Inc., as it was the lowest responsible bidder. The City Manager and City Clerk were appointed signatory officials on contract for completion of the work, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

3 LETTER FROM CITY OF BAKERSFIELD Mayor Marks read a copy of a letter addressed to him from the Chief of Police, H.V. Grayson, of Bakersfield, complimenting Detective Elmer Horan of the Modesto Police Department for his splendid work in the arrest of two persons wanted in Bakersfield. This letter was referred to the Police Department.

4 LETTER FROM CITY MANAGER OF LODI Mayor Marks read a letter from H.D. Weller, City Manager of the City of Lodi which indicated their approval of the stand taken by the City of Modesto in regard to the representation at hearings before the Public Utilities Commission.

5 CARD FROM COUNCILMAN CLIFFORD M. ANNAN City Manager Miller read a card from Councilman Annan stating that he was leaving Florida and on his way home to Modesto.

6 REPORT BY CITY ATTORNEY ON FRANCHISES City Attorney Allen Grimes explained briefly and filed an opinion entitled "The Powers of the City of Modesto with Respect to the Granting of Franchises to Public Utilities Operating within the City", with the Council.

The City Manager suggested that a copy of this report be sent to former Councilman Frad, who was very much interested in this matter. The City Attorney reported that this had been done. The City Manager stated that the franchise situation was a very complicated and important matter to the City of Modesto.

7 SAFETY PROGRAM REPORT The City Manager reported to the Council that the City was now under way with an employee safety program. The purpose of the safety program is to develop a hazard consciousness and minimize accidents on the part of the employees, which should eventually save the city money by cutting down the number of unnecessary accidents and reduce insurance costs.

18 There being no further business to come before the Council, the meeting was regular and duly adjourned.

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 Ordinance No. 959-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Absent: Councilmen: None

APPROVAL OF MINUTES Councilman M. Adams, introduced

RESOLUTION NO. 9729-N.S.

which was seconded by Councilman Merrill approving the minutes of the Council meeting of January 23, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Annan

Councilman Annan arrived at the Council meeting at this time.

2 COMMUNICATION GLEN PRICE A communication received from Glen Price, operating Stewart's
PARKING ON 11th Street Qualify Cleaners at 1045 11th Street, requesting a 12 minute
meter in front of his place of business, was referred to City Manager Miller for consideration and recommendation to the Council at a later date.

3 REQUEST ROY KELLER A request for permission to transfer taxicab permits issued
TRANSFER OF TAXICABS to Jefferson French and Johnnie L. French filed by Roy Keller
was held over pending receipt of a recommendation from the Chief of Police.

4 AUTHORIZE PAYMENT WAGES There being due W. Worsham, deceased, former employee of the
DUE W. WORSHAM TO WIDOW City of Modesto, 4 days wages amounting to \$48.77, Councilman
Merrill introduced

RESOLUTION NO. 9730-N.S.

which was seconded by Councilman Arata, authorizing payment of the above amount due W. Worsham, to Roxie A. Worsham, his widow and directing the City Clerk to draw a warrant as directed, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

Councilman R. Adams arrived at the Council meeting at this time.

5 PARKING ON Director of Public Works, Marvin E. Ray, having been requested
13th Street to make a study of the parking situation on 13th Street, both
parallel and diagonal, recommended that the following markings be installed:

Parallel Parking on 13th Street

- a - North side of 13th Street, from the east property line of H Street, east 82 feet.
- b - South side of 13th Street from the east property line of H Street, east 69.75 feet.
- c - North side of 13th Street from the east property line of J Street, east 69.50 feet.
- d - South side of 13th Street from the east property line of J Street, east 83.75 feet.
- e - North side of 13th Street from the west property line of J Street, west 128 feet.
- f - South side of 13th Street from a point 93 feet west of the west property line of J Street to a point 117 feet west of the property line of J Street

Councilman Merrill introduced

RESOLUTION NO. 9731-N.S.

which was seconded by Councilman M. Adams establishing parallel parking in the above described areas, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The Council agreed informally that both sides of the two blocks on 13th Street between E and G Streets should be painted for 30 degree diagonal parking and that after a trial period, if this angle seemed satisfactory the same angle of parking might be used for other sections of 13th Street.

6 CERTIFICATES OF SERVICE

Certificates of service were issued by the Council for Francis W. Halley, former City Attorney and A.M. Frad, former Councilman in appreciation for the time and work given to the citizens of the City of Modesto. The City Manager was instructed to deliver these certificates to Mr. Halley and Mr. Frad.

7 COUNCILMAN ANNAN CERTIFICATE ON LANDING SAIL FISH

The Council took note of the fact that Councilman Annan received certificates for the landing of three Sail Fish during his recent vacation trip in Florida.

8 REPORT ON REVISION OF SUBDIVISION ORDINANCE

Cyril M. Henderson, Director of Planning reported that the City had taken the County subdivision ordinance as a starting point with the thought in mind of obtaining an improved city ordinance. The Planning office, assisted by the City engineers had prepared a preliminary draft of the new ordinance which will be studied by the Planning Commission on Monday, February 11, 1952. The basic differences between the County subdivision ordinance and the City subdivision ordinance in so far as improvements required to be made by the subdividers are as follows:

- 1 - The county requires the paving of streets curb to curb, whereas the city requires only grading of the streets and oiling at the expense of the general taxpayer.
- 2 - The county requires street trees to be planted at the expense of the subdividers if planted at all, whereas street trees in new subdivisions within the city are planted at city expense.
- 3 - The county has no requirements in regard to street lights whereas the city requires that the materials for street lights, at least one per intersection, be paid for by the subdividers, installation being made at the city expense.

It was generally agreed that the City's policy in regard to planting of trees was one to be continued and that the city was justified in contributing the cost of installing street lights in new subdivisions as the light provided for increased traffic safety and facilitated police protection services. The matter of street paving was considered as requiring immediate attention. Councilman M. Adams introduced

RESOLUTION NO. 9732-N.S.

which was seconded by Councilman Arata, authorizing the City Attorney, the Director of Public Works and the Director of Planning to draft an amendment to the present subdivision ordinance to provide for the proper paving of streets in any subdivision at the subdividers expense, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

It was the opinion of the Council that work should continue on the preparation of a modern and up to date subdivision ordinance. Mayor Marks commented "Isn't the adoption of such an ordinance one of the recommendations of the Greater Modesto Committee?" The City Manager informed the Council that work was now under way on all eight

of the recommendations of the Committee which were to apply even before unification.

9 GRANT PERMIT MOVE
TREE A.W. WELTY

The City Manager reported that A. W. Welty had requested permission to remove one tree in front of his property at 318 Leon Avenue. He reported that the Director of Public Works had investigated the trees and advised him that there were three trees at this location in a distance of 40 feet, making them 20 feet apart which the Director of Public Works considered too close for proper growth and he had recommended that the center tree be removed at the expense of Mr. Welty. Councilman Mellis introduced

RESOLUTION NO. 9733-N.S.

which was seconded by Councilman Annan granting permission to Mr. Welty to remove the center tree at his own expense, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Marks

Noes: Councilmen: Merrill

Absent: Councilmen: None

10 AWARD BID ON
AIR COMPRESSOR

The City Manager reported that 10 bids had been received for the furnishing of one new air compressor. These bids had been opened at 4:00 O'Clock P.M. on Monday, January 21, 1952 in the presence of the Director of Public Works, the City Clerk and L.M. McFarland, as well as representatives of several of the companies bidding. These bids had been tabulated by the Public Works Department and the Public Works Director had recommended that the alternate bid of \$2,669.06 of Rix Company, Inc. be accepted ~~be accepted.~~ Councilman Annan introduced

RESOLUTION NO. 9734-N.S.

which was seconded by Councilman M. Adams accepting the alternate bid of Rix Company, Inc., of \$2,669.06 for a LeRoi Single Stage Compressor, as it was the lowest responsible bid and directing the City Clerk to return the bidding checks to the unsuccessful bidders. The City Clerk is hereby directed to draw warrant in payment upon receipt and approval of equipment which resolution was regulary adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

11 TRAFFIC SITUATION AT
McHenry-MORRIS AND
11th & D INTERSECTIONS

The City Manager reported on a communication received from the State Department of Public Works, Division of Highways, District X, Stockton. They stated that the report of their investigation of the traffic situation at McHenry and Morris Avenues, as well as the traffic situation at the intersection of 11th and D Streets, had been submitted to their headquarters office at Sacramento for review. They indicated that they would report to the City of Modesto as soon as action was taken by their headquarters.

12 REPORT ON PERSONNEL
COMMISSION

The City Manager reported that the new Personnel Commission had met and organized. Frank C. Damrell had been appointed chairman for the first year. The Commission had commenced work on a new personnel ordinance and a complete study of personnel problems.

13 SEWER SERVICE REPORT
ON ANNEXED TERRITORY

The City Manager reported that requests for sanitary sewer service had been received from the two newly annexed areas, Maze Court Addition and the Northwest Addition and he stated that he would like to proceed with plans for the furnishing of this service to these areas. The City Manager

stated that the engineering department had done some work on sewer service plans for these areas but he wished to be authorized to proceed with the final plans. Councilman Annan introduced

RESOLUTION NO. 9735-N.S.

which was seconded by Councilman M. Adams, authorizing the City Manager to proceed with final plans for the furnishing of sanitary sewer service to these areas, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

14 MAYOR REPORTS ON CHAMBER
OF COMMERCE COMMITTEE ON
LIGHTING BUSINESS AREA

Mayor Marks reported that the Chamber of Commerce Committee for the improvement of the lighting in the business district was proceeding with plans and would make a recommendation in a short time.

15 REPORT ON PROBLEMS
EXTENDING SEWER SYSTEM

City Manager Miller reported that the Public Works Department was proceeding with plans for the developing of sewer service into the two newly annexed areas and he asked Marvin Ray, Director of Public Works to explain some of the problems faced by the city in providing sewer service to these small areas.

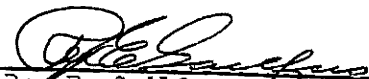
Mr. Ray explained that in serving the Maze Court Addition containing approximately 25 homes, there are two alternatives; laying a deep line into the area from the east duplicating in part a present line or running a new trunk into the area through an unincorporated territory which might annex to the city in the future, justifying the greater expense of this line.

Only part of the larger College Gardens Tract could be served by connecting to the present laterals and the line would have to be extremely deep. The alternate plan of laying a trunk line through the center of the area to the south and installing a temporary lift station until the main trunk line could be extended.

The City Manager reported the cost of furnishing sewer service to small areas was, in many cases, very high and the only economical way to plan for extending sewer service is on the basis of serving areas large enough to constitute logical units of a sewer system. Mayor Marks complimented the former City Council on the installation of the sewer service charge which will be of great help in financing the future major construction projects. He suggested that sometime in the future the Council should give consideration to making newly annexed areas assume a share of the city's bonded indebtedness. City Councilman Mellis remarked that the City was obligated to furnish sewer service to these new areas and he felt that every effort should be put forth to extend the service as soon as possible. The City Manager explained that it was the policy of the City to extend sewer service line into annexed areas as soon as possible after annexation and whenever they requested this service. In estimating that it would take five years to sewer all of the Greater Modesto area there has been wide misinterpretation as work will begin immediately after the residents decide they want sewers. Some areas will not want the service immediately and the estimate of five years included the entire area. The Council decided that considerable study should be given by the engineering department to the problem of furnishing sewer service to small areas wishing to annex to the City before these areas were authorized to start proceedings.

16 There being no further business to come before the Council, the meeting was duly and regularly adjourned.

Attest:


Rex E. Gailfus, City Clerk

February 6, 1952.

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 959-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None.

APPROVAL OF MINUTES Councilman M. Adams introduced

RESOLUTION NO. 9729-N.S.

which was seconded by Councilman Merrill approving the minutes of the Council meeting of January 23, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Annan

Councilman Annan arrived at the Council meeting at this time.

COMMUNICATION GLEN PRICE A communication received from Glen Price, operating PARKING ON 11th Street

February 13, 1952.

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Ordinance No. 959-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Absent: Councilmen: Arata

DISCUSSION JOHN QUARESMA John Quaresma, subdivider, appeared before the Council and PROPOSED SUBDIVISION

explained that he was now in the process of developing a 40 acre subdivision just north of the College Garden subdivision and Roseburg Avenue. He was proceeding under the present subdivision ordinance and thought that because it would take him from a year to 18 months to improve the tract, this tract should not be effected by the new proposed subdivision ordinance. His reason for this request was because he wished to keep the cost of the lots down to a figure which would be low enough for the average home builder and as low as other lots selling in the City. He stated that under the new proposed regulations the cost per lot would be increased approximately \$300.00 per lot. City Manager Miller cautioned the Council not to base their decision on the uncertain figures as some of the cost would effect the lot cost under the present ordinance.

Mayor Marks suggested that the matter concerning this particular tract be held over one week during which time the amount of the increased cost could be verified and the Council members could arrive at some decision concerning his problem in developing of this particular tract.

DR. GEORGE F. O'BRIEN Upon the request of Mayor Marks, Dr. George F. O'Brien REPORT ON HEALTH SERVICES appeared before the Council and answered questions in regard

to a recent statement to the press concerning the County Health Department. He explained the various services that were given by the County Health Department and stated that he did not make the statement directly to the press, that it was an interview and given to the press by another party. Dr. O'Brien explained that the level of health service

provided by the County Health Department to the fringe area was equal to that furnished by the City, but that the County did not maintain a food handler's training course.

He stated that septic tanks were poor substitutes for a sewer service system and that he personally would prefer a good sewer service system anytime

to a septic tank.

He also stated that the city residents are entitled to the same level of service from the county department as are other county residents.

In answer to a question by Councilman M. Adams, as to how a county health office could facilitate installation of a sewer system where septic tanks have become a health hazard, he stated he could require an improvement in the sewage system if the situation was so bad a high incidence of disease could be proven. He stated the law does not give him the authority to enforce the installation of septic tanks.

The City Manager described a situation in a suburb of Santa Rosa in which septic tanks overflowed and fast action had to be taken to install sewers.

Mayor Marks read a report of an incident in Montebellow where people in one area forced the closing of a chemical plant which was causing drinking water to become flavored with chlorinated phenols.

In a discussion on the number of cases of polio within the city as compared to those outside, Dr. O'Brien stated, and the Council agreed, that the cause of polio is not known and has not been connected to faulty sewage disposal.

It was brought out that during the last 4 years, there have been 19 polio cases in the city and 219 cases outside and that polio incidence per 1000 persons inside the city was only about one-half that outside.

City Attorney Grimes pointed out that under the state law if the city wished it could disband its health department and the functions of enforcing state health laws must be assumed by the county. Enforcement of city health laws would then have to be arranged with the county on a contract basis.

City Health Officer Landquist reported that the city has health regulations of her own, making the standard higher inside the city. He pointed out there is one public health nurse in the county department for every 14,000 to 15,000 residents while the ratio is one to 9,500 persons in the city. Also the ratio of sanitarians to population in the county is one to 28,000 while the state ratio is one to 20,000 and the city, one to 19,000.

Dr. O'Brien maintained that the County Health Department could maintain health service inside the City of Modesto at its present level if the City Health Department were disbanded.

Ken C. Ables, Chairman of the Stanislaus County Board of Supervisors informed the Council that the county is willing to help if the city should decide to change the health set up. He also suggested that an outside specialist be called in to give advice should the city plan a joint health organization.

3
LETTER PLANNING
COMMISSION RE: HARDIN
TRACT MAP APPROVAL

A letter was filed by the Modesto City Planning Commission advising that they had approved the final map of the

Hardin Tract subject to the following alterations:

- 1 - That the street be named Hardin Court instead of Hardin Way as it is a dead end cul-de-sac.
- 2 - That a three-foot planting easement to permit the planting of street trees on private property rather than in the fifty foot right-of way offered for dedication, be indicated on the map, and offered to the city. The width of the street, including the proposed planting easement, will then line up and conform with the tentative plans for the developing of the proposed College Center Tract immediately to the west thereof which was considered by the commission at their meeting.

The City Clerk was asked to file the letter temporarily pending further action of the matter.

4
AMEND ORD. NO. 345-N.S.
TRUCK ROUTES

Upon the recommendation of the Inter-departmental Traffic Committee, City Attorney Grimes presented an amendment

to Ordinance No. 345-N.S. (Traffic Ordinance) changing the truck routes in the City. Councilman Mellis introduced an ordinance being

ORDINANCE NO. 1018-N.S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED: 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO AS AMENDED, BY AMENDING SECTION 36A THEREOF AND BY REPEALING SECTION 1 OF ORDINANCE NO. 895-N.S.'" and moved its adoption and passage to print, which motion being duly seconded by Councilman M. Adams, it was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

APPROVE CLAIMS FOR MONTH OF JANUARY, 1952

Councilman R. Adams introduced

RESOLUTION NO. 9736-N.S.

which was seconded by Councilman Merrill, approving the claims for the City of Modesto for the month of January, 1952 in the amount of \$127,460.22, being check numbers 2806 to 3009 inc., for the City and check numbers 10796 to 10824 inc., for the McHenry Public Library and validating the issuing of warrants in payment by the City Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

ROY KELLER WITHDRAW REQUEST TRANSFER OF TAXICAB PERMITS

The City Manager reported that Roy Keller had withdrawn his request for transfer of taxicab permits of Jefferson

French and Johnnie L. French.

STANDARD SPECIFICATIONS FOR SUBDIVISION IMPROVEMENTS

Council members were given copies of a suggested ordinance amending Ordinances numbers 720-N.S. and 962-N.S.

(Subdivision ordinance) and a report entitled: "Standard Specifications for Subdivision improvements in the City of Modesto, California" prepared by the Director of Planning, Cyril M. Henderson, to study in connection with the proposed changing of the subdivision ordinance.

REPORT ON METHOD OF PROCEDURE ON IMPROVEMENT DISTRICTS

The City Manager reported that the City Attorney was proceeding with work on the method of procedure for

improvement handling districts and it would be presented to the Council as soon as it was complete.

APPROVE PLANS & SPECIFICATIONS-CALL FOR BIDS SANITARY SEWER EXTENSION (MORRIS AVENUE-ROBERTSON ROAD)

Councilman Annan introduced

RESOLUTION NO. 9737-N.S.

which was seconded by Councilman Mellis approving plans and specifications for construction of sanitary sewer

in Robertson Road between Sutter Avenue and Hammond Avenue, and for sanitary sewer extension in Morris Avenue, between Coffee Road and Block 1007, as prepared and presented by the Director of Public Works and authorizing the City Clerk to call for bids for this work to be received at his office, 717 10th Street, not later than 2:00 P.M. on Monday, March 3, 1952. All bids will be opened and read at the above specified time in the Council Chambers and any award to be made, or contract entered into, shall be by action of the Council in regular session at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

1 D REQUEST S.J. BERAN
INSTALL SEARCH LIGHT

The City Manager presented a letter from S.J. Beran, 2338 N. Second St. Fresno, asking that he be allowed to use a search light in the City of Modesto for advertising purposes. It was brought out that the use of this type of light was prohibited by ordinance No. 994-N.S. The Council members informally agreed that they did not wish to change the ordinance at this time and directed the City Manager to inform Mr. Beran of their position.

1 LETTER MAYOR OF
ALBANY RE: INCREASE
PRICE OF MILK

A letter from Jerome Blank, Mayor of the City of Albany, requesting that the City of Modesto cooperate with them in the protests to the high cost of milk was discussed by the Council and ordered filed.

2 LETTER FROM FRANK
ANDREWS RE: SALE
OF SCHOOL PROPERTY

A letter from Frank Andrews, President of the "New Tax-payers' Association", requesting that the City have their attorney study the recent school sales within the city limits of Modesto, was read and ordered filed.

3 AUTHORIZE CITY MANAGER
ATTEND CONFERENCE-APPOINT
ALLEN GRIMES ACTING CITY
MANAGER PRO TEMPORE

Councilman Merrill introduced
RESOLUTION NO. 9738-N.S.
which was seconded by Councilman Annan authorizing the attendance of City Manager Miller to the Annual Spring Conference of the City Manager's Section of the League of California Cities to be held in Riverside, February 20-21-22, 1952, with all expenses paid. Allen Grimes, City Attorney, is hereby appointed City Manager, Pro Tempore, during this absence of the City Manager, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

4 ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST: 
REX B. GAILFUS, CITY CLERK

Council Meeting
February 20, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 959-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Absent: Councilmen: Arata and Merrill

1 APPROVE MINUTES
OF COUNCIL

Councilman M. Adams introduced
RESOLUTION NO. 9739-N.S.

which was seconded by Councilman Annan, approving the minutes of the regular meeting of the Council of February 6, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Merrill

2 FINAL ADOPTION ORD.
NO. 1018-N.S. AMEND
ORD. No. 345-N.S.
(TRUCK ROUTES)

Ordinance No. 1018-N.S. entitled: "AN ORDINANCE
AMENDING ORDINANCE NO. 345-N.S. of the CITY OF
MODESTO ENTITLED: 'AN ORDINANCE REGULATING TRAFFIC
UPON THE PUBLIC STREETS OF THE CITY OF MODESTO' AS AMENDED BY AMENDING SECTION 36A
THEREOF AND BY REPEALING SECTION 1 OF ORDINANCE NO. 895-N.S.", having been hereto-
fore introduced and ordered printed and published at the regular meeting of February
13, 1952, Councilman Annan moved that the ordinance be finally adopted, which motion
was seconded by Councilman M. Adams and it was upon roll call so finally adopted by
the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Merrill

3 DENY REQUEST GLEN PRICE
12 MINUTE PARKING METER
FRONT OF STORE 1045-11th St.

The request of Glen Price for the installation of
a 12 minute parking meter in front of his place
of business at 1045 11th Street between J and K Streets, having been studied by the
Inter-departmental Traffic Committee, it was their recommendation that this request
be denied. It was brought out that the City has several 24 minute parking meters in
the business district which are available for this area, also the balance of the
main business district contains one hour parking meters. The City Manager Pro Tempore
was directed by the Council to inform Mr. Price of the decision of the Council denying
this request.

4 GRANT CURB CUT TO
GUSTAVE T. ALLIBERT

A request was filed by Gustave T. Allibert for a
curb cut in Block 58, lots 3, 4 and 5, was considered
by the Council. Marvin Ray, Director of Public Works recommended that a 14 foot
driveway be approved at this location. He stated that this cut would require the
removal of one parking meter. Councilman M. Adams introduced

RESOLUTION NO. 9740-N.S.

which was seconded by Councilman R. Adams, authorizing the installation of this curb
cut under the direction of the Director of Public Works, which resolution was regularly
adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Merrill

5 Councilman Annan again questioned the procedure of
allowing curb cuts in the business district and stated that something should be done
to limit the number of these cuts in order to have more parking spaces available for
the citizens of the city. Councilman R. Adams stated that he was sure that most of
the used car dealers having lots in the city would be favorable to the use of the
entrances to their used car lots for parking purposes when they were not open for
business. Director of Public Works suggested that a chain could be used with a sign
indicating that parking was permitted across the front entrance to these lots when
they were not in operation. Mayor Marks suggested that a meeting be held by the
Council with the Automobile Dealers' Association in order that some solution to
the matter could be arrived at, either with the sign and chain or some other method
of making these spaces available for parking during the hours that the used car lots
are not in operation.

6 The Director of Public Works was instructed to pre-
pare a statement of the costs necessary to replace curbs which had been removed

for driveways and report his findings to the Council so that they might consider an amendment to the ordinance to include a fee large enough to cover these replacements.

7 AUDIT OF POLICE
COURT RECORDS

The Council having authorized the employment of C.D. Nattinger, C.P.A. to audit the financial accounts of the City Police Court as of December 31, 1951, the date of the closing of the City Police Court under the court reorganization plan, Fred W. Lawrence, Director of Finance, informed the Council that the report had been reviewed by the County Auditor and by his office and found to be in agreement with the records and he recommended that the report be accepted and filed by the Council and that the fee be ordered paid. Councilman Mellis introduced

RESOLUTION NO. 9741-N.S.

which was seconded by Councilman Annan accepting the report of C.D. Nattinger, C.P.A. on the audit of the Police Court financial records and authorizing the payment of \$75.00 to Mr. Nattinger, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Merrill

8 RESIGNATION OF H.E.
BROOKS FROM PLANNING
COMMISSION

H.E. Brooks filed a letter of resignation from the Modesto City Planning Commission. He stated that he could not serve as he had been transferred to Seattle. Councilman Mellis introduced

RESOLUTION NO. 9742-N.S.

which was seconded by Councilman M. Adams accepting the resignation of Mr. Brooks with regrets and recommending that he be issued a certificate of service and a letter of appreciation for his services be sent to him by the City Manager, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Mellis, Annan, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Merrill

9 PROPOSED AGREEMENT FOR
IMPROVEMENT COLLEGE
CENTRE SUBDIVISION

A decision on the matter concerning the improvements in the proposed College Centre Subdivision being subdivided by John Quaresma and Roy R. Carlson, subdividers, having been held over for one week, was again considered by the Council with Mr. Quaresma and Mr. Carlson present. Mr. Quaresma informed the Council that having proceeded with the improvements under the old ordinance he was convinced that the costs of the improvements as set up in the new ordinance would increase the price of his lots to a point where it would not be profitable to continue with the work. After a lengthy discussion by the Council concerning the necessity for the installation of proper streets and other improvements in these subdivisions, it was decided that the improvements of this particular subdivision, which had been started prior to the consideration of the new ordinance, should be completed without strict adherence to the new regulations. It was the decision of the Council and also agreed to by Mr. Quaresma and Mr. Carlson that for all street work in addition to the improvements required under the old ordinance, the subdivider would furnish the gravel and oil and the city would furnish the labor and equipment to construct the streets according to the specifications that would be required under the new ordinance, this agreement to cover only the interior streets in this tract. Councilman M. Adams introduced

RESOLUTION NO. 9743-N.S.

which was seconded by Councilman R. Adams authorizing the City Attorney to prepare an agreement with Mr. Quaresma and Mr. Carlson setting forth the above requirements which

would be presented to the Council for its acceptance prior to the time the final map was presented, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Merrill

10 It was the decision of the Council that a similar agreement should be worked out with Richard B. Williams, representing the subdivider of the Hardin Tract who indicated his willingness to enter into a similar agreement covering that tract.

11 The Director of Public Works informed Mr. Quaresma and the Council, in answer to a question by Mr. Quaresma, that the trunk line for sewer service into this area would probably come up for discussion at the next week's meeting of the Council. Mayor Marks again stated that it was the policy of the Council to furnish sewer service to the newly annexed areas as soon as practicable.

12 AMENDMENT SUBDIVISION
ORDINANCE

Pending the rewriting of the entire subdivision ordinance, Councilman R. Adams introduced an ordinance, being
ORDINANCE NO. 1019-N.S.

and entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 720-N.S. OF THE CITY OF MODESTO ENTITLED: 'AN ORDINANCE PRESCRIBING SUBDIVISION REGULATIONS TO BE OVSERVED IN THE CITY OF MODESTO BY SUBDIVIDERS OF LAND AND PERSONS FILING MAPS OF SUBDIVISIONS OF LAND', AS AMENDED, BY AMENDING SECTION 5 THEREOF, AND REPEALING SECTION 2 of ORDINANCE NO. 962-N.S." and moved its adoption and passage to print and publish, which motion being duly seconded by Councilman Annan, it was upon roll call carried and the ordinance ordered published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Merrill

The Council agreed that it was its intention that the provisions of Ordinance No. 1019-N.S. shall apply to all subdivisions subsequently developed within the City, excepting only the aforementioned College Centre Tract and the Hardin Tract, which are now in process.

13 REMOVE STOP SIGNS
12th & G STREETS AND
CAMPUS WAY AND ARC WAY

It was the recommendation of the Inter-departmental Traffic Committee that the stop sign at Campus Way and Arc Way be removed as it is an isolated stop sign and it serves no useful purpose and the stop signs on G Street at 12th Street also be removed as this traffic is rather evenly balanced and stopping the traffic on G Street for the benefit of that on 12th Street is not justified, Councilman Annan introduced

RESOLUTION NO. 9744-N.S.

which was seconded by Councilman R. Adams authorizing the removal of these stop signs by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Merrill

14 REQUEST INSTALL SEATS
BUS LINES-R.W. MULLE

The request of R. W. Mulle to put seats around the bus lines in the city was referred to the City Manager for his consideration and recommendation to the Council.

APPROVE SPECIFICATIONS
FOR TURBINE PUMP-CALL
FOR BIDS

Councilman M. Adams Introduced

RESOLUTION NO. 9745-N.S.

which was seconded by Councilman Mellis approving the specifications for the furnishing and installing of a deep well turbine pump with motor, said bids to be received not later than 2:00 P.M. on Wednesday, February 27, 1952 at the Council Chambers and opened at that time, any award made or contract entered into shall be by action of the Council, meeting in regular session at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Merrill

TRANSFER OF FUNDS

Pursuant to the request of the Director of Public Works,
Councilman R. Adams introduced

RESOLUTION NO. 9746-N.S.

which was seconded by Councilman M. Adams authorizing the appropriation transfer of \$900.00 from the General Reserve to the City Parks Budget, this appropriation to cover the cost of the installation of an irrigation pipe line through the J.M. Fike Park, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Merrill

LIMITED PARKING ON
NINTH STREET

Cyril M. Henderson, member of the Inter-departmental
Traffic Committee, reported on a request for one hour

parking in the 600 block on Ninth Street and stated that before limited parking could be installed on a state highway the State Vehicle Code required the approval in writing of the State Department of Public Works and that the city was not taking the necessary steps to secure the approval of the State.

LETTER FROM FRANK
ANDREWS RE: REPORTING
OF NEWS

Frank Andrews, 1111 1/2 F Street filed a letter with the
Council regarding the reporting of news by the local
papers which was read and ordered filed.

REQUEST TRANSFER TAXICAB
PERMITS- E.M. LESTER

The request of E.M. Lester, operator of two taxicabs
in the City of Modesto, for permission to purchase the
taxicab permits of J.F. French, operating the Modesto Taxicab Company, and John L.
French, operating the Veteran's Cab Company, was referred to the City Manager and the
Chief of Police for consideration and recommendation to the Council.

SPECIAL IMPROVEMENT
DISTRICTS

The City Manager and City Attorney having been instructed
to investigate the employment of special assistance in
setting up special improvement districts, the City Attorney reported to the Council
that the employment of special counsel for this purpose was indicated, since the bonds
could not be sold without an opinion by bond counsel, Councilman Annan introduced

RESOLUTION NO. 9747-N.S.

which was seconded by Councilman R. Adams, authorizing the appointing of Eugene K.
Sturgis as special counsel and appointing the City Manager and City Clerk as signatory
officials on agreement between the City of Modesto and Eugene K. Sturgis to supervise
all proceedings for an improvement district that may be authorized by the Council, which
resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Merrill

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

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

Council Meeting

February 27, 1952.

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Ordinance No. 959-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, Mayor Marks

Absent: Councilmen: None

APPROVAL OF MINUTES

Councilman M. Adams introduced

RESOLUTION NO. 9748-N.S.

which was seconded by Councilman R. Adams, approving the minutes of the regular meeting of the Council of February 13, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

TRANSFER OF TAXICAB PERMITS TO E.M. LESTER

The request of E.M. Lester to purchase the taxicab permits of J. F. French, operating the Modesto Cab

Company and J.L. French, operating the Veterans Cab Company having been referred to the City Manager was again considered by the Council. Sam Secreto, owner of the Yellow Cab Company appeared before the Council and questioned the proposed sale on the grounds that in his opinion it opened the way for the new operators to later apply for more than one free stand on the city streets. He was informed by the City Manager that all 6 cabs, Cliff's Taxi, operating 1 cab; Smitty's operating 1 cab; and Lester operating 4 cabs would operate from 2 stands; and that the Council would not issue additional stands unless they found that for public convenience the stands were necessary. Councilman Merrill stated that there was quite a lot of confusion concerning these cab companies and their operation and he suggested that the City Manager and the City Attorney study the matter during the next week and if necessary confer with the cab owners, and report their recommendations to the Council and also report what obligations the Council would be under concerning this new operation. It was agreed that this would be done.

LETTER to MRS. M. HALLER RE: CROW PROPERTY, BLOCK 69, LOTS 10-16

Mayor Marks reported that he had received a letter from Mrs. M. Haller concerning the "Unightly corner of 12th

and H Streets", being the former Hotel Modesto building, owned by Henry T. Crow, Block 69, lots 10-16 inc., which had been destroyed by fire on May 3, 1944, in which she had asked why "something was not done concerning this corner." Mayor Marks read a letter he had written in reply to Mrs. Haller, dated February 25, 1952, a copy of which is on file in the City Clerk's Office, in which he explained the problems involved in the correction of this situation. This letter quoted from an opinion of the City Attorney on the responsibility of the Council in the matter. The letter

brought out the fact that the City has done everything that it can reasonably do as far as its authority extends and that the City was still hopeful that something could be done or that developments will occur in the near future which will remedy the situation. The Council expressed their approval of the communication and Councilman Merrill introduced

RESOLUTION NO. 9749-N.S.

which was seconded by Councilman M. Adams authorizing the Mayor to sign and mail the letter to Mrs. Haller and to have copies delivered to the various news agencies in the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, Mayor Marks
Noes: Councilmen: None.
Absent: Councilmen: None

ADOPT STANDARD SPECIFICATIONS FOR SUBDIVISION IMPROVEMENTS

Councilman Mellis introduced

RESOLUTION NO. 9750-N.S.

which was seconded by Councilman M. Adams adopting the document entitled "Standard Specifications for Subdivision Improvements in the City of Modesto, dated February 1952", copies of which are on file in the office of the Director of Public Works and the City Clerk, and which is hereby made a part of this resolution by this reference, and which is to become effective upon the effective date of Ordinance No. 1019-N.S., entitled "An Ordinance Amending Ordinance No. 720-N.S. of the City of Modesto Entitled 'An Ordinance Prescribing Subdivision Regulations to be observed in the City of Modesto by Subdividers of Land and Persons Filing Maps of Subdivisions of Land', as Amended, by Amending Section 5 Thereof, and Repealing Section 2 of Ordinance No. 962-N.S.", which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

FINAL ADOPTION ORD. NO. 1019-N.S. SUBDIVISION ORDINANCE

Ordinance No. 1019-N.S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 720-N.S. OF THE CITY OF MODESTO ENTITLED:

'AN ORDINANCE PRESCRIBING SUBDIVISION REGULATIONS TO BE OBSERVED IN THE CITY OF MODESTO BY SUBDIVIDERS OF LAND AND PERSONS FILING MAPS OF SUBDIVISIONS OF LAND' AS AMENDED BY AMENDING SECTION 5 THEREOF, AND REPEALING SECTION 2 OF ORDINANCE NO. 962-N.S." having been heretofore introduced and ordered printed and published at the regular meeting of February 13, 1952, Councilman M. Adams moved that the ordinance be finally adopted, which motion was seconded by Councilman Arata and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

DISCUSS HEALTH SERVICE FOR CITY

Following a meeting on Monday, February 25, 1952 of the Council with John C. Dement, M.D., Chief Division of

Local Health Service, State of California, Department of Public Health, the City Manager presented a letter to the Council which he received from Dr. Dement in which Dr. Dement set forth immediate choices which the Council might make for the operation of the City Health Department as follows:

- 1 - Request, by resolution of the Council, that the Health Department of Stanislaus County undertake to provide health services to the City of Modesto as set forth in the Health and Safety Code. This resolution must be in the hands of the Board of Supervisors on or before the 1st of March of any given year, the date on which

services would start being July 1st of that year.

- 2 - Enter into a contract with the Board of Supervisors of Stanislaus County for the provision of public health services to the City of Modesto by the County Health Department. Such an arrangement can take effect on any date mutually agreed upon by the City Council and the Board of Supervisors. If the City of Modesto has special ordinances bearing on any phases of the public health program, this would probably be a preferable arrangement as under the resolution procedure the County Health Department would not be required to enforce these local ordinances.
- 3 - Retain present City Health Department.
- 4 - Formation of a county-wide health district. This would of necessity be a rather long-range approach, due to the steps necessary under the local Health District Act, looking to the formation of such a district.

Dr. Dement set forth in his letter, the amount of money that would accrue to the City for the Health Department under the various plans. A copy of this letter is on file in the office of the City Clerk.

It was brought out in the discussion that followed the residents of the City of Modesto should get a maximum value in service for every dollar they pay. The City Manager informed the Council that he had asked the City Health Officer, Mark Landquist to prepare a complete report on the operation of the City Health Department, which would be presented to the Council as soon as complete.

Councilman Annan reported on an informal meeting with Ken Ables, Chairman of the Board of Supervisors and Dr. George O'Brien, County Health Officer. He stated that it was the opinion of Ables and Dr. O'Brien that should the city and county health departments operate together they could maintain the maximum standards as required by the State of California and they favored immediate planning of an arrangement satisfactory to all.

It was also brought out that the city should protect the citizens, not only of Modesto, but also those who come into the city from the outside. Councilman Dan Mellis stated we should assure the people that they will have just as good or better health service in the future as they now have.

It was brought out in the discussion that the matter should be considered at once and that in order to arrive at an intelligent decision the complete report of the operation and revenue of the City Health Department should be prepared and submitted to the Council for study. Councilman Annan introduced

RESOLUTION NO. 9751-N.S.

which was seconded by Councilman R. Adams, directing the City Manager to work with the county officials and also obtain all the information possible concerning the City Health Department as to cost and relative levels of service rendered, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

8 APPLICATION TO OPERATE USED CAR LOT - GRADY MONKS, SR.

An Application to Operate a Used Car Lot" filed by Grady Monks, Sr., at Noedham and O Streets, being

Block G, portion of Lots 17-19 inc., was referred to the City Manager for consideration and recommendation by him at the next Council meeting.

9 DECREASE REVOLVING FUND

Councilman Merrill introduced

RESOLUTION NO. 9752-N.S.

which was seconded by Councilman Mellis rescinding Resolution No. 9287-N.S. ~~which was seconded by Councilman Mellis rescinding Resolution No. 9287-N.S. entitled:~~

"A RESOLUTION INCREASING REVOLVING FUND FROM \$415.00 TO \$475.00 IN THE OFFICE OF THE TREASURER OF THE CITY OF MODESTO AND AUTHORIZING THE AUDITOR TO DRAW WARRANT

In AMOUNT \$60.00", adopted by the Council on January 24, 1951 and directing the Director of Finance to deposit the \$40.00 received from the Police Court in the General Fund and establish the "Revolving Fund" at \$435.00, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

10
AWARD BID ON DEEP
WELL TURBINE PUMP

The City Manager reported that four bids had been received on the furnishing and installing of a deep well turbine pump with motor. These bids had been opened at 2:00 P.M. on this date in the presence of the Director of Public Works, the City Clerk and L.M. McFarland, as well as representatives of the companies bidding. These bids had been tabulated by the Public Works Department and the Public Works Director had reported that although the bid of the Stanislaus Implement and Hardware Company was the lowest bid, it did not completely meet the specifications, and that the delivery date of Layne and Bowler Corporation was the earliest of all the bids received and that the specifications provided that consideration could be given to the factor of early delivery, due to the possibility for early sprinkling this spring. Councilman M. Adams introduced

RESOLUTION NO. 9753-N.S.

which was seconded by Councilman R. Adams accepting the bid of the Layne & Bowler Corporation for \$3,185.28, as this was the best bid received due to the prompt delivery date and due to the fact that the bid submitted by Stanislaus Implement and Hardware Company did not completely meet the specifications. The City Clerk is directed to draw warrant in payment upon receipt and approval of equipment and to return the bidding checks to the unsuccessful bidder, which resolution was regularly adopted by the following vote:

Ayes: Councilman: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

11
APPOINT NEIL M. CECIL ON
PLANNING COMMISSION Councilman M. Adams introduced

RESOLUTION NO. 9754-N.S.

which was seconded by Councilman Merrill appointing Neil M. Cecil, resident of the newly annexed Northwest Addition to the City of Modesto, as a member of the Modesto City Planning Commission to serve for the unexpired term of Herbert E. Brooks, until January 1, 1956, who had recently resigned from the Commission due to his transfer to Seattle, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

12
COMMUNICATION FROM
CITY OF BURBANK

A communication was read from the City of Burbank which enclosed a copy of a resolution adopted by their Council, opposing the proposal of the County Supervisors Association for a 4% State Sales Tax to be participated in by the Counties. This communication was ordered filed in the office of the City Clerk.

13
REQUEST INSTALL POSTER
RED CROSS-H AND LALOMA

A request was filed by the American National Red Cross, Stanislaus County Chapter, for permission to install a Red Cross poster, size about 20 feet by 10 feet, on the island off of H Street at LaLoma Street for the 1952 campaign, starting March 3, 1952. The City Manager informed the

Council that Mrs. A. Hamaway, member of the Publicity Committee of the Red Cross, assured ~~him~~ that they would meet all safety requirements and all other regulations in regard to the installation of this sign. Councilman Mellis brought to the attention of the Council this very hazardous traffic condition at this intersection with many crossings, all in less than a one-half block area and he stated that he opposed the installation of this sign as he thought it would be an added hazard at this location. After some discussion, Councilman Arata introduced

RESOLUTION NO. 9755-N.S.

which was seconded by Councilman Merrill, empowering the City Manager to grant a permit to the said applicant to install a banner, providing if after investigation he found that it would not add to the traffic hazard at this location and if, it was found to be a hazard at this location, the City Manager was empowered to grant permit to install the banner at some other location which he considered proper, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

14 LEAGUE REQUEST REQUEST TO
TAKE INITIATIVE ON SETTING
UP CITY-COUNTY COMMITTEE

The City Manager reported that the League of California Cities had requested the Mayor of Modesto to take the initiative in setting up a City-County Committee in Stanislaus County and to proceed with the study of City-County relations and other problems that might be worked out locally. He stated that there were many problems that could be considered by this committee and he thought it was a very good thing to do. Councilman Merrill introduced

RESOLUTION NO. 9756-N.S.

which was seconded by Councilman Mellis, authorizing the Mayor and City Manager to work with the other cities in the county and with the county for the purpose of establishing such a committee, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

15 SALE OF TAXICAB
PERMIT * J.F. FRENCH

J. F. French appeared before the Council at this time in regard to the sale of his taxicab permit to E.M. Lester. The City Manager informed him that the Council had, earlier in the meeting, authorized another week for consideration of this request.

16 REQUEST CURB CUT
HENRY JOHNSON, BLOCK
87, Lots 28 and 29

The City Manager reported that a request had been filed by Henry Johnson, owner of Block 87, Lots 28 and 29 for a permit to cut the curb on this property to install a driveway so that the property could be used as a private parking area for employees of the Sears Roebuck Company and that the Director of Public Works had made an investigation of the property and recommended that a 10 foot curb cut be granted to the applicant, said cut to be located on the north side of 11th Street, 98 feet, beginning from the easterly line of M Street and that the entrance to this parking lot be from the street and the exit from the alley. Councilman Annan introduced

RESOLUTION NO. 9757-N.S.

which was seconded by Councilman Arata, granting permit to said applicant Henry Johnson

for a 10 foot curb cut as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilman: None

Absent: Councilmen: None

17
ESTABLISH WASHINGTON STREET AS ARTERIAL STREET

The City Manager reported that the Interdepartmental Traffic Committee had recommended that the entire length of Washington

Street be included in the arterial street system. They based their recommendation on the following considerations:

- 1 - Washington Street separates the old town from the new.
- 2 - Jefferson Street passes through an area which is practically entirely residential and also next to one of the city parks.
- 3 - Washington Street is today paved for a greater portion of its length than is Jefferson Street.
- 4 - It carried today a larger volume of traffic than does Jefferson Street.
- 5 - For a considerable portion of its length the east side of Washington Street is already zoned for commercial or industrial use and it is contemplated that future zoning of the old part of town in this area will be of less restricted nature also.

Councilman R. Adams introduced

RESOLUTION NO. 9758-N.S.

which was seconded by Councilman Mellis, designating the entire length of Washington Street as an arterial street and directing the Director of Public Works to install stop signs where required, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

18
EXTEND SEWER LINE TO NORTH AREA

The matter of extending the city sewer line into the north area between Douglas and Magnolia Avenues was held over for

one week.

11
DISCUSS HOUR OF COUNCIL MEETINGS DURING SUMMER

Councilman Merrill suggested that during the summer months the Council consider changing the hour of meeting from 7:30

P.M. to 7:00 P.M. Attorney Grimes informed the Council that in order to meet at this time, it would be necessary to amend Ordinance No. 959-N.S. The City Manager and the City Attorney were instructed to check into the matter and report to the Council at a later date.

20
MANAGER REPORT ON PENDING MATTER TO COUNCIL

The City Manager suggested that he make a report for the

Council on various matters and projects on which the city is working currently and that the programs be worked out on the basis of the most important problems being considered at the earliest date. It was agreed that this would be desirable.

21
MANAGER REPORT ON LEAGUE MEETING

The City Manager reported to the Council that he and Harry Sham, Manager of the Municipal Airport, had attended a meeting on February 20, arranged by the League of California Cities held at the Los Angeles Municipal Airport for Mayors, City Managers and Airport Managers, to study airport problems. He stated that many worthwhile accomplishments were being made by this organization in the interest of airports.

Mr. Miller reported that about 100 members from California and guests from Oregon, Arizona and Nevada attended a three day City Manager convention

in Riverside and there were also a few County Managers from California. In the interest of city-county relations he stated, that all county managers in the State of California would be formally invited to attend next year's meeting. One of the matter discussed at the Thursday Morning breakfast was the Mayor's function under the Council-Manager form of government. Mr. Miller stated that he felt this was a most important matter and that in his opinion Mayor Marks had done a good job in handling his part of the city job. Many administrative and legal problems were discussed. One of the most important was the rating methods of the Board of Fire Underwriters. Although they have done a fairly good job, he stated that it was brought out that the rating schedule needs revision and that cities need to give the matter more attention. He also brought out that the fire alarm system has not been changed much for many years, and he listed several changes that were being proposed in this system which would be of great benefit to cities.

Mayor Marks stated that he and Councilman R. Adams were pilots and that they were vitally interested in the airport and that he thought that the present airport was located in the wrong place and he thought that any change in the airport set-up to a larger and better location should be undertaken by more than just the city itself. He stated that if the airport were moved that the present area could be used as an industrial area.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:


Rex E. Gailfus, City Clerk

Council Meeting

March 5, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 959-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

APPROVAL OF MINUTES

Councilman Mellis introduced

RESOLUTION NO. 9759-N.S.

which was seconded by Councilman R. Adams approving the minutes of the regular meeting of the Council of February 20, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

MODESTO MINISTERIAL ASS'N
REQUEST USE MANCINI BOWL
FOR EASTER SERVICES

A request from the Modesto Ministerial Association for the use of the Mancini Bowl in Graceada Park for Easter

Sunrise Services on April 13th, 1952, in which all denominations participate, was considered by the Council and Councilman R. Adams introduced

RESOLUTION NO. 9760-N.S.

which was seconded by Councilman Arata granting permit to the Modesto Ministerial Association to use Mancini Bowl for Easter Sunrise services, April 13, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

3
MODESTO CHURCH FEDERATION
REQUEST USE MANCINI BOWL
SUMMER SERVICES

Clyde Oden, representing the Modesto Church Federation appeared before the Council and requested the use of the Mancini Bowl for summer evening meetings during the summer season from June 15th through Sept. 7, 1952. He stated that the people responded to the services in a good manner and that the programs were mostly musical, with some motion pictures and were non-denominational. It was brought out that some complaints had been received by the Council members in the use of the loud speakers in Mancini Bowl. Mr. Oden assured the Councilmen that the loud speakers would be properly regulated by their organization. Councilman Mellis introduced

RESOLUTION NO. 9761-N.S.

which was seconded by Councilman Merrill, authorizing the use of the Mancini Bowl by the Modesto Church Federation during the summer season beginning June 15th through Sept. 7th, 1952, in accordance with the stipulations set forth in Resolution No. 8831 N.S. adopted by the Council on March 15, 1950, entitled: "A RESOLUTION ESTABLISHING POLICY FOR THE USE OF MANCINI BOWL IN GRACEADA PARK", which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

4
REPORT BY CITY MANAGER ON
REQUEST TRANSFER OF TAXICAB
PERMITS TO E. M. LESTER

Having been requested by the Council to make a detailed report on the taxicab situation in the city as to licenses, companies and stands, the City Manager presented a report made by the Director of Finance, showing the present set-up of the taxicab companies and the number of permits and free stands in use. City Attorney Grimes reported that the city ordinance had not been followed in the transfer of permits, from one company to another and he suggested that a study of the report and taxicab permits be made by himself and the Director of Finance and that a meeting be held with representatives of the taxicab companies prior to the Council meeting of March 12th. It was also suggested that copies of the chart showing taxicab companies be distributed to the various taxicab owners prior to the meeting. Councilman Arata introduced

RESOLUTION NO. 9762-N.S.

which was seconded by Councilman M. Adams, setting March 12, at 7:35 P.M. as the official time and date of a public meeting to finally consider this matter, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

5
Sam Secreto suggested that the city establish the policy of issuing numbers to each taxicab so that the cabs might be easily identified by the Police Department and for other control of the cab business. Mayor Marks stated that this matter could be considered at the meeting to be held prior to the official meeting of March 12.

6
DEED FROM LEO HAMMETT ON
BLOCK 22, LOTS 21-24 INC.

A deed to Block 22, lots 21-24 Inc. was presented to the Council by Leo C. Hammett on behalf of the Modesto Youth Organization "on the condition that the property be sold by Grantee and all funds derived from the sale thereof, less selling costs, be deposited in

the Maddux Youth Center Building Fund and be used for the purpose of helping finance the construction of the project known and described as the "Maddux Youth Center". This grant is made upon the express condition that if the Grantee herein does not sell the herein described property within three (3) years from the date hereof and deposit the aforesaid funds in the Maddux Youth Center Building Fund, then the title to the herein described property shall revert to the Chairman of the Recreation Commission of the City of Modesto as Trustee for the Modesto Youth Organization".

It was suggested by Councilman R. Adams that the actual acceptance of the Deed be delayed in order to find out whether the sale of this property could be handled under the name of Leo C. Hammett without having to transfer the title to the City of Modesto. It was suggested and agreed to by the Council that the Deed be filed with the City Clerk until the matter could be given further study.

7 VISIT BY CUB SCOUTS A group of boys belonging to Pack #7 of the Cub Scouts and their Den mothers visited the Council while on tour of the City and County Buildings. Mayor Marks introduced the various members of the Council and the Department heads to the group.

8 AWARD BID ON SEWER LINES The City Manager reported that 7 bids had been received on the construction of sanitary sewer in Robertson Road, between Sutter Avenue and Hammond Avenue and sanitary sewer extension in Morris Avenue, between Coffee Road and Block 1007. These bids had been opened at 2:00 P.M. on Monday, March 3, 1952 in the presence of the Director of Public Works, the City Clerk and L. A. McFarland, as well as representatives of the companies bidding. These bids had been tabulated by the Public Works department and the Director of Public Works had recommended that the bid be awarded to Lentz Construction Company for \$9,050.00 as their bid was the lowest bid received. Councilman Annan introduced

RESOLUTION NO. 9763-N.S.

which was seconded by Councilman Mellis accepting the bid of the Lentz Construction Company, as this was the lowest and best bid received. The Mayor and City Clerk are hereby appointed signatory officials on the contract for the completion of this work, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

9 AUTHORIZE CLERK CALL FOR BIDS ON INDUSTRIAL TRACTOR Councilman M. Adams introduced

RESOLUTION NO. 9764-N.S.

which was seconded by Councilman Arata authorizing the City Clerk to call for bids for furnishing one new industrial type rubber-tired tractor in accordance with the specifications on file in the office of the Director of Public Works, All bids to be received not later than 2:00 P. M. on Tuesday, March 18, 1952. All bids received will be opened and read at the above specified time in the city Council Chamber, 717 Tenth St. Modesto. Any award made or contract entered into, shall be by action of the City Council meeting in regular session at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

10 ORDINANCE NO. 1020-N.S. Councilman Annan introduced an ordinance, being
AMEND ORD. NO. 959-N.S.
TIME AND PLACE HOLDING
COUNCIL MEETINGS

ORDINANCE NO. 1020-N.S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 959-N.S. ENTITLED "AN ORDINANCE FIXING THE TIME AND PLACE OF HOLDING REGULAR MEETINGS OF THE COUNCIL OF THE CITY OF MODESTO, PRESCRIBING THE MANNER IN WHICH SPECIAL MEETINGS MAY BE CALLED AND REPEALING ORDINANCE NO. 2-N.S. AND ORDINANCE NO. 604-N.S." BY AMENDING SECTION 1 THEREOF" and moved its adoption and passage to print and publish, which motion being duly seconded by Councilman Merrill, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REPORT BY CITY MANAGER ON FIRE PREVENTION CITY FACILITIES A report was made by the City Manager

on the progress being made on fire prevention inspection of city-owned buildings and facilities by the Fire Department. He stated that the members of the Fire Department had inspected all city buildings and they they had itemized all hazardous conditions and had recommended corrective action to eliminate each. He stated that he had asked all department heads, where possible, to correct these conditions immediately and those conditions which involve greater expense, such as building modification, he had suggested be brought up at the next meeting of the General Safety Committee. The City Manager stated that he was going to follow up on these suggestions.

REPORT BY MANAGER ON BUDGET CALENDAR

The City Manager reported to the Council on a budget calendar and operation schedule for the 1952-53 budget. He stated that this schedule was being distributed to all department heads and he recommended that the budget be submitted to the Council not later than June 1, 1952. Councilman M. Adams introduced

RESOLUTION NO. 9765-N.S.

which was seconded by Councilman Merrill directing the City Manager, as provided by Article 8, Section 1302 of the City Charter to submit the proposed city budget to the Council for its consideration not later than June 1, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

DENY CLAIM OF CAROLYN A. UTTERBACK FOR PERSONAL INJURY

The City Attorney reported that the City Manager has been presented with a claim on February 25, 1952 on behalf of Mrs. Carolyn A. Utterback, 632 12th Street for \$75,000.00 due to personal injuries which she claimed were the result of an accident which occurred on January 3, 1952 at the corner of 12th and G Streets, while she was walking across the street and stepped in a small valve box cover causing her to fall to the pavement, fracturing her left hip. Councilman R. Adams introduced

RESOLUTION NO. 9766-N.S.

which was seconded by Councilman Annan rejecting the claim of Mrs. Utterback and and referring the claim to the City Attorney, to refer to the City's insurance carrier, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

14 COMMUNICATION NATHAN LONG
RE: SEWER SUMP

A letter by Nathan Long to Mrs. Black, describing the condition of the sewer sump at 1402 Figaro Avenue, Modesto, was shown to the Council at the request of Mrs. Long. The Council inspected the pictures which accompanied the letter. The City Clerk was directed by the Council to return the pictures and letter to Mr. Long.

PARKING IN ALLEYS

Councilman Arata suggested that something be done to correct the problem of having the alleys in the business district blocked by trucks parked to load and unload. It was suggested that the alleys between 9th and 15th Streets and G and L Streets, be made one way alleys, with parking for loading and unloading purposes only on the right hand side. Although this matter would be considered in the over-all traffic study, the City Manager suggested that this problem of truck loading and unloading in the alleys could be worked out at this time and a suggested solution presented to the Council at a later date. It was agreed that these alleys should probably be one-way alleys and parking should be allowed for loading and unloading purposes only on the right hand side. The City Manager was instructed to work on this problem.

17 TRAFFIC CONDITION AT
MORRIS & MC HENRY AVENUES

In answer to a question by Councilman Mellis the City Manager reported that the traffic condition at McHenry and Morris Avenues was still being considered by the State Department of Public Works, Division of Highways, but the final report had not been filed with him at this time.

16 REPORT BY R. H. SHELTON
ON CIVIL SERVICE EXAMINATION
GIVEN FOR DRIVER-FIRE DEPARTMENT

R. H. Shelton, Administrative Assistant to the City Manager, reported that a written examination for Driver-Fire Department had been given on Tuesday, evening, March 4, 1952 and that 14 applicants had taken the examination. He stated that this examination would be followed by an oral interview and an agility test, which is a new requirement for firemen and policemen.

The City Manager reported that the Personnel Commission and Mr. Shelton were doing a fine job, that the personnel ordinance is being revised and a better system of oral examinations had been worked out in which the Commission had assigned the details to the City Manager. Representatives of the employees were meeting with the commission on these matters.

17 S. P. TRAINS BLOCKING
STREETS

Mayor Marks reported that he had been informed the Southern Pacific Company were again blocking the cross streets for long period of time and he thought that something should be done to help this situation. He read a clipping which had been presented to him by Councilman Merrill concerning a suit filed by a milk company in Sunbury Pa. against a railroad company because a crossing was blocked during a fire causing a great deal of damage. The City Manager stated that he has asked the Police Department for a further report and that another meeting would be held with the Southern Pacific officials at an early date concerning this matter.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:


REX E. GAILFUS, CITY CLERK

Council Meeting

March 12, 1952

The Council of the City of Modesto met in regular session this date at 7:30 P. M. as provided by Ordinance No. 959-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

APPROVE MINUTES OF COUNCIL MEETINGS

Councilman M. Adams introduced

RESOLUTION NO. 9767 N.S.

which was seconded by Councilman Annan, approving the minutes of the Council meetings of February 27 and March 5, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AMERICAN RED CROSS REQUEST PAINT SLOGAN ON SIDEWALKS

2 A. A. Hamaway, member of the publicity committee of the American Red Cross, appeared before the Council and requested they be granted permission to stencil the Red Cross 1952 slogan "Answer the Call" on the sidewalks, with a washable paint, in the down town business area. He stated they plan on soliciting the merchants in the business area in one big campaign. By order of the Council the City Attorney was directed to look into the ordinance to determine if this request could be granted and to report at their next meeting.

PROTEST TO VARIANCE GRANTED TO BEARD LAND & INVESTMENT COMPANY

3 Approximately 25 property owners appeared before the Council protesting to the granting of a variance to the zoning ordinance by the Modesto City Planning Commission, to the Beard Land & Investment Company permitting them to operate an "Off Street Truck Parking and preventative maintenance of same" business at 225 Seventh Street. Mrs. Evalyn R. Donihue spoke for the group and stated that their protest was based on the fact that this area is zoned for residences and neighborhood business.

They had purchased this land for their homes from the original subdividers, the Beard Land & Investment Company, with the understanding that it was a single family dwelling area and restricted to neighborhood business and that they were at this meeting to see that the property was maintained for these uses.

City Manager Miller recommended that a date be set for a hearing of protests.

The Director of Planning, Cyril M. Henderson, stated that Ordinance No. 825-N.S. regulated the granting of variances from the zoning plan of the City. In general it provides that the Planning Commission shall have the power to vary or modify the strict application of the Zoning Ordinance and that the ordinance provides that the Secretary, "may set a time and place for a public hearing" but a public hearing is not required and was not held on this variance. He stated that the Zoning Ordinance provides that an appeal may be filed with the Council by anyone, but must be in writing and taken within 90 days following the action of the Planning Commission and the Council must set a date for hearing of protests.

At this time Mrs. Donihue presented a signed petition protesting to this variance, with the signatures of 74 property owners adjoining this area.

Mayor Marks stated that this could be considered as a formal protest against the granting of this variance.

The question was asked if the hearing could be held at this time and Attorney Grimes stated that it would not be proper to hold a hearing without giving both sides an opportunity to appear before the Council and present facts.

Councilman M. Adams introduced

RESOLUTION NO. 9768-N.S.

which was seconded by Councilman Mellis, setting the time and place for a public hearing on the protest filed against the variance granted by the Modesto City Planning Commission to the Beard Land & Investment Company as 7:35 P.M. Wednesday, March 26, 1952, at the City Hall, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

EXPRESSION FROM AUDIENCE ON ROOSEVELT SCHOOL PROPERTY

4
Mayor Marks asked the group of people in the audience what they thought about the possibility of the Roosevelt School property getting away from the people who now owned it, the Modesto High School District, which is composed of people in the city and the surrounding area. He questioned if they felt that this property should be used for the benefit of all the people in the community, such as for a civic auditorium.

Mrs. Evalyn Donihue remarked that she felt that this property should be retained for the use of the community. With building costs as they are now, this building could not possibly be replaced without costing a great deal more to the tax payers. This property could easily serve as a civic center as it is in a logical location and that everything should be done to see that this property is retained by the people of the community.

It was brought out in the discussion that followed, that the people of Modesto actually owned 40% of this property. Mayor Marks commented that the "land is what we do not want to see get away."

It was brought out that the boundaries of the Modesto High School District were approximately the same as the Greater Modesto Area and that this land could be used to place an auditorium on later, after the election, and that would be a means by which the School Board could turn it over to the community, in fairness to the taxpayers.

REQUEST FOR FREE PARKING PERMIT FOR JURORS--JUDGE H. L. CHAMBERLAIN

5
A communication was filed by Judge H. L. Chamberlain requesting that the Council consider granting free parking permits to jurors, since "They have been compelled either to park at a considerable distance from the Courthouse where there are no parking restrictions and to walk to the courtroom for service as jurors or to park in metered parking places closer to the Courthouse, but in which they have only a limited time and are frequently compelled either to move their cars or to make further deposits in the meters." He enclosed a suggested "Free Parking Permit" card which could be issued to jurors.

Judge Chamberlain also appeared before the Council and further explained why he believed these jurors should be granted permit to park close to the courthouse as they were serving on the jury for a small fee and they had been put to a great inconvenience in being called to serve as a juror.

Councilman Merrill questioned Judge Chamberlain if it was his idea that the city should furnish parking facilities for the county and brought to the attention of the Judge that the City had a free parking lot at 15th and I Streets, just 3 blocks from the Courthouse, where the jurors could park their cars free all day. He was asked if the jurors knew that this lot was available to them.

Judge Chamberlain stated that some of the jurors come from remote parts of the county and were required to be on time and they cannot afford to take the time that is necessary to go that distance.

Mayor Marks stated that the city had jurisdiction over parking on the streets and the Parking Authority over the parking on the parking lots.

The City Manager pointed out that three city lots were easily available, one at 15th and I Streets, with free parking all day, one at 12th and I Streets, which costs 50¢ for all day, one at the corner of 11th and G Streets, which costs 30¢ all day. He also brought out the fact that many public spirited citizens were serving on various commissions and boards without receiving any remuneration and that the Council received approximately 17¢ per hour for their service to the community. The City Manager stated that a map had been printed which he could make available to the Judge to distribute to the jurors, giving the locations of these parking lots since many may not know about these lots. The Judge stated that he would be glad to advise them of the location of these lots.

Attorney Grimes advised that in as much as there is a meeting before the Parking Authority next week, this matter could be brought before them.

PROGRESS REPORT BY ENGINEERS OF THE BOARD OF FIRE UNDERWRITERS

Fire Chief Jack Wemyss introduced Engineers, Frank P. Young and Fred Kaiser of the Board of Fire Underwriters of the Pacific to the Council.

Mr. Young reported that they had been in Modesto for a number of weeks making a study of the fire protection facilities of the City. He stated that it had been about 10 years since a study of this kind had been made and that their investigations had not been completed at this time and their conclusions would only be tentative. He outlined the various things that entered into the establishing of a fire rate for a city, such as a detailed study of the water system, fire fighting equipment, fire alarm facilities, city ordinances, codes and general conditions throughout the city. He reported that the water system was very good but they did not approve of the four centrifugal pumps still remaining in the water system. Since the last survey in 1942, the city had improved the water system by the installation of 3 more wells, making a total pumping capacity of 17,000 gallons per minute, also a 600,000 gallon storage tank had been installed. However during this period of time the maximum daily consumption had increased 50%. In 1942 the maximum daily consumption was 10,000,000 gallons and in 1952 it had increased to 15,000,000 gallons.

Mr. Young reported that he had pointed out various deficiencies to the city department heads and they were very quick to correct these and that Fire Chief Jack Wemyss had been very cooperative. He had requested that Chief Wemyss consider changing the method of responding with his equipment in the mercantile area and also had recommended that they should not receive any telephone calls except fire calls on the fire phone.

Mayor Marks asked Mr. Young "What does it mean to the city to be committed to these contracts that we have outside the city? Is it a good deal?"

Mr. Young informed the Council that he felt that it is not a good deal for the city. The plants covered by these contracts are located in different parts of the community and when the fire department responds to these calls, 2 fire engines, with 4 firemen are sent out, thus weakening the fire protection in the city limits for the citizens who have actually paid for the fire department.

Mr. Young was questioned as to what it would cost the city to avoid being penalized in its fire rating, if they continued furnishing fire protection for these concerns and he stated that he could not give the cost but it would require that the city hire at least 10 more full time firemen and purchase 2 new fire trucks. The Council estimated that this would mean about \$40,000.00 a year for personnel only. The fact was brought out that about \$1500.00 is paid by the concerns for this fire protection service. Mr. Young stated that the fire trucks are radio equipped and the Fire Chief could call them back but it is not a good thing for the city to deplete their man power and engine power.

Mayor Marks stated that the Council was interested in seeing that the 19,000 residents of Modesto get what they pay for in their fire department.

When Mr. Young was asked how the contracts for fire protection on outside plants affected the rating, he reported that a tentative estimate would be approximately 34 deficiency points. Modesto is now rated as 3B and deficiency points are very hard to eliminate at this point.

The City Manager questioned if the relocation of some fire stations would be beneficial.

Mr. Young believed the city could get by with 3 stations if one of the stations were more centrally located, closer to the mercantile or industrial area. Possibly fire station No. 4, at Coldwell and Virginia Avenues could be eliminated and the equipment and personnel moved closer to the center of the city, and thus furnishing better protection to the mercantile area.

Mr. Young informed the Council that because of the highly developed business area in the center of the city, Modesto would have to be rated as a larger city of possibly 40,000, although the population is only 19,000.

The City Manager commented that this was the reason for the high per capita cost of fire protection in the city.

Mayor Marks commented that 34 deficiency points may save our industries, merchants and owners of residential property in the city limits, thousands of dollars.

Mr. Young informed the Council that if the area now being considered by annexation is annexed to the city, the fire rates in these areas would depend on the water mains in these areas, extension of the fire alarm system and the response made.

Mr. Young stated that the city would receive some consideration in their rating on the fire prevention work now being conducted by the fire department. He stated that he knew that we had a good fire prevention program of this type tended to reduce fire hazards, thus cutting down on fire losses.

John B. Beard, representing the Modesto Refrigerating Company, stated that his company was one of the companies enjoying a fire protection contract and they considered this contract extremely valuable and important in many ways to them and to the other concerns in the area. They appreciated that they have been able to get it and hoped that it could be continued. They saved money on their contract by lower insurance rates and it assured them that they had additional fire protection. He commented that if their building should burn down, not only their employees would be temporarily

out of work but many other employees of their customers in that area.

Maynard G. Stark of the Barium Products Ltd. was introduced to the Council and he expressed appreciation for the fire protection afforded the Barium plant and hope that the city could continue this service.

Later in the meeting Mr. Beard, along with representatives of other companies being furnished fire protection, and Mr. Young of the Board of Fire Underwriters, reappeared before the Council and questioned the Council if they could delay the consideration of cancelling these contracts until the final report was being considered by the Board of Fire Underwriters. Mr. Young advised the Council that the Board would not act upon their report immediately and the Council would have time to cancel these contracts under the 30 days clause in the contract before final actions was taken by the Board.

REPORT ON STUDY OF TAXICABS IN THE CITY

1 City Manager Miller reported that a hearing had been set for this date to consider the taxicab operations in the city. Attorney Grimes reported that there had been a meeting held with representatives of the owners of various taxicab companies operating in the city and city officials to discuss the regulating of taxicabs in the city and from that meeting considerable progress was made but it was not possible, at the present time, to have the hearing until further study had been made and he requested that a continuance of 2 weeks from tonight, be granted for the hearing. Councilman Mellis introduced

RESOLUTION NO. 9769-N.S.

which was seconded by Councilman M. Adams setting the date of Wednesday, March 26, 1952, at 7:40 P.M. in the Council Chambers, as the date for the hearing on the operation of taxicabs in the city, which resolution was regularly adopted by the following vote:

Ayes : Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ANONYMOUS LETTER "PAYMENT ON ITEMS BORROWED BY FORMER EMPLOYEE"

4 The City Manager reported that an anonymous letter had been received by the City of Modesto, Department of Public Works, which read as follows:

"Enclosed please find \$5.00 in payment of items I borrowed with the intention of repaying while I was employed by the City."

Councilman Annan introduced

RESOLUTION NO. 9770-N.S.

which was seconded by Councilman M. Adams, accepting the \$5.00 and directing the Director of Finance to deposit the money in the General Fund of the City, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REQUEST FOR FUNDS-SALVATION ARMY

9 The City Manager reported that two letters had been received from the Salvation Army requesting funds, one for \$300.00 which is the customary annual appropriation to assist with the welfare program of the Salvation Army and which had been previously paid to them by a \$50.00 monthly contribution for six months. It

was recommended that and contribution to the Salvation Army should be handled by an agreement rather than by a monthly installment plan. Decision on this request was delayed for one week.

The second letter requested that the city contribute \$750.00 to be used by them to defray the expenses of their cook in their Salvation Army Kitchen. As this was new business, by order of the Council, this request was taken under consideration until a later date.

COMMUNICATION-DAIRY INSTITUTE OF CALIFORNIA

A communication from the Dairy Institute of California regarding the subject "Is Milk Priced Too High" was ordered filed.

CLAIMS FOR MONTH OF FEBRUARY

The allowance of the claims of the City for the month of February, 1952 was held in abeyance for one week to determine the total amount of the claims.

ONE HOUR PARKING IN 600 BLOCK ON NINTH STREET

The City Manager reported that the City had received approval from the State Division of Highways, to establish a "one hour" limits on parking on both sides of Ninth Street, between F and G Streets.

Councilman Mellis recommended that we establish two hour parking in this block to enable people to park their cars and go shopping.

The Planning Director reported that the original request for limited parking had been from restaurant operators in this block, and the turn over of parking is faster due to this type of business. The Inter-departmental Traffic Committee had recommended that one hour parking be established on the east side only to discourage "jay walking" across a state highway by people going into the restaurants and bars. Attorney Grimes reported that the approval from the State was for both sides of the street and in order to establish parking on one side only, it would be necessary to decide whether one hour or two hour parking is to be established.

Councilman Mellis introduced RESOLUTION NO. 9771-N.S.
which was seconded by Councilman Arata establish one hour parking on the northeast side of Ninth Street between F and G Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes : Councilmen: None

Absent:Councilmen: None

AUTHORIZE PROGRESSIVE PAYMENT TO STANDARD MTERIALS LTD.-SEWER LINE, BRADY AVENUE

WHEREAS, the Director of Public Works has filed a report on the progress of the construction of sanitary sewer line in Carolyn Avenue between Griswold and Brady Avenues by the Standard Materials Ltd., recommending that payment of \$2,027.19 be made to the contractors for work completed to date. Councilman Mellis introduced

RESOLUTION NO. 9772-N.S.

which was seconded by Councilman Arata authorizing payment of \$2,027.19 to the Standard Materials Ltd., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent:Councilmen: None

Councilman Mellis inquired how much more it had cost the city to build this sewer line, which is outside the city, than had been collected from the property owners

to be served by this line.

The City Manager reported that the actual cost was somewhat more than had been collected from the property owners, due to the unusual lay-out of the lots. Some similar cases were currently under study and these will be presented to the Council for decision as to whether or not the property owners will be required to pay the total cost of the installation of the line.

The City Manager reported that he had asked the Director of Public Works to determine whether or not the present charge for lateral sewer connection was sufficient to cover the cost "on the average."

14
APPROVAL BY STATE ON TRAFFIC SIGNALS

The City Manager reported that a communication had been received from the Stockton office of the State Division of Highways advising that their headquarter office in Sacramento had tentatively approved their proposal for a "full traffic actuated signal" at the intersection of Morris and McHenry Avenues and for a "fixed time inter-connected signal" at the intersection of 11th and D Streets. They stated that their office will proceed with the preparation of the preliminary reports shortly.

15
REPORT ON STREET TREES IN COMMERCIAL AREAS AND STREET TREE PLAN

Copies of a detailed report prepared by the Director of Public Works on trees suitable for planting on streets in commercial areas, as well as a proposed ordinance regulating the planting, removal and maintenance of trees and shrubs on public streets, were presented to the Council for their study and to be considered at a later meeting.

16
APPROVE AGREEMENT-QUARESMA & CARLSON AND THE CITY ON COLLEGE CENTER TRACT

The City Attorney presented an agreement for approval of the Council between the City of Modesto and John Quaresma and Roy Carlson on the subdivision of College Center Tract, as requested by the Council at their meeting of February 20th. The City Attorney outlined the agreement as prepared and Councilman Mellis introduced

RESOLUTION NO. 9773-N.S.

which resolution was seconded by Councilman R. Adams, approving the agreement as presented and appointing the Mayor and the City Clerk as signatory officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

17
REPORT ON REQUEST OF GRADY MONK, SR. TO OPERATE A USED CAR LOT

The City Manager reported that the Director of Public Works had made an investigation of the request to operate a used car lot at Needham and O Streets, Block G, portions of lots 17-19 inc. filed by Grady Monk, Sr. He had reported that most of the "abutting street on both Needham Avenue and O Street now consists of driveway" and he recommended that all of the curb cut on Needham Avenue should be replaced and all except a driveway be replaced on O Street.

By motion of the Council Mr. Monk was granted permit to operate a used car lot at this location upon the condition he install curbing as recommended by the Director of Public Works.

At this time the Council held a general discussion on the subject of requiring other property owners to install curbing around their property so that the property could be used for parking.

18 CITY ATTORNEY REPORT ON PARKING IN DRIVEWAYS OF USED CAR LOTS WHEN LOTS NOT IN OPERATION

The City Attorney reported that he had investigated the question of whether it would be permissible for cars to be parked in driveways of used car lots in the business area when the lots were not in operation and that the State Vehicle Code prohibited parking in "private or public driveways."

REQUEST JENNIE SMITH-CURB CUT BLOCK 87

19 The City Manager reported that a request had been filed by Mrs. Jennie Smith, 1223 12th Street, for a curb cut on her property being Block 87, Lots 3 and 4, so that this property could be used for private parking for Sears-Roebuck employees. The City Manager stated that the Director of Public Works had made an investigation and had informed him that one street parking space will be lost but he had recommended that a curb cut, 10 feet in length be granted and had recommended that it be located on the Southerly side of 12th Street with the center line of the curb cut being 78' from the Easterly line of M Street. Councilman Annan introduced

RESOLUTION NO. 9774-N.S.

which was seconded by Councilman M. Adams granting request of Mrs. Jennie Smith to cut the curb at the above described location under the supervision of the Director of Public Works, which resolution was regularly adopted by the following vote:
Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

PARKING SPACES RESERVED FOR SHERIFF'S CARS

20 The City Manager informed the Council that he would make an investigation of the reserved parking spaces on H Street in front of the Silva Garage used by the automobiles from the Sheriff's office and report to the Council.

AUTHORIZE CITY MANAGER ENDORSE CHECK FOR PROPERTY DAMAGE TO CITY PROPERTY

21 The City Manager reported that the curb and sidewalk at 712 Scenic Drive had been damaged by a truck belonging to the Pacific Motor Trucking Company, as well as the fence on the property owned by Mae Reeves at this location, on February 20, 1952 and that the Pacific Indemnity Company had issued their warrant in payment of damages which have been already repaired, in the amount of \$65.00 to Mae Reeves and the City of Modesto jointly and he wished for authorization to endorse this check and release it to Mrs. Mae Reeves. Councilman Annan introduced

RESOLUTION NO. 9775-N.S.

which was seconded by Councilman Arata, authorizing the City Manager to endorse said warrant from the Pacific Indemnity Company and release same to Mrs. Mae Reeves, which resolution was regularly adopted by the following vote:
Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

AMEND ORDINANCES REGULATING CIRCUSES AND CARNIVALS SO AS TO CONFORM

22 The City Attorney reported that Ordinance No. 750-N.S. regulating a circus in the city required that an investigation be made and approval be given by an approved official of the city before a permit is granted but Ordinance No. 747-N.S. regulating carnivals in the city did not provide for a similar regulation. He recommended that a study be made, with the possibility of amending the ordinance regulating carnivals to require an investigation by an approved official so as to protect the peace, health

and safety of the citizens of the city. The Council ordered this study made.

FINAL ADOPTION ORDINANCE NO. 1020-N.S. ESTABLISH MEETING HOUR OF COUNCIL

Ordinance No. 1020-N.S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 959-N.S. ENTITLED: 'AN ORDINANCE FIXING THE TIME AND PLACE OF HOLDING REGULAR MEETINGS OF THE COUNCIL OF THE CITY OF MODESTO PRESCRIBING THE MANNER IN WHICH SPECIAL MEETINGS MAY BE CALLED AND REPEALING ORDINANCE NO. 2-N.S. AND ORDINANCE No. 604-N.S.,' BY AMENDING SECTION 1 THEREOF" having been heretofore introduced and ordered printed and published at the regular meeting of March 5, 1952, Councilman Merrill moved that the ordinance be finally adopted, which motion was seconded by Councilman Arata and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ADJOURNMENT

There being no further business to come before the meeting, the Council was duly and regularly adjourned.

ATTEST: 
REX E. GAILFUS, CITY CLERK

Council Meeting
March 19, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 959-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

REQUEST REMOVE TREE-BLOCK 506, LOTS 15 & 16-LEE R. HERMANSON

Lee R. Hermanson, Housemover, having secured a permit to move a small house from Block 506, Lots 15 & 16, on Needham Avenue, to a point outside the City, filed a request with the Council for permission to remove one Elm tree in front of this building. The Director of Public Works, Marvin E. Ray, explained that the house could be moved without removal of this tree, by trimming the heavy lower branches of both trees but he recommended that the most westerly tree be removed as the heavy trimming, in his opinion, would spoil the looks of the trees. Councilman R. Adams introduced

RESOLUTION NO. 9776-N.S.

which was seconded by Councilman Mellis authorizing the removal of the most westerly tree in front of this building as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REPORT ON REQUEST OF RED CROSS TO PAINT SLOGAN ON SIDEWALKS

A. A. Hamaway, member of the Publicity Committee of the American Red Cross, having requested permission to paint the Red Cross slogan on the sidewalks of the city during the annual fund campaign, the City Attorney reported to the Council that this would be in violation of Ordinance No. 584-N. S. which prohibited writing or marking on any sidewalk in the City of Modesto. He stated that the signs could

be painted on the streets. The Council instructed the City Attorney to advise the Red Cross that the painting of these signs on the sidewalks of the city was prohibited by ordinance and that permission could not be granted.

REQUEST STATE PERMISSION LOCAL SALES TAX OFFICIALS EXAMINE STATE SALES AND USE TAX RETURNS

Councilman Mellis introduced

RESOLUTION NO. 9777-N.S.

which was seconded by Councilman R. Adams requesting the Board of Equalization of the State of California recommend to the Governor that local sales tax officials be permitted to examine state sales and use tax returns pursuant to section 7056 of the Revenue & Taxation Code of the State and the City Clerk is hereby directed to send a copy of this resolution to the Governor of the State of California, to each member of the State Board of Equalization and to the League of California Cities, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

PROPOSED ORDINANCE ESTABLISHING STREET TREE PLAN AND PROVIDING FOR ADMINISTRATION OF THE PLAN

Pursuant to referring copies of a proposed ordinance, establishing a street tree plan for the city and providing for the administration of the plan, to the Council for their study and recommendation, Councilman Merrill recommended at this time that Section 4 of the proposed ordinance, entitled "Permit Required" be changed to place the power with the Council for granting permits for the removing of any trees growing on public streets, instead of with the Department of Public Works as the ordinance now provides. The Council instructed the City Attorney to make this recommended change.

ALLOWANCE OF CLAIMS FOR THE MONTH OF FEBRUARY, 1952

Councilman Annan introduced

RESOLUTION NO. 9778-N.S.

which was seconded by Councilman Arata approving the claims for the City of Modesto for the month of February, 1952, in the amount of \$115,777.46, being check numbers 3010 to 3191 inc. for the City and check numbers 10825 to 10850 inc. for the McHenry Public Library and the issuing of warrants by the Auditor is hereby validated, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

COMMUNICATION FROM FRANK ANDREWS RE: CITY TAKE OVER DISTRIBUTION OF POWER IN THE CITY LIMITS

A communication was filed with the Council by Frank Andrews, President of the Power and Water Users Association of Stanislaus County, regarding the advisability of the City of Modesto taking over the distribution of power within the city limits, to which was attached a copy of "An Open Letter to the Board of Directors of the Modesto Irrigation District."

QUESTIONNAIRE FROM ASSEMBLY INTERIM COMMITTEE RE: PLANNING COMMISSION ACTIVITIES

The City Manager reported that a questionnaire had been received from Randolph F. Dickey, Chairman of the Assembly Interim Committee entitled, "California Planning Progress" relating to Planning Commission activities in cities and counties

in the State. The Council referred this report to the Director of Planning to complete and return to the Assembly Interim Committee.

4 FINAL PAYMENT KING-KNIGHT COMPANY ON CONVERSION OF PUMP

Whereas the Director of Public Works has filed a report that the 35 day lien period required by the contract with King-Knight Company, Contractors for the conversion of an existing electric motor driven turbine pump to a combination gas engine and electric motor driven unit with automatic controls, has expired and no liens have been filed and he has recommended that the final payment of \$1,973.31 be made at this time. Councilman M. Adams introduced

RESOLUTION NO. 9779-N.S.

which was seconded by Councilman Arata, authorizing payment of \$1,973.31 to King-Knight Company as final payment for conversion of turbine pump, as set forth above, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

9 REPORT ON BIDS ON INDUSTRIAL TRACTOR

The City Manager stated that a report had been filed by the Director of Public Works on the bids received for "furnishing one new industrial type rubber-tired tractor", which had been opened at 2:00 P.M. on March 18 in the presence of the City Clerk, Director of Public Works, L. A. McFarland and representatives from companies bidding. This report stated that 4 bids were submitted and the low bidder was the Edward R. Bacon Company for \$1,960.20 but before a recommendation for an award would be submitted a field demonstration was to be held, which would depend on the weather conditions and he requested that award be held in abeyance until this can be done. Award of bid was held over by the Council until the field demonstration could be held.

10 REQUEST FOR CURB CUT BLOCK 597-STANISLAUS COUNTY WELFARE

A request was filed by Oliver Deatsch, Stanislaus County Surveyor and Road Commissioner, for a 35 foot curb cut on the South side of Scenic Drive in Block 597, to provide an entrance to the new Stanislaus County Welfare parking lot. He stated in his request that there will be no change in the existing grade along Scenic Drive and the Driveway and parking lots which they propose to construct will be graded so that all water from the property line South will flow away from Scenic Drive. Although it was the policy of the Council to consider new matters for one week before making any decision, it was their opinion that in the interest of good inter-governmental relations, this request should be considered at once, particularly since this cut is not in the business area and the parking lot created by the County will take care of a great number of cars. Councilman Annan introduced

RESOLUTION NO. 9780-N.S.

which was seconded by Councilman M. Adams, granting permit to said applicant to cut the curb 30 feet under the supervision of the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

11 ESTABLISH PARALLEL PARKING 13TH STREET, BETWEEN H AND K STREETS AND PROPOSED ADDITIONAL PARKING METERS IN CERTAIN LOCATIONS

The City Manager reported that the Inter-departmental Traffic Committee had recommended as follows:

- 1-One hour meters be installed on I Street between 12th and 13th. Parking on I Street between 9th and 14th is already limited to one hour and meters have been installed between 9th and 12th Streets. This would be an extension of the meter zone to 13th Street. At present we have a metered off-street parking lot on the corner of 12th and I Streets and free parking on the street immediately adjacent to it. This doesn't seem too logical and the saturation of the parking spaces in this block indicates the need for additional meters.
- 2-Two hour parking meters be installed on 13th Street between H and I. There is now a two hour parking limit in effect on 13th Street between G and L Streets.
- 3-The parking spaces on H Street between 12th and 13th be watched further with a view to the possible future installation of meters in this location. It is our opinion that meters will probably soon need to be installed in this block, also but we would like to have some experience from the results of meter installation in the two blocks recommended above, first, before making any recommendation for the installation of meters on H Street between 12th and 13th Street.

Councilman Arata introduced

RESOLUTION NO. 9781-N.S.

which was seconded by Councilman Annan, establishing parallel parking on 13th Street, between H and K Streets and directing the City Attorney to prepare the necessary ordinance to provide for one hour parking meter zone on I Street, between 12th and 13th Street and on H Street between 6th and 8th Streets and two hour parking meter zone on 13th Street, between H and J Streets, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The establishment of parallel parking between K and L Streets on 13th Street was held over for further study.

CONDITION OF TRAFFIC ISLAND AT DOWNEY & 19th STREETS

12 Councilman Mellis brought to the attention of the Council the condition existing at the corner of Downey Avenue and 19th Street, due to the loose bricks which were used in the creation of the traffic island. He suggested that some study be made toward the correction of this situation.

The City Manager reported that he had contacted James H. Corson, Superintendent of Modesto Public Schools, in regard to the widening of this corner by the use of some property belonging to the schools and that Mr. Corson had assured him that this piece of property would possibly be available for this purpose. The City Manager stated that by widening the street at this intersection, the traffic island could be moved to the west allowing more room for traffic to proceed on Downey Avenue and he thought this would relieve the situation considerably and that the island could be made a permanent installation. It was also suggested that parking could be prohibited on the South side of Downey Avenue at this location.

ESTABLISH STOP SIGNS ON SUNRISE AVENUE AT LUCERN AVENUE

13 After considerable study of the traffic conditions on Sunrise Avenue, the Inter-departmental Traffic Committee recommended at this time that stop signs be installed on Sunrise Avenue, stopping traffic entering Lucern Avenue. Councilman Merrill introduced

RESOLUTION NO. 9782-N.S.

which was seconded by Councilman Mellis, establishing stop signs on Sunrise Avenue, stopping traffic entering Lucern Avenue, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

"YOUTH IN CITY GOVERNMENT DAY"

The City Manager reported that he had been requested by representatives of the Kiwanis Club to establish a day for youth to participate in city affairs. He suggested it be called, "Youth in Government Day" and suggested it should be held late in April. As this suggestion was made by the Kiwanis Club for their two "Key" Clubs, the Modesto High School Key Club and the Downey High School Key Club, it was suggested that this year's day be handled by these two named clubs. The City Manager also suggested that the day be held at a time the Council met in the afternoon and that next year the program be broadened and allowed to be handled by other clubs. The members of the Council indicated their approval of this idea and instructed the City Manager to proceed with the program.

CITY MANAGER MILLER GUEST OF HONOR-MEETING OF CITY MANAGERS IN OAKLAND

The City Manager reported that he had been invited to be the guest of honor at a meeting to be held by the City Managers of the Bay Area, in Oakland, March 26, 1952. The Council authorized him to attend this meeting.

APPOINT CITY ATTORNEY AS CITY MANAGER PRO TEMPORE DURING ABSENCE OF CITY MANAGER

Councilman M. Adams introduced

RESOLUTION NO. 9783-N.S.

which was seconded by Councilman Annan, appointing City Attorney Allen Grimes, City Manager Pro Tempore during this absence of the City Manager, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ADJOURNMENT There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST: 
REX E. G. AILFUS, CITY CLERK

Council Meeting

March 26, 1952

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Ordinance No. 959-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Absent: Councilmen: Arata and Merrill

City Attorney, Allen Grimes served as City Manager Pro Tempore during the absence of Ross Miller, City Manager

APPROVAL OF MINUTES

Councilman Annan introduced

RESOLUTION NO. 9784-N.S.

which was seconded by Councilman M. Adams, approving the minutes of the Council meetings of March 12 and 19, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Merrill

2 HEARING ON PROTEST TO VARIANCE GRANTED TO BEARD LAND & INVESTMENT CO.

This being the date set by the Council for the public hearing of protests to the variance granted by the Modesto City Planning Commission to the Beard Land & Investment Company to use the property located at 225 Seventh Street, for the purpose of "Off Street Truck Parking and preventative maintenance of same", approximately 25 property owners appeared before the Council protesting the granting of this variance. Mr. Clyde Oden also appeared before the Council, representing the Beard Land & Investment Company. He requested that the application of variance be withdrawn, due to the opposition that had arisen concerning the use of the property. The Council asked Mr. Oden to have the Beard Land & Investment Company file a written request with the Modesto City Planning Commission, asking that the application for the variance be withdrawn.

3 HEARING ON TAXICAB OPERATIONS IN THE CITY

This being the time set for a public hearing on the taxicab operations in the City, the City Attorney requested the Council to continue the hearing for a period of two weeks, until 7:30 P.M. on Wednesday April 9, 1952, as more time was necessary in order to clear the matter for consideration by the Council. Councilman Mellis introduced

RESOLUTION NO. 9785-N. S.

which was seconded by Councilman R. Adams, setting the date for the public hearing on the operation of taxicabs in the City as 7:30 P.M., Wednesday, April 9, 1952 at the City Council Chambers, 717 Tenth Street, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill and Arata

4 PROTEST FILED ON PARKING LOT OF ELKS LODGE

E. W. Andrews, residing at 918 Magnolia Avenue, filed a written protest with the City Manager and also appeared before the Council orally protesting to the proposed operation of a parking lot by the Elks Lodge on land to be purchased by them on Douglas Avenue, in the rear of their club at McHenry and Fairmont Avenues. Mr. Andrews stated that he understood that the contemplated use was in violation of the City Zoning Ordinance and that some people in the neighborhood objected to the establishment of this parking lot and they expected the matter to be handled strictly under the law. They did not want to have anything established in this neighborhood that would be detrimental to their property. Councilman Mellis remarked that it was the intention of the Elks Lodge to cooperate with the neighborhood and to make the parking lot as presentable as possible by planting shrubbery and building a fence if necessary. The purpose of the parking lot was to keep the cars off the streets. Councilman M. Adams introduced

RESOLUTION NO. 9786-N.S.

which was seconded by Councilman Annan referring the matter to the Modesto City Planning Commission for their consideration as to the requirements under all city ordinances in the interest of the people living in this neighborhood, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

5 LETTERS REGARDING REVISION OF CITY OF MODESTO PLUMBING CODE

of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada and the State Department of Industrial Relations, Division of Apprenticeship Standards, recommending that certain regulations concerning "Apprentices" be considered and adopted as part of the new plumbing code, which will be available shortly. Councilman Annan introduced

RESOLUTION NO. 9787-N.S.

which was seconded by Councilman M. Adams referring the matter to the City Manager for study and report to the Council before the recommendations are incorporated in the revised Plumbing Code, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill and Arata

6 REPORT ON CURB CUT, BLOCK G, PORTIONS OF LOTS 17-19 INC. -USED CAR LOT OPERATED BY GRADY MONKS, SR.

The Director of Public Works brought to the attention of the Council the situation which exists on the used car lot operated by Grady Monks, Sr. in Block G, portion of Lots 17-19 inc. at Needham and O Streets. He stated that a 25 foot curb cut, not originally requested, was necessary in order to permit the occasional delivery of oil to the cleaning works next door, and this would reduce the amount of curbing to be replaced, but the 25 foot curb cut was necessary at this location. No further actions was required by the Council under the conditions authorized in the minutes of March 12, 1952.

7 REPLACING OF CURB CUT ON L STREET-STUDY PARKING ON L STREET

Councilman R. Adams, brought to the attention of the Council that the landscaping of the Christian Church property at 14th & L Streets was now being done and he suggested that they be requested to replace the curbing along L Street. He also requested that a study be made of the parking situation on L Street, between 9th and 13th Streets. This matter was referred to the City Manager for study by the Inter-departmental Traffic Committee.

8 ORDINANCE NO. 1021-N.S. AMEND ORDINANCE NO. 778-N.S. ESTABLISH PARKING METER ZONES

Councilman Mellis introduced an ordinance being

ORDINANCE NO. 1021-N.S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 778-N.S. ENTITLED: ' AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF PUBLIC STREETS IN THE CITY OF MODESTO, DEFINING AND PROVIDING FOR THE ESTABLISHMENT OF PARKING METER ZONES, REGULATING AND PROVIDING FOR INSPECTION OF THE METERS: PRESCRIBING LIMITS OF TIME FOR PARKING IN PARKING METER ZONES, PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF' BY AMENDING SECTION 2, AS AMENDED AND REPEALING ORDINANCE NO. 813-N.S. AND ORDINANCE NO. 880-N. S." and moved its adoption and passage to print and publish, which motion being duly seconded by Councilman R. Adams, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill and Arata

ROOSEVELT SCHOOL PROPERTY

9 A letter written by Mayor Marks, dated March 24, 1952 to the Modesto City Board of Education in regard to the proposal for acquisition of the old Roosevelt School site for a Veterans Memorial Community Auditorium and a letter to Mayor Marks from James H. Corson, Superintendent of Schools in regard to the same matter were read and considered by the Council. It was suggested in the letter of Mr. Corson's that a "committee might advantageously be appointed by the Council, or if preferred, consideration could be given to joint action by the Council and the Board of Education in such an appointment."

Mayor Marks suggested that any action on this appointment of a committee should be done at once as the School Board was temporarily holding up any action on the disposal of the Roosevelt School property. He stated that the Council has already shown that they approve the location of an auditorium on the Roosevelt School property but a committee which would be appointed from a greater area than the City of Modesto might feel differently about the matter. Councilman Mellis suggested that the Council accept the offer of the Board of Education as set forth in their letter and arrange for a meeting to consider the matter as soon as possible. It was brought out that the Council represents about one-third of the people in this area and the two-thirds living outside the City were represented by the Board of Education. Councilman Mellis introduced

RESOLUTION NO. 9788-N. S.

which was seconded by Councilman M. Adams, accepting the offer of the Board of Education to the City for it to participate with the Board in the joint appointment of a citizen's committee to,

(1) Investigate whether the people of this community desire to procure the old Roosevelt School Site for the purpose of a Veterans Memorial Community Auditorium

(2) If they do, how this can best be done

and that the Board of Education be notified and the meeting be held at a time which would be convenient to both parties as soon as possible, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill and Arata

PETITION FOR PERMIT TO DISPLAY EIGHT HORSE TEAM AND WAGON OF ANHAUSER-BUSCH INC.,-GIAHOS DISTRIBUTING COMPANY

10 Peter T. Giahos of the Giahos Distributing Company, 1531 9th Street, appeared before the Council and requested that Anhauser-Busch, Inc., be allowed to display an eight horse team and wagon in the City, April 26th through April 29, 1952. He stated that this team and wagon were of educational value and were being exhibited throughout the country. They expect to visit Merced, Modesto, Stockton and Sacramento. John Fairweather, Manager of the Chamber of Commerce, stated that in his opinion the exhibit was of public interest and that the company is spending considerable money in exhibiting this team throughout the country and he was sure it would be of interest to a great many people in this community. Councilman Annan introduced

RESOLUTION NO. 9789-N.S.

which was seconded by Councilman Mellis, granting permission to Anhauser-Busch, Inc., to exhibit this team and wagon on the aforesaid days on the condition that the City Attorney was of the opinion that the exhibition was not unlawful and upon the further

condition that the proposed routes through the city be approved by the Chief of Police and the City Manager, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill and Arata

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:


REX E. GAILFUS, CITY CLERK

Council Meeting

April 2, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 959-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Absent: Councilmen: Merrill

APPROVAL OF COUNCIL MEETING MINUTES

Councilman Mellis introduced

RESOLUTION NO. 9790-N.S.

which was seconded by Councilman M. Adams approving the minutes of the regular meeting of the Council held on March 26, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

GRANT PERMIT PETER T. GIAHOS-PARKING OF VAN

Peter T. Giahos appeared before the Council in regard to obtaining permission to park a van on the South side of K Street, just West of 11th Street, adjacent to the Helm Chevrolet Company garage, in connection with the exhibition of the 8 horse team of Anhauser-Busch Company on April 26-29 inc. Councilman Mellis moved, seconded by Councilman Arata that the first two parking spaces on the South side of K Street, just West of 11th Street be reserved for the parking of this one van. The Chief of Police was instructed to cooperate with the sponsors of this project in the parking of this van and in the handling of traffic while it is being exhibited in the city.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

MEMBERS OF "KEY" CLUBS VISIT COUNCIL MEETING

About 12 members of the Modesto High School Key Club and the Downey High School Key Club, sponsored by the Kiwanis Club, visited the Council meeting. Mayor Marks introduced the members of the City Council, the various Department Heads and reports to the young men.

COMMUNICATION-CALIFORNIA RELAYS

A communication from George W. Martin, Secretary of the California Relays was read to the Council. Mr. Martin requested that the Council give it consideration when granting permits for other activities which will fall during the period from May

1st to 17th, since the 11th Annual California Relays will be held on May 17th and they wished to prevent the possibility of any distracting elements which could spoil this attraction. This communication was ordered filed.

5
COMMUNICATION-ASSOCIATED PLUMBING CONTRACTORS

A communication from the Associated Plumbing Contractors of Stanislaus and Merced Counties, Inc. recommending that certain regulations concerning "Apprentices" be considered and adopted as part of the new Plumbing Code was read and referred to the City Manager for consideration with letters already received on this subject.

6
COMMUNICATION-STATE BOARD OF EQUALIZATION & CONTROLLER OF THE STATE OF CALIFORNIA

Communications were read from the State Board of Equalization, and the controller of the State of California, acknowledging receipt of a copy of the City of Modesto Resolution No. 9777-N. S. which requested the Board of Equalization of the State of California recommend to the Governor that local sales tax officials be permitted to examine state sales and use tax returns pursuant to section 7056 of the Revenue & Taxation Code of the State. These communications were referred to the City Attorney for study and recommendation to the Council.

7
COMMUNICATION MODESTO IRRIGATION DISTRICT RE: SUBDIVISION POWER LINE EXTENSIONS

A communication from the Modesto Irrigation District regarding power line installation in subdivisions was read to the Council. According to the communication the policy of extending electric power service to conventional layouts at no cost would not change but a new policy would be effective immediately, in cases where subdivisions have curved streets or alleys or irregular design features to provide for the subdivider to pay to the District the estimated cost over and above the expenditures that would be required for a normal layout and this sum shall be paid to the District before certification of electric service availability is granted and construction commended. Councilman Mellis introduced

RESOLUTION NO. 9791-N. S.

which was seconded by Councilman R. Adams, requesting the Board of Directors of the Modesto Irrigation District to withhold action on their policy as set forth above, until the Modesto City Planning Commission, County Planning Commission, and the Board of Directors of the Modesto Irrigation District could meet and give further study to the matter and the Council could be further advised, which resolution was regularly adopted by the following votes:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

8
REPORT ON ROOSEVELT SCHOOL PROPERTY

Mayor Marks reported that members of the Council met with members of the Board of Education on Monday night, March 31st to discuss the possibility of appointing a Citizens Committee to sponsor a Veterans Memorial Auditorium on the Roosevelt School property. Members of the Council believed that the report as published in the Modesto Bee on April 1st should be incorporated into these minutes and that for the time being all efforts on the part of the Council would be terminated in regard to the proposed purchase. Councilman Mellis moved, seconded by Councilman R. Adams to the effect that this article be incorporated into the minutes of the meeting and that motion for the action be taken by the Council.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

Report in Modesto Bee on April 1st, 1952

"The Modesto Board of Education probably will sell the old Roosevelt School property to the highest bidder.

Nobody said so in that many words last night at an indecisive two hour and 40 minutes joint meeting of the board and the city council.

But the board declined to participate in appointing a joint citizens committee as requested by the council, to study three things.

Whether the people of the people of the community want a war memorial auditorium.

Whether it should be built on the block square site at Thirteenth and I Streets.

How the project could be financed.

SOUGHT PARTICIPATION

The Council delegation, headed by Mayor Harry Marks, pressed for the school board to participate in appointment of the citizens' committee. Marks suggested it could be done on a basis of population, with the school board appointing 10 members from the area outside the city and the council appointing five from within.

Councilmen stood pat on their refusal to name any out of the city residents to the committee.

Board Chairman Ian Hardie and Karl Roth also stood pat on their belief appointments of a committee to study community auditoriums is none of the school board's business. They suggested representatives of organizations such as the Chamber of Commerce and service clubs be named to the committee.

NEED HIGH SCHOOL FUNDS

Board members also reiterated they are in a hurry to sell so they can apply the purchase money to additions to Downey High School, Superintendent James H. Corson said the expanding new school will have to provide space for 300 to 400 new students for the Fall of 1953, and it takes more than a year to plan and construct the classrooms.

Another thing about which board members expressed doubt is how the purchase could be financed. Discussion brought out it would have to be sold to the city unless bids were called. Marks and other Councilmen said there were a number of ways to distribute the cost throughout the community but no specific suggestion was made. They felt any suggestions should come from the citizens' committee.

AGREE ON ONE POINT

About the only point on which all were in agreement was that it would "be a shame" if the property got out of public ownership.

As the repetitious meeting drew to a close Marks said:

"If we don't hear from you in three or four days we can assume that you won't appoint anyone to the committee."

Roth said:

"You can assume that right now."

The block square school site was abandoned at the end of the 1951 Spring semester. Since then the Council has attempted to buy the property as a city hall, but no agreement on price was reached. The City parking authority also discussed purchasing the block, but did not have the money. There also was a legal block to selling it to the authority.

Since then the Council has developed the idea of establishing an auditorium to honor the community's war dead.

MENTIONS UNIFICATIONS

Marks commented a number of times that if the unification program were successful and the community was united into a city of more than 50,000 persons there would be no question but that the site could be purchased and the auditorium built.

The Councilmen said they feel it is not proper for the city, with a 19,000 population to pay for an auditorium which would serve an urban area of 50,000.

In reply to a question from board member Catherine Everett, Marks said no veterans organization has been active in the campaign for a memorial auditorium.

Attending the meeting were board members Hardie, Roth, Mrs. Everett and Jack Wherry; Mayor Marks and Councilmen Dan Mellis, R. W. Adams, Merrill Adams, Dave Arata and C. M. Annan.

Councilmen R. Adams introduced

RESOLUTION NO. 9792-N. S.

which was seconded by Councilman Arata, to the effect that the Council had done its utmost to provide for an auditorium on the Roosevelt School location and that the position of the Council is that a Veterans Memorial Auditorium is a high priority community project to be sponsored following the successful completion of the unification program, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

CALL FOR BIDS ON PAVING MATERIAL

Councilman M. Adams, introduced

RESOLUTION NO. 9793-N. S.

which was seconded by Councilman Arata, authorizing the City Clerk to call for bids for "furnishing and delivering, or for furnishing, delivering and placing paving materials in accordance with the specifications on file in the office of the Director of Public

Works." All bids to be received not later than 2:00 P.M. on Monday, April 14, 1952. All bids received will be opened and read at the above specified time in the Council Chambers. Any award made or contract entered into, shall be by action of the Council, meeting in regular session at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

10 APPROVE AGREEMENT WITH PACIFIC GAS & ELECTRIC COMPANY

Councilman Arata introduced

RESOLUTION NO. 9794-N.S.

which was seconded by Councilman Annan, approving agreement between the City of Modesto and the Pacific Gas & Electric Company, granting permission to the Pacific Gas & Electric Company to construct and maintain a pipe line across Beard Brook Park and appointing the City Manager and City Clerk as signatory officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

11 REQUESTS FOR TREE REMOVAL-HORACE BYRNE, 423 HIGH STREET AND ON POPLAR AVENUE

The Director of Public Works reported that Horace Byrne, 423 High Street had submitted a request on March 27th for removal of a She Oak Tree in the planting strip on High Street and he had investigated the tree and found it to be in good condition for that type of tree. However most of the trees of this type on High Street are in a rather poor condition probably due to the soil conditions or climate. Mr. Byrne had asked the City to remove the tree but would remove the tree himself if the City would grant permit.

The City Manager reported that there had also been a request filed for removal of several Poplar Trees on Poplar Avenue. He stated that none of these trees were hazardous but he thought that ultimately they should be removed and more desirable trees put in their place.

He suggested that before the city embarks on any extensive program of removal of trees which may be undesirable but which are sound, a program which has been instituted for the inspection of all trees in the city to determine those which may be a potential hazard, should be carried through. These will be either removed or pruned to minimize the hazards. In the meantime, property owners should be permitted upon Council approval, to remove undesirable trees at their own expense or the city would remove them if the property owners would prepay the expense. This policy would provide a basis for the Council to make a more satisfactory decision on requests for removal of the trees in the city. The Councilmen agreed with this policy and Councilman R. Adams moved, seconded by Councilman M. Adams, granting permit to Horace Byrne to move the She Oak tree in the planting strip on High Street as requested at his own expense, under the supervision of the Director of Public Works.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

PROPOSED SANITARY SEWER TRUNK LINE CONSTRUCTION

The City Manager proposed to the Council that the financing and construction

of the following sewers be approved:

1-To serve the College Gardens and College Center Area-----	\$71,000.00
2-To serve the Maze Court area-----	22,500.00
3-Lateral sewer on Robertson Road and Morris Avenue----- (previously authorized)	10,000.00
4-Other lateral sewers-----	5,000.00
5-Over-expenditure of 1951-52 budget for extensions to City schools-----	<u>3,000.00</u>
	\$111,500.00

He stated further that the amounts listed above are based on preliminary studies only and are subject to considerable adjustment as final plans are developed. Some funds have been authorized and additional funds can be made available from current sources during the current fiscal year, but amendments to the appropriation ordinance would be necessary. Councilman M. Adams moved, seconded by Councilman R. Adams that plans and specifications for the construction of the lines not previously authorized be prepared and the necessary amendments to the budget be submitted to the Council.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

APPROVE STORM DRAIN PROJECT TO SERVICE AREA SOUTH OF KANSAS AVENUE

The City Manager requested that the City Engineering Department be authorized to proceed with a proposed storm drain, South of Kansas Avenue and east of Franklin, to serve a low area. The City Manager reported that the owners of the property would put up \$500.00 and the City's cost would be a little over \$1,000.00. He stated that this should not be considered as establishing a policy of taking care of all storm drain problems in all other sections in the city, since this was a severe situation which was hampering considerable development in this area. He stated that apparently there had been a commitment by former city officials and that while this was not binding on the present city Council he believed the improvement should be made on the basis proposed. Councilman R. Adams moved, seconded by Councilman Arata recommending that the City Manager proceed with the plans for and installation of this pipe line.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

ACCEPT EASEMENT FROM MODESTO IRRIGATION DISTRICT

Councilman Annan introduced

RESOLUTION NO. 9795-N. S.

which was seconded by Councilman M. Adams accepting easement from the Modesto Irrigation District, granting permit to the city to construct and maintain one 10 inch and one 12 inch concrete pipe storm drain, over, along and across their Lateral No. 4, and directing the City Clerk to record said easement with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

15 COMMEND PUBLIC UTILITIES COMMISSION AND LEAGUE OF CALIFORNIA CITIES

Councilman Arata introduced

RESOLUTION NO. 9796-N. S.

which was seconded by Councilman Mellis commending the Public Utilities Commission and the staff of the League of California Cities for action taken to assure better representation of the public in rate proceedings before the Public Utilities Commission and authorizing a progress report be made on the results which are obtained as the result of action taken after the method has been in use for a reasonable length of time, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

APPROVE AGREEMENT WITH SALVATION ARMY (MODESTO CORPS)

16 Councilman Mellis introduced

RESOLUTION NO. 9797-N. S.

which was seconded by Councilman R. Adams approving an agreement between the City of Modesto and the Salvation Army (Modesto Corps) for the furnishing and payment of services and facilities for indigent aid and appointing the City Manager and the City Clerk as signatory officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

ACCEPT DEED FROM LEO C. HAMMETT ON BEHALF OF THE MODESTO YOUTH ORGANIZATION

17 Councilman M. Adams introduced

RESOLUTION NO. 9798-N. S.

which was seconded by Councilman Annan, accepting the Deed from Leo C. Hammett on behalf of the Modesto Youth Organization on Lots 21-24 inc. in Block 22 of the City of Modesto and directing the City Clerk to record said Deed with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

Councilman R. Adams moved, seconded by Councilman Mellis that the City of Modesto proceed at once with the sale of this property in order that the money will be available to help in the completion of the Maddux Youth Center

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

18 ESTABLISH LIMITED PARKING ON L STREET

The City Manager reported that the Inter-departmental Traffic Committee had studied the parking time limits on L Street and had recommended that the two hour parking limit on L Street provided by Resolution No. 5214-N.S. between 10th and 11th Street be extended to include both sides of L Street between 9th and 10th Streets and 11th and 12 Streets. Councilman Arata introduced

RESOLUTION NO. 9799-N. S.

which was seconded by Councilman Mellis establishing two hour parking limit on both sides of L Street from 9th Street to 10th Street and from 11th Street to 12th Street and authorizing the Director of Public Works to install the proper signs, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

19 ORDINANCE AMENDING ORD. 487-N.S. (REGULATE CARNIVALS)

Councilman Mellis introduced an ordinance, being

ORDINANCE NO. 1022-N. S.

entitled: "AN ORDINANCE AMENDING SECTION 105 OF ORDINANCE NO. 487-N.S. OF THE CITY OF MODESTO ENTITLED, ' AN ORDINANCE PROVIDING FOR LICENSING AND REGULATING THE CARRYING ON OF CERTAIN PROFESSIONS, TRADES, CALLINGS AND OCCUPATIONS IN THE CITY OF MODESTO, PROVIDING THE METHOD OF COLLECTING SUCH LICENSES, AND REPEALING CERTAIN ORDINANCES ' AS THEREAFTER AMENDED, AND REPEALING ORDINANCE NO. 747-N. S. OF THE CITY OF MODESTO" and moved its adoption and passage to print and publish, which motion being duly seconded by Councilman Arata it was upon roll call carried and the ordinance ordered published as above by the following votes:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

20 ORDINANCE REGULATE PLANTING, REMOVAL AND MAINTENANCE OF TREES AND SHRUBS UPON PUBLIC STREETS

Councilman Annan introduced an ordinance, being

ORDINANCE NO. 1023-N. S.

entitled: "AN ORDINANCE REGULATING THE PLANTING, REMOVAL AND MAINTENANCE OF TREES AND SHRUBS IN OR UPON THE PUBLIC STREETS AND THOROUGHFARES OF THE CITY OF MODESTO, AND REPEALING ORDINANCE NO. 374-N.S. AND SECTIONS 7 and 8 OF ORDINANCE NO. 573-N.S. OF THE CITY OF MODESTO", and moved its adoption and passage to print and publish, which motion being duly seconded by Councilman M. Adams, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

21 ORDINANCE AMENDING ORDINANCES NOS. 624-N.S. and 937-N.S. (SEWER SERVICE CHARGES)

Proposed ordinances amending Ordinance No. 624-N.S. and Ordinance No. 937-N. S. which would provide for the monies collected for sewer connection fees to be placed in the special "Sewer Connection Fund", created by Ordinance No. 937-N.S. and to be expended for the construction of sewer facilities, were held over for further study by the Council.

22 FINAL ADOPTION ORD. NO. 1021-N.S. EXTEND PARKING METER ZONE

Ordinance No. 1021-N. S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 778-N.S. ENTITLED: ' AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF PUBLIC STREETS IN THE CITY OF MODESTO, DEFINING AND PROVIDING FOR THE ESTABLISHMENT OF PARKING METER ZONES, REGULATING AND PROVIDING FOR INSPECTION OF THE METERS, PRESCRIBING LIMITS OF TIME FOR PARKING IN PARKING METER ZONES, PROVIDING FOR THE

ENFORCEMENT OF THIS ORDINANCE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF', BY AMENDING SECTION 2 AS AMENDED, AND REPEALING ORDINANCE NO. 813-N.S. AND ORDINANCE NO. 880-N.S." having been heretofore introduced and ordered printed and published at the regular meeting of March 26, 1952, Councilman Mellis moved that the ordinance be finally adopted, which motion was seconded by Councilman Arata and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

ADOPT SUPPLEMENTARY PERSONNEL REGULATION NO. 52-1 (Overtime work at Golf Course)

23 The City Manager recommended to the Council that due to the nature of the work on the Municipal Golf Course, Groundsmen and Unclassified Laborers, employed there by the city, be allowed to work overtime during the period April 3, 1952, through November 1, 1952, at a rate of wages set forth in Supplementary Personnel Regulation No. 52-1. Councilman Arata introduced

RESOLUTION NO. 9800-N. S.

which was seconded by Councilman R. Adams, adopting "Supplementary Personnel Regulation, No. 52-1" entitled: "Authorization for overtime work at Municipal Golf Course and payment therefor", which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

SPECIAL PARKING PRIVILEGES FOR JURORS-REPORT PARKING AUTHORITY

24 Councilman Annan moved, seconded by Councilman R. Adams, that the report of the Parking Authority recommending denial of the request of Judge Chamberlain for special parking privileges for jurors and suggesting that the leaflets continue to be handed to the jurors showing the location of the parking lots near the Courthouse and urging that special mention be made of the 15th Street free parking lot, be approved.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

REPORT BY PLANNING COMMISSION ON PARKING LOT OF ELKS CLUB

25 Pursuant to referring the protest of E. W. Andrews to the establishing of a parking lot by the Elks Club on property recently purchased by them on Douglas Avenue (lots 4 and 5 of Falk Tract) to the Modesto City Planning Commission for investigation they filed their report at this time. They reported that at their meeting held on April 1, 1952 representatives of the Elks Club and adjacent property owners were present and it was determined that the Elks Club had no specific plans for the use of the most recently acquired two lots, being lots 4 and 5 of the Falk Tract. It was agreed that the existence of the present off street parking facilities on lots 7 and 8 of the Falk Tract was an asset to the neighborhood rather than a detriment even though the provisions of the zoning ordinance do not authorize the use of this land for parking purposes. Since both representatives of the Elks Club and adjacent property owners were present at the meeting, the Planning Commission granted a variance to the Elks Club to continue using this property as a parking lot providing a suitable hedge or shrubs be planted and maintained around the parking area. The matter of the use of lots 4 and 5 of the Falk Tract was not acted upon at this time but would be considered

at a later time if a rezoning of this property or the granting of a variance becomes desirable. No action was necessary by the Council on this matter.

26
REQUEST FOR EXEMPTION OF RATES AND CHARGES FOR MUNICIPAL PUBLIC UTILITY SERVICES FROM FEDERAL REGULATIONS

The City Attorney reviewed a release received from the National Institute of Municipal Law Officers urging cities to ask the Congress of the United States adopt a clarifying amendment to Section 402 (e) (v) of the Defense Production Act of 1950, as amended, as embodied in Senate Bill 2722 so as to exempt rates and charges for municipal public utility services from control and recommending that the request be acted upon. Councilman Mellis introduced

RESOLUTION NO. 9801-N.S.

which was seconded by Councilman Annan, urging the Congress of the United States to adopt legislation clarifying the Intention of Congress to exempt rates and charges for municipal services from control under the Defense Production Act of 1950 and that a copy of this resolution be sent to the Honorable Representative Oakley Hunter, Honorable Senator William F. Knowland, Honorable Senator Richard M. Nixon, National Institute of Municipal Law Officers, Washington D. C. and the League of California Cities, which resolution was regularly adopted by the following votes:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

27
MEETING OF CENTRAL VALLEY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES

The City Manager reminded the Council of the meeting of the Central Valley Division of the League of California Cities to be held in Modesto at the Hotel Covell Fable Room on Thursday, April 17th. He stated that Frank Cox, a national authority on off-street parking, will be the main speaker.

28
COUNCIL CONVENE AT NEW TIME, APRIL 9th

The City Manager reminded the Council that the next regular meeting on April 9th, will be convened at the new time of 7:00 P.M. as provided by Ordinance No. 1020-N.S.

29
AUTHORIZE PURCHASE OF ACCOUNTING MACHINE

After a report by the Director of Finance, recommending such purchase Councilman Annan introduced

RESOLUTION NO. 9802-N. S.

which was seconded by Councilman Arata authorizing the purchase of a Burroughs M-806, accounting machine at a cost of \$3,562.47, as appropriated in the 1951-52 budget, which resolution was regularly adopted by the following votes:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

30
APPOINTMENT OF ROBERT H. SHELTON AS CITY MANAGER PRO TEMPORE

Councilman R. Adams introduced

RESOLUTION NO. 9803-N.S.

which was seconded by Councilman M. Adams appointing Robert H. Shelton, Administrative Assistant to City Manager, as City Manager Pro Tempore, during any absence of the City Manager, which resolution was regularly adopted by the following vote:

Ayes: Councilman M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned and regularly adjourned.

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

Council Meeting
April 9, 1952

The Council of the City of Modesto met in regular session this date at 7:00 P.M. as provided by Ordinance No. 1020-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Absent: Councilmen: Merrill

REQUEST FOR DONATION TO ASSIST IN REPLACING BANNERS USED TO ADVERTISE THE ANNUAL CALIFORNIA RELAYS--JUNIOR CHAMBER OF COMMERCE

Trevor J. Griffith, representing the Junior Chamber of Commerce appeared before the Council and requested that the city assist the Junior Chamber in the replacement of some of their banners used to advertise the annual California Relays. He stated that other donations were being made for the replacement and he would like a commitment from the city as to how much they could donate for this purpose. He also requested that the Junior Chamber be granted permission to hang these banners this year as they have been in former years. Councilman Mellis moved, seconded by Councilman M. Adams, that they be allowed to hang the banners as provided in Resolution No. 1020-N. S. on the condition that they assume all liability for any damage which might be due to the hanging of these banners and that the matter of donation for the replacement of the banners be held over for further study.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Absent: Councilmen: None

Attendance: Councilmen: Merrill

REPORT BY CITY ATTORNEY ON LETTERS FROM STATE BOARD OF EQUALIZATION AND STATE COMMISSIONER ON CITY REQUEST EXAMINE STATE SALES TAX RECORDS

Communications received from the State Board of Equalization and the Commissioner of the State of California in answer to our request urging the members of the State Board of Equalization to recommend to the Governor that local sales tax officials be permitted to examine state sales tax returns pursuant to Section 7056 of the Revenue & Taxation Code, having been referred to the City Attorney for study and recommendation, he reported at this time that he recommended that a letter be sent to the League of California Cities advising them that the Council is still of the opinion that the objective outline in their release of February 15, 1952, is a reasonable one and that necessary steps should be taken to put it into effect and that the city was leaving the matter for any further action with them. The Council directed the City Attorney to proceed accordingly.

THANKS FROM MODESTO CHURCH FEDERATION USE OF MANCINI BOWL

A communication from the Modesto Church Federation expressing appreciation in committing them to use the Mancini Music Bowl for Sunday evening meetings during the summer season was read and ordered filed.

W. F. BECKETT EXCLUDE PROPERTY FROM BOUNDARY OF THE OVER-ALL AREA TO BE ANNEXED PRIOR TO VOTE ON UNIFICATION

A letter from W. F. Beckett, owner of a parcel of land lying North of Avenue, adjacent to the City of Modesto, was read to the Council. Mr. Beckett stated he wished to provide city services to this area as soon as possible

and he advised that he was requesting the Committee of 1000 to exclude this parcel from their boundary of the overall area and he would file application for annexation under the uninhabited territory law as soon as legalities would permit him to do so. The Council considered the question as to whether this property could be excluded from the over-all annexation and also the problem of supplying city services to the tract. It was held over for one week for study and report by the Manager and the Director of Public Works

ALLOWANCE OF CLAIMS FOR THE MONTH OF MARCH, 1952

Councilman M. Adams introduced

RESOLUTION NO. 9804-N. S.

which was seconded by Councilman Arata approving the claims for the City of Modesto for the month of March, 1952 in the amount of \$135,375.43, being check numbers 3192 to 3390, inc. for the city and check numbers 10851 to 10876 inc. for the McHenry Public Library and the issuing of warrants by the Auditor is hereby validated, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

AWARD BID ON INDUSTRIAL TRACTOR

The City Manager reported, pursuant to delaying awarding of bid on the furnishing of one new industrial type rubber-tire tractor so that a field demonstration could be held, that the Director of Public Works had advised him that this demonstration had been held on April 3 and that he felt the Minneapolis-Moline Tractor would be very satisfactory and since it is the low proposal submitted, he recommended that the bid be awarded to the Edward R. Bacon Company for one model Rt-1 Minneapolis-Moline Industrial Type Tractor for the net amount of \$1,960.20. The Director of Public Works advised that two other bidders had demonstrated their equipment which had performed very well, however neither one of these tractors were the industrial type specified. Councilman Annan introduced

RESOLUTION NO. 9805-N.S.

which was seconded by Councilman M. Adams, awarding bid to the Edward R. Bacon Company for \$1,960.20 as their bid was the lowest and best bid and met the requirements of the specifications, and directing the City Clerk to return all bidding checks to the unsuccessful bidders, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

REQUEST OF DICK USTICK FOR INSTALLATION OF TRAFFIC SIGNS AT ENTRANCE TO ACHOR COURT

A request was received from Dick Ustick, residing at 530 Magnolia Avenue, for the installation of warning signs at each entrance to Achor Court, due to the danger to small children living in this vicinity and to the fact that it was a very narrow street. Councilman Mellis suggested that some study should be made of parking cars on one side of the street only. It was brought out that this system of parking is used in some cities on narrow streets, which allows two way traffic on the street. It was recommended that this request be referred to the City Manager and the Inter-departmental Traffic Committee for study and report at a later date. Mayor Marks suggested that some study be made concerning four way stop signs. He suggested signs be installed to allow a full stop on one side and a sign reading "Yield Right of Way"

on the other side. He stated that this system of traffic signs was used in other cities. The City Manager was instructed to check up on the possibility of using this system in certain places and report to the Council.

HEARING ON OPERATION OF TAXICABS IN THE CITY

This being the time set for the public hearing on the operation of taxicabs in the city, the various operators in the city appeared before the Council. The City Manager reported that the City Attorney, Director of Finance and Chief of Police had made a thorough study of the taxicab situation in the city and recommended that an amendment to the Taxicab Ordinance be drawn up which would require certificates of public convenience and necessity for all taxicabs operating in the city which would give detailed information on the type of taxicabs, color, year model, etc. The City Attorney stated that this amendment of the ordinance would bring that portion of the ordinance up to date and that it would not allow for the transfer of certificates from one owner to another. At the request of Mayor Marks, several of the taxicabs owners suggested changes in the taxicab ordinance relating to fees they pay and they indicated their approval of the present proposed change in the ordinance. Both the City Manager and the City Attorney recommended that it would be better to consider only the amendment to the ordinance in regard to issuance of certificates at this time and that further study of the ordinance in regard to meters, taxicab fees and other questions be considered at a later date. The City Manager emphasized the fact that the ordinance should be brought up to date, as it would be the policy of the city to adhere strictly to the provisions as set forth in the ordinance. Councilman Arata introduced

RESOLUTION NO. 9806-N. S.

which was seconded by Councilman R. Adams, authorizing the City Clerk to issue certificates of public convenience and necessity for the operation of taxicab businesses to the following persons in accordance with the provisions of ordinance No. 753-N.S.

Hershel Ivan Lawrence, operating the Smitty's Taxi Co.

E. M. Lester, operating the Modesto Cab Company

Joe Sequeira, operating Joe's Taxi

Sam Secreto, operating Hart Cab Company

Sam Secreto, operating Acme Cab Company

Sam Secreto, operating Yellow Cab Company

John French, operating Veteran's Cab Company

Each certificated business shall be required to utilize only such color scheme for its cabs as is approved by the Chief of Police. The certificates granted by the terms of these provisions shall be subject to revocation by the Council if all laws and regulations on the operation of taxicabs is not conformed with and that all certificates of Public convenience and necessity for the operation of taxicab businesses within the city heretofore granted be and the same are hereby rescinded and revoked, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

VISIT OF "KEY" CLUB MEMBERS

A group of young men from the Kiwanis "Key" Clubs who are scheduled to take over the operation of the City of Modesto on April 16th during "Youth in Government Day" and who will be assigned to different positions in the city, visited the Council. At the request of Mayor Marks the young men were introduced to the Council by Carl Henderson,

member of the Modesto High School Key Club, who will act as Mayor. Mayor Marks gave a brief resume on the operation of the City Council and the problems that they faced. The City Manager presented a "Schedule of Events, 1952, City of Modesto Youth in Government day" to each Council member and department head.

REQUEST FOR CURB CUT AND REMOVAL OF TREES, FRANK B. LATTIMER

The City Manager reported that Frank B. Lattimer, operating a used car lot at 215 McHenry Avenue, had filed a request with him for the removal of two Sycamore trees immediately in front of his lot and for a curb cut for a driveway in the middle of the lot frontage to measure 16 feet, and that the present 8 foot driveway be closed and that the Director of Public Works reported that the curb cut could be installed without the removal of the two trees and since there was no hazard caused by them he did not recommend their removal although they are rather messy. It was brought out that in the event widening of McHenry Avenue is completed, these two trees would have to be removed. Councilman Mellis suggested that the matter be held over in order that the Council members could inspect the location of the trees.

Councilman M. Adams, moved, seconded by Councilman Annan that permission be given to construct a 10 foot driveway and that the 8 foot present driveway be closed, work to be done under the supervision of the Director of Public Works and that the matter of the removal of the trees be held over.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

SAM T. MORAN SUGGESTS ALLEY BE REPLACED IN BLOCK 90-ROOSEVELT SCHOOL PROPERTY

Sam T. Moran, 412 Elm Street, appeared before the Council and stated that since negotiations between the Board of Education and the City Council in regard to the use of the Roosevelt School property by the city or for a Veterans Memorial Auditorium appear to be terminated, that the Council consider the matter of requiring the replacing of the alley running through this property before it is purchased by private interests. Mayor Marks stated that since the negotiations were terminated, the Council were interested in seeing that the Board obtained as good a deal as possible in the sale of this property.

REQUEST HOLD PARADE-STANISLAUS COUNTY HORSEMEN'S ASSOCIATION

The Stanislaus County Horsemen's Association requested permission of the Council for the holding of a street parade in the downtown Modesto, Sunday morning, May 25, 1952. This parade would be in conjunction with the Ninth Annual Rodeo held by its organization. Mayor Marks stated that there had been several complaints in the past years due to the conflicting time between the hour of this parade and church services. He stated that if it is possible to start the parade at noon that he thought there would be no objections. Councilman Mellis moved, seconded by Councilman R. Adams that the Stanislaus County Horsemen's Association be allowed to hold their parade and that the Chief of Police cooperate in the handling of the traffic.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

POLICE WORKING AT BALL PARK

Ed Lennig, representing the Modesto Red's Baseball Association, appeared before the Council and requested that the police service be furnished to the Modesto Red Baseball

Association at the Municipal Baseball Park as has been given in past years. He stated that in his opinion City policemen in uniform were necessary for the proper protection of the parked automobiles and for the maintenance of order in the ball park during the games. The City Manager stated if the men were in uniform and carrying guns they should be under the direct supervision of the Chief of Police of the City of Modesto. He suggested that the personnel regulations be amended to allow special compensation for these men and the extra cost could be paid to the city by the ball club. Mr. Lennig stated that the club would do this. The City Manager was instructed to have the proper resolution drawn up for approval to cover this overtime payment to these men during the baseball season.

PROPOSED AMENDMENTS TO CLASSIFICATION AND SALARY RESOLUTION

The City Manager presented to the Council for their consideration a proposed amendment to personnel classification and salary resolution, which would provide for the addition of the positions of Librarian-1 at a maximum monthly salary of \$304 and Planning Assistant at a maximum monthly salary of \$375 and that the positions of Cataloguer, Children's Library, Circulation Assistant, Reference Assistant and Reference Librarian in the Library Department be deleted from the personnel classification.

The City Manager explained that the Personnel Commission had taken the following action, at their regular meeting on April 7th, on this recommendation.

1-Recommend to the City Council the creation of the position of Planning Assistant at a salary range of \$300 to \$375, with the condition that the need for the position be reviewed in connection with adoption of the budget for the 1953-54 fiscal year.

2-Recommend that the position of Librarian-1 be created as a substitute for the present classes of Cataloguer, Children's Librarian and Reference Librarian, since all these jobs are on an equal level as far as qualifications and duties are concerned. The Commission further recommends a salary range of \$253 to \$304, which will be in effect in the county service as of July 1 for comparable positions.

Librarian, F. W. Kidder explained to the Council that they had operated for several months without this Librarian-I classification and that the work had been delegated to various other library employees. He stated that it is urgent to have this classification set up in order that the examination could be held and an employee obtained before the end of this fiscal year.

Planning Director, Cyril Henderson informed the Council that due to the added work in the Planning Department, annexation problems, traffic, etc. that it was necessary this year to have a full time man as an assistant in order to relieve him of some of the more detailed work. He would like to have this classification approved at this time in order to fill the job from a group of new students who may be finishing their college work at this time. Councilman Annan suggested that the Council have a little more time to consider this matter and that the decision be held over for one week. Mayor Marks stated that there was some confusion on the set up of and the cost of operating McHenry Library, which is a joint city and county operation. He stated that the 19,000 people living within the city are paying nearly half of the cost of operation of the library serving the entire county with a population over 130,000. The City Manager stated that Mr. Kidder has prepared a report on the library which will be sent to the members of the Council.

AGREEMENT WITH BOARD OF EDUCATION-SEWER SERVICE FOR WILSON SCHOOL

The Director of Public Works recommended that the City enter into an agreement with the Board of Education for use of the Wilson School sewer line in order that people living adjacent to this line could use the line for domestic sewer service. The City Manager reported that there was one party living adjacent to this line who needed the service very badly at this time. The Director of Public Works stated that the school

is paying the city a fee to held cover the cost of pumping in the Beard Brook crossing and that the line would officially become the property of the City of Modesto upon annexation of the area. Councilman M. Adams introduced

RESOLUTION NO. 9807-N.S.

which was seconded by Councilman Annan, approving the agreement with the Board of Education and appointing the City Manager and the City Clerk as signatory officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata and Mayor Marks

Noes: Councilmen: Mellis

Absent: Councilmen: Merrill

ORDINANCE PROVIDE FOR SALE OF OBSOLETE PERSONAL PROPERTY

Councilman Annan introduced an ordinance being

ORDINANCE NO. 1024-N.S.

entitled: "AN ORDINANCE PROVIDING FOR THE SALE OF OBSOLETE USELESS AND UNCLAIMED PERSONAL PROPERTY" and moved its adoption and passage to print and publish, which motion being duly seconded by Councilman Arata, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

FINAL ADOPTION ORDINANCE NO. 1022-N.S. (REGULATE CARNIVALS)

Ordinance No. 1022-N.S. entitled: "AN ORDINANCE AMENDING SECTION 105 OF ORDINANCE NO. 487-N.S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE PROVIDING FOR LICENSING AND REGULATING THE CARRYING ON OF CERTAIN PROFESSIONS, TRADES, CALLINGS AND OCCUPATIONS IN THE CITY OF MODESTO, PROVIDING THE METHOD OF COLLECTING SUCH LICENSES, AND REPEALING CERTAIN ORDINANCES', as THEREAFTER AMENDED, AND REPEALING ORDINANCE NO. 747-N.S. OF THE CITY OF MODESTO" having been heretofore introduced and ordered printed and published at the regular meeting of April 2, 1952, Councilman Mellis moved, seconded by Councilman R. Adams and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

FINAL ADOPTION ORDINANCE NO. 1023-N.S. (REGULATE PLANTING, REMOVAL AND MAINTENANCE OF TREES AND SHRUBS ON PUBLIC STREETS)

Ordinance No. 1023-N.S. entitled: "AN ORDINANCE REGULATING THE PLANTING, REMOVAL AND MAINTENANCE OF TREES AND SHRUBS IN OR UPON THE PUBLIC STREETS AND THOROUGHFARES OF THE CITY OF MODESTO, AND REPEALING ORDINANCE NO. 374-N.S. AND SECTIONS 7 and 8 OF ORDINANCE NO. 573-N.S. OF THE CITY OF MODESTO" having been heretofore introduced and ordered printed and published at the regular meeting of April 2, 1952, Councilman Annan moved, seconded by Councilman R. Adams and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

BUDGET APPROPRIATION TRANSFERS

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 9808-N.S.

which was seconded by Councilman M. Adams approving the budget appropriation transfer from the City Attorney and Police Court to the City Attorney in the sum of \$3,477.00, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

Upon the recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 9809-N.S.

which was seconded by Councilman Mellis approving the budget appropriation transfer from the General Reaserve of \$1,816.00 as follows:

To the Recreation Department for \$880.00

To the Public Works, City Parks Department for \$936.00

which resolution was regularly adopted by the following vote:

Ayes : Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

The City Manager and Director of Finance explained the purpose and the procedure necessary to use the General Reserve fund as set up in the 1951-52 budget.

REPORT ON DELIVERY OF AMERICAN RAILWAY EXPRESS TO NORTHWEST AREA

The City Manager reported that he had received a communication from the American Railway Express in regard to its unwillingness to establish delivery service into the newly annexed Northwest Area. The Company stated that at the time of the inquiry the area was not developed enough to warrant the delivery service. The City Manager stated that he had suggested that a new request be made for this service as the area was now more highly developed.

DESIGNATE CERTAIN STREETS AS STREETS OF MAJOR IMPORTANCE

Councilman Arata introduced

RESOLUTION NO. 9810-N. S.

which was seconded by Councilman M. Adams designating certain streets or a portion thereof, as Streets of Major Importance, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

The City Manager informed the Council that a certain percentage of the gas tax money received from the State for construction purposes could be spent only on streets of Major Importance with the approval of the State Department of Public Works. Forty percent of the revenue received can be spent for maintenance of any street in the city, either major or secondary sixty percent must be spent for construction.

ADDITIONAL HELP WILL BE NEEDED IN THE PUBLIC WORKS DEPARTMENT

The City Manager reported that due to many added projects in the Public Works Department that additional help might be needed and the request for this help would be coming up very soon. He stated that the condition of the loose bricks at the corner of 19th and Downey Streets was being considered along with other improvements on the city streets.

24
REPORT BY CITY ATTORNEY ON HEALTH SERVICES FOR THE CITY

The City Attorney furnished the Council with a written opinion regarding the legal aspects of utilizing the county's services and facilities for the rendition of public health services in the City of Modesto.

25
DISCUSSION OF FIRE RATE FOR CITY OF MODESTO

Councilman M. Adams questioned the City Manager on whether any further report had been received from the Board of Fire Underwriters on the survey up to the present time. The City Manager reported that representatives of the Board were down last week and made their final check and they would make a report very soon. He stated he believed that we were "rocking" on the border of a 3A classification and that the problem would then be whether we should try for a number 2 rating.

26
REPORT BY CITY MANAGER

The City Manager reported that Mayor Marks, the Director of Finance and himself had met with representatives of the Barium Products Company in regard to services needed by their company. They also met with K. V. Broadwell, County Assessor, in regard to the problem of reassessing of the city and county property which is going on at the present time. Mayor Marks stated that Mr. Broadwell had volunteered to appear before the Council and explain the reassessing program whenever it was convenient.

27
ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST: *R. E. Gailfus*
REX E. GAILFUS, CITY CLERK

Council Meeting

April 16, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 1020-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Absent: Councilmen: Merrill

1
YOUTH IN GOVERNMENT DAY

About 60 members of the Modesto High School Key Club and the Downey High School Key Club, who served as "student officials" in all the major positions in the city government for the day, were present at the Council meeting.

2
APPROVAL OF MINUTES

Councilman Annan introduced

RESOLUTION NO. 9811-N.S.

which was seconded by Councilman Arata approving the minutes of the regular Council meeting of April 2 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

3
COMMUNICATIONS FROM COUNCILMAN LYNDALL O. MERRILL

Communications received from Councilman Lyndall O. Merrill, who is vacationing in the Hawaiian Islands, were read by Mayor Marks and City Manager Miller.

4
AWARDING OF BIDS ON PAVING MATERIAL TO M.J. RUDDY & SON

The City Manager reported two bids had been received on paving material in accordance with the specifications on file in the office of the Director of Public Works. These bids had been opened at 2:00 P.M. on Monday April 14th in the presence of the Director

of Public Works, the City Clerk and L.M. McFarland, and the Director of Public Works recommended that the bid be awarded to M.J. Ruddy & Son as their bid was the lowest bid received. Councilman Arata introduced

RESOLUTION NO. 9812-N.S.

which was seconded by Councilman R. Adams, accepting the bid of M.J. Ruddy & Son, for paving material and appointing the Mayor and City Clerk as signatory officials on the contract for the furnishing, delivery and placing of paving material for the calendar year ending December 31, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

REQUEST FOR CITY SERVICES TO CLOVERFIELD TRACT - W.F. BECKETT

Pursuant to referring the request of W.F. Beckett for city services to a 17 acre tract lying north of Granger Avenue, adjacent to the City, to the City Manager and the Director of Public Works for study, the City Manager stated that the Director of Public Works reported that there is no physical difficulties involved in providing both water and sewer facilities to this tract as they can be extended from present mains and sewer laterals in the Roosevelt Center Tract. The Director of Public Works also reported that the proposed name of this tract is Cloverfield. M. Adams moved, seconded by Councilman Mellis indicating the City's willingness to consent to the commencement of uninhabited annexation proceedings to bring the Cloverfield Tract in the City, at such time as this is legally possible.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

REPORT BY CITY MANAGER ON SEWAGE FACILITIES

The Mayor requested the City Manager to give for the benefit of those present at the meeting, a resume of the present sewage facilities within the City, and of the lines being installed to care for the newly annexed territories, the Maze Court and the Northwest tracts. The City Manager stated that the lines to the Maze Court tract would be built through an unincorporated area and would be built large enough to serve that entire area outside the city limits at a later date. He stated that it was to the best interest of the city and the community in the long run to build these lines large enough as it saves a great deal of money in the construction of additional lines at a later date. He stated that the city had adopted a system of sewer service charges which was set up to cover just this type of service and that the Council at the present time had a willingness to consider service of any outside area wishing to annex to the city. He stated that our present plant was a very substantial plant and was built to serve a large community.

The Mayor stated that after unification the present ordinance probably would be revised to require outside areas to assume bonded indebtedness upon coming into the city.

YOUTH IN GOVERNMENT DAY OFFICIALS TAKE OVER MEETING

At this time Mayor Marks declared a recess, and the Youth in Government Day officials took over the meeting, Carl Henderson of the Modesto High School Key Club, officiating as Mayor. The student city council discussed the partially completed recreation center, known as the L.J. Maddux Youth Center, built in the West Side Park on Block Y. A copy of the minutes of this special student city council meeting and a list

of the student officials, as well as various reports by the student department heads, is on file in the City Clerk's office.

8
SPECIAL TAX LEVY SUGGESTED TO INCREASE SEATING CAPACITY AT BALL PARK

Councilman Mellis suggested that a special tax levy of 10¢ be considered for this year to increase the seating capacity of the Municipal Baseball Park. Mayor Marks suggested that before any action was taken on this matter that the City Manager and the Director of Public Works meet with the Directors of the Modesto Community Athletic Association and that Councilmen Robert Adams, Annan and Mellis attend this meeting.

9
MAYOR APPOINT COMMITTEE TO CALL ON PARKER MADDUX RE: RECREATION CENTER

The Council considered a report made by the student council on the financial circumstances and the unfinished condition of the L.J. Maddux Youth Center Building located on the Westside Park property, belonging to the City of Modesto.

It was brought out in the discussion that the building being left in the present condition was a discredit to the community and should be completed or as nearly as possible so it could be put to some use by the Recreation Department for the youth of the community.

It was suggested that a delegation be sent to see Mr. Parker Maddux or Mr. Phil Davies to find out if they wished to donate the necessary money to complete the building and if they did not wish to do this, to try and obtain the consent of the various donors to use the money held at present to continue with the construction of the building and change the name to the Modesto Youth Center. Councilman Annan suggested that the student officials go ahead with the program and send a letter or go to see Mr. Parker Maddux in regard to this matter as he thought they would have considerable influence. Mayor Marks suggested that Mr. Davies should be contacted first to inform him that the boys intended to visit Mr. Maddux. Councilman Mellis moved, seconded by Councilman Arata, that Mayor Marks delegate certain interested parties and members of the Council to handle this matter.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

10
SALE OF MODESTO YOUTH ORGANIZATION PROPERTY IN BLOCK 22

Councilman Robert Adams informed the Council that he had talked to the President of the Real Estate Board concerning the sale of the Modesto Youth Organization property, lots 21-24 inc. in Block 22, recently deeded to the City of Modesto and the matter of its help in the sale of these lots would be taken up at its next meeting. Councilman Mellis suggested that the approval of procedure for selling of this property be held over for one week.

11
AUTHORIZE USE OF MONEY FOR CONSTRUCTION OF YOUTH CENTER

Councilman Annan introduced

RESOLUTION NO. 9813-N.S.

which was seconded by Councilman Arata as follows:

"Whereas the present building, known as the Maddux Youth Center, has long remained uncompleted; and

Whereas, the City of Modesto, through funds on hand for this purpose and the sale of lots recently donated, can raise the sum of approximately \$17,000.00 for further work on the building

NOW THEREFORE, BE IT RESOLVED that the City, after assuring that the title of the building is vested in the City, proceed immediately to complete as much as possible of the building with funds available for that purpose, and after completion of the same, accept responsibility of its operation, upkeep and maintenance, thus making it available primarily for use by the youth of the City and for such other use as may be desirable.

BE IT FURTHER RESOLVED that consideration be given to naming the building the Modesto Youth Center, provided consent can be obtained from the principal donors."

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Attorney informed the Council that the fact the money which had been donated for the L.J. Maddux Youth Center Building, came from various people and organizations, the establishment of a clear title in the name of the City of Modesto was a problem. He stated that he would look into the matter of clearing this title for the City.

NUMBERING IN 900 BLOCK ON TENTH STREET

Following several years of study, the Director of Planning filed a final report on the street numbering of the buildings in the 900 block on Tenth Street, proposing that the numbers in this block be allocated out on the basis of one number for each 12½ feet of frontage, which proposal had been approved by the Planning Commission.

The City Attorney was instructed to prepare an amendment to Ordinance No. 934-N.S. establishing a procedure for changing the street numbers in the business area.

CITY MANAGER EXPRESS APPRECIATION TO THOSE COOPERATING IN YOUTH IN GOVERNMENT DAY

The City Manager expressed his appreciation to the Kiwanis Club, the Modesto High School Key Club and Downey High School Key Club for their cooperation in participating in Youth in Government Day. He also thanked the City officials and school advisors of the club for their cooperation.

OVERTIME PAY FOR POLICE OFFICERS

The City Manager presented a resolution for the approval of the Council providing for overtime work and payment therefore to Police officers at the Municipal Baseball Park, as directed by the Council at its regular meeting of April 9th. The City Manager informed the Council that there was an organization of private police in the City who had asked that their interest in furnishing private police protection be brought to the attention of the Council. Councilman R. Adams introduced

RESOLUTION NO. 9814-N.S.

which was seconded by Councilman Annan, approving Supplementary Personnel Regulation No. 52-2, entitled: "Authorization for Overtime Work by City Police Officers at the Municipal Baseball Park and payment therefor", which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes; Councilmen: None

Absent: Councilmen: Merrill

CHANGE IN CLASSIFICATION AND SALARY IN THE PLANNING DEPARTMENT

The City Manager filed a report on the personnel and salaries of the Planning Department for the past 5 years and recommended that the Council approve a classification of Planning Assistant in this department. He stated that this new position is very much needed in the Planning Department and that the number of persons employed would be about the same but at a somewhat higher level. Councilman M. Adams introduced.

RESOLUTION NO. 9815-N.S.

which was seconded by Councilman Arata, approving the classification of Planning Assistant in the Planning Department and amending Resolution No. 9621-N.S. to include

this classification with a maximum monthly salary of \$375.00, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

CREATE NEW CLASSIFICATION IN LIBRARY DEPARTMENT

The matter of establishing the new position of Librarian I, as a substitute for the present classifications of Cataloguer, Children's Librarian and Reference Librarian and the abolition of the classification of Reference Assistant and Circulation Assistant and the allocation of these positions as Typist Clerk, having been held over for study by the Council, at this time Councilman Annan introduced

RESOLUTION NO. 9816-N.S.

which was seconded by Councilman M. Adams, amending Resolution No. 9621-N.S. to provide for the establishment of the new position of Librarian I with a maximum salary of \$255.00 per month as provided for the present classifications of Cataloguer, Children's Librarian and Reference Librarian and the abolition of the classifications of Reference Assistant and Circulation Assistant which classification will be covered by the present classification, Typist-Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

APPROVE AGREEMENT WITH C.E. HARDIN FOR IMPROVEMENT OF HARDIN TRACT

The City Attorney presented an agreement for approval of the Council between the City and C.E. Hardin, Subdivider on the Hardin Tract, as requested by the Council. The City Attorney briefly outlined the agreement as prepared and Councilman Arata introduced

RESOLUTION NO. 9817-N.S.

which was seconded by Councilman Annan, approving the agreement as presented and appointing the City Manager and City Clerk as signatory officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

FINAL READING ON ORDINANCE NO. 1024-N.S. SALE OF OBSOLETE PERSONAL PROPERTY

Ordinance No. 1024-N.S. entitled: "AN ORDINANCE PROVIDING FOR THE SALE OF OBSOLETE, USELESS AND UNCLAIMED PERSONAL PROPERTY", having been heretofore introduced and ordered printed and published at the regular meeting of April 9, 1952, Councilman R. Adams, moved, seconded by Councilman Annan, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

REPORT BY MAYOR MARKS ON MEETING WITH COUNTY BOARD OF SUPERVISORS ON AIRPORT

The Mayor reported that he and Councilman R. Adams had met with the County Board of Supervisors in regard to the Municipal Airport. He stated that in his request to the Board for assistance in the operation of the airport they had declined, but that one good thing had come out of the meeting as he thought that they now could see the

necessity for a county airport. The City Manager stated that in his opinion the county should definitely participate in the operation of the airport. Councilman R. Adams stated that the Board of Supervisors suggested that a county airport committee should be appointed. It was suggested that this matter might be considered by the joint City-County Committee and no action was taken by the Council.

20
REQUEST OF PACIFIC GRAPE PRODUCTS COMPANY CONSTRUCT OVERHEAD FLUME ACROSS GRAND STREET

City Engineer Fred E. Lange reported for the Council's information, that the Pacific Grape Products Company had requested permission to construct an overhead flume across Grand Street, which is a part of the highway system. He stated that this flume, which would either be an open flume or close pipe, would eliminate the trucking of produce across Grand Street and the structure would be a permanent structure. The Council requested that consideration be given to the inclusion of a stipulation in the agreement for the construction of this flume that it could be removed if it were no longer needed if it became necessary to remove the flume for some other reason.

21
MODESTO IRRIGATION DISTRICT PROPOSE BUILD UNDERGROUND TRUNK LINE AND VAULT ON J STREET BETWEEN TENTH AND ELEVENTH STREETS

The City Engineer reported that the Modesto Irrigation District were proposing the building of an underground trunk line and vault in the alley on J Street, between 10th and 11th Streets. He stated that this work was being done under a program of eventually placing all lines underground. The City Manager wished to direct the attention of the Council to the fact that the street would be torn up for sometime at this location and that there probably would be some complaints. He stated that a program was being developed which would inform all the public utility companies in advance of the city's street improvement program in order that the work of the utilities in the streets might be done in advance of such improvements.

22
CITY OF MODESTO - AWARD BASED ON TRAFFIC FATALITY REDUCTION IN 1951

The City Manager reported that the City of Modesto had won an award in the 18th annual Safe Cities Awards Contest, conducted by California Safety Council, based on traffic fatality reduction in 1951 for cities from 10,000 to 25,000, which would be presented to the City on April 24, 1952, at the Biltmore Hotel in Los Angeles. He stated that the Police Department had attributed its safety record to the three "E's", enforcement, education and engineering. The Council authorized the Mayor to write a letter to the California Safety Council Inc. in acceptance of this award for the City of Modesto.

23
REPORT BY CITY MANAGER ON REQUEST LOCAL GOVERNMENTS INSPECT STATE SALES TAX RECORDS

Following receipt of several letters from state officials stating that the law did not allow local officials to check state sales and use tax auditing records, the City Manager reported that the League of California Cities had informed him that it would be possible for the state officials if they so desired to allow local governments to have access to report, whereupon Councilman Mellis moved, seconded by Councilman M. Adams that the matter be brought up at the meeting of the Central Valley Division of the League of California Cities to be held in Modesto on Thursday, April 16, 1952, for their consideration.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

The City Manager reminded the Council for their information that they had served on the Council for just one year as of this date.

24
ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

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

Council Meeting

April 23, 1952

The Council of the City of Modesto met in regular session this date at 7:00 P.M. as provided by Ordinance No. 1020-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

APPROVE APPROPRIATION TO CALIFORNIA RELAYS

Trevor Griffith, Assistant Director of California Relays appeared before the Council and presented a letter requesting the City to appropriate \$120.00 toward the purchase and replacement of old worn street flags. He stated that the Fourth of July Committee were donating \$120.00, the California Relays Committee, \$120.00 and that the Relays Committee urgently needed flags at this time and requested the City to act favorable in this request. Councilman Arata moved, seconded by Councilman Merrill expressing the desire of the Council to make this \$120.00 appropriation and instructed the City Manager to have the necessary resolution prepared, transferring the money from the General Reserve to the Music & Promotion budget.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

2
LETTER STANISLAUS COUNTY FOURTH OF JULY CELEBRATION AT MODESTO COMMITTEE

A request received from the Stanislaus County Fourth of July Celebration at Modesto Committee, requesting that the City put in the budget for 1952-53, the regular contribution for the Fourth of July Celebration, was read and referred to the City Manager for consideration in the annual budget for 1952-53.

2
APPLICATION FOR INCREASE RATES FOR BUS LINES IN THE CITY

A copy of an application filed with the Public Utilities Commission of the State of California by Willis M. Kleinenbroich, d.b.a. the Modesto-Riverbank-Oakdale Stage Line to increase rates and fares for the transportation of passengers and property between Modesto, Riverbank and Oakdale was filed with the Council.

A copy of an application filed with the Public Utilities Commission of the State of California by Willis M. Kleinenbroich, an individual d.b.a. Modesto Motor Bus Service to increase rates and fares for the transportation of passengers between points in the vicinity of Modesto was filed with the Council.

A copy of an application filed with the Public Utilities Commission of the State of California by Mary Maritzen and E.B. Osthues, a co-partnership, d.b.a. Modesto Transit Company, for authorization to increase fares was filed with the Council.

The City Manager informed the Council that a study of the applications would be made and reported to the Council before the date set for the hearing before the Public Utilities Commission.

2
REQUEST FOR SEWER SERVICE BY STANISLAUS COUNTY FOR COUNTY CENTER #3

The City Manager reported that representatives of Stanislaus County had inquired as to the possibility of the City furnishing sewer service to County Center #3 to be located at Scenic Drive and Old Oakdale Road. He informed the Council of the problems

involved in order to properly serve this area but that the Director of Public Works would have a final report to make on the matter in a short time.

SALE OF WATER LINE ON SNOWDEN AVENUE

The City Manager reported that the City was the owner of a 1326 ft. pipe line which had been installed on Snowden Avenue and which was connected to the Del Este Water Company system. He stated that this line had been installed so that the United Airlines Inc. could be served with water as the City had guaranteed them water at the time they established their terminal on the airport property.

The City Manager informed the Council that the Del Este Water Company wished to serve other customers from this line and that the City would have no other use for the line in the foreseeable future. He stated that in negotiations with the Del Este Water Company, they had offered to pay \$800.00 and he had requested \$1000.00. The City Manager recommended that the Council offer to sell the line for \$900.00. Councilman Annan moved, seconded by Councilman Arata, that the City Manager continue with the negotiations for the sale of this line for \$900.00 to the Del Este Water Company.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

MAYOR MARKS PRESENTS PROGRESS REPORT

Mayor Marks presented a progress report on the year's activities from April 1951 to April 1952, a copy of which was ordered placed on file in the office of the City Clerk.

REQUEST FOR INDUSTRIAL FIRE DISTRICT FOR LOAN FROM COUNTY

The City Manager reported that Oliver Chance, Supervisor of Stanislaus County had contacted him early in March regarding the request of the Fire District for a loan. The City Manager stated he had offered to meet with Mr. Chance and representatives of the Fire District and resolve any question that had arisen regarding the problem of the District's repayment of the loan in case the District or a portion thereof was annexed to the City and that the City Attorney had studied the problem and discussed it with representatives of the County Counsel. He read and filed with the City Clerk a copy of a letter which he had written to Mr. Chance on March 28, again suggesting such a meeting and stating that the City would need to know generally what liabilities it would be asked to assume if the area were voted into the City. Mr. Chance was unable to arrange such a meeting.

The City Manager stated further that following a newspaper report which indicated that the question of repayment of the loan had been discussed at the Board of Supervisors meeting he had contacted both Mr. Chance and Mr. Watson and offered to recommend to the Council any action which would make the position of the City clear and had assured them that the City did not want the unification program to hamper the operation of the District in any way. He read and filed with the City Clerk a copy of a letter which he had written and had delivered personally to Mr. Watson on April 23, offering to recommend to the City Council that they state their position in a resolution so that it would be clear to the Board of Supervisors and to the Fire District. He stated that, while Mr. Watson had indicated in a telephone conversation that he would reply prior to the Council meeting, the reply had not yet been received. He recommended, nevertheless, that the City Council adopt a resolution which would clear the matter as far as the City's position was concerned. He stated that the City Attorney, after discussion with Mr. Mitchell

of the County Counsel's office, had prepared a resolution which he recommended to the City Council. After consideration of the proposed resolution Councilman Mellis introduced

RESOLUTION NO. 9818-N.S.

which was seconded by Councilman R. Adams resolving that if a portion of the Industrial Fire District is annexed to the City of Modesto during the ensuing fiscal year prior to the time that the aforesaid contemplated loan is repaid, the City will utilize all or so much of the tax revenues it will receive from the district by reason of the provisions of Section 14258-6 of the Health and Safety Code as are necessary for the purpose of repaying that portion of the unpaid balance of said loan which is attributable pro rata on the basis of assessed valuation to that portion of the territory of the district which is withdrawn from the district and annexed to the City, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:


REX E. GALLFUS, CITY CLERK

Council Meeting

May 7, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 1020-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

APPROVAL OF MINUTES OF COUNCIL MEETINGS

Councilman M. Adams introduced

RESOLUTION NO. 9819-N.S.

which was seconded by Councilman Arata, approving the minutes of the regular Council meetings held on April 9, 16 and 23, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROVING GRANTING OF VARIANCE TO ELVAN OVERHOLTZER

Cyril McC Henderson, Director of Planning and Elvan Overholtzer, 1450 Overholtzer Avenue, appeared before the Council in regard to the granting of a variance to Mr. Overholtzer for the construction and operation of a cabinet shop on his property, being lot 8, Block 910 of Evergreen Acres Tract.

Mr. Henderson reported that notices had been sent to property owners within a 500 foot radius of the Overholtzer property and that at the hearing held by the Planning Commission, eight of the property owners from Leonard Avenue had appeared. With the consent of these present, the Commission had granted the variance applied for on the understanding lot 8 would be zoned in the C-M, Commercial-Manufacturing District except the easterly 60 feet which would be zoned in the Multiple Family District as would be the properties fronting on Leonard Avenue.

The conditions under which this variance was granted, he stated included the dedication of the necessary land to provide for a full 60 foot right of way for Kearney Avenue and the dedication of a 50 foot strip of land in order to provide for the continuation of Leonard Avenue to Kearney Avenue.

Mr. Henderson pointed out that the extension of Leonard Avenue was desirable in order to provide proper fire protection and circulation of traffic in the area but that it did not benefit Mr. Overholtzer immediately and that in consideration of this fact the Planning Commission had recommended that Mr. Overholtzer should not be required to make any improvements on the portion of Leonard Avenue being dedicated by him.

After some discussion it was agreed by the Council that when that portion of Leonard Avenue was opened the City would grade and oil the street but that the installation of curbs and gutters would be the responsibility of the property owner(s) and when they are constructed, and that might be at a later date. It was understood that Mr. Overholtzer would install curbs and gutters and grade his portion of Kearney Avenue, but the City would provide for the oiling. In reply to a question it was pointed out to Mr. Overholtzer that the Council could not foreclose the right of protest relating to such variances. Councilman Mellis introduced

RESOLUTION NO. 9820-N.S.

which was seconded by Councilman M. Adams approving the granting by the Planning Commission of the variance to Elvan Overholtzer to construct and operate a cabinet shop on lot 8, Block 910 of Evergreen Acres Tract, subject to the terms and conditions outlined above, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REQUEST FOR PERMIT TO OPERATE A DANCE HALL - JACK WATSON

3 A request filed by Jack Watson for a permit to operate a dance hall upstairs over the Tack Room at 10th and H Streets in the former Moose Hall, was referred to the City Manager for consideration and report to the Council at the next meeting.

REQUEST FOR PERMIT OPERATE A DANCE HALL - HAYDEN L. LOGAN

4 A request filed by Hayden L. Logan, operating the Europa Hotel, 602 Ninth Street, that he be issued a permit to operate dances on the premises, was referred to the City Manager for consideration and report to the Council at a later meeting.

REQUEST EXTENSION TEMPORARY PERMIT ISSUE "GREETER TICKETS" TO CONVENTION DELEGATES-CHAMBER OF COMMERCE

5 A request was filed by the Chamber of Commerce for the extension of a temporary permit granted by the Council to allow them to provide greeter tickets for convention registrants which permitted free parking on the municipal off-street pay lots only. They stated that the Lions will be here Saturday, May 10th and the Scouts on May 24th. They requested they be granted permission to present to the convention registrants a free parking insignia which would be good only in the pay parking lots and in the non-meter area north of J Street and east of 11th Street, as this permit will be highly advantageous to the community and greatly appreciated by them. Councilman Annan moved, seconded by Councilman Merrill, instructing the City Manager to check the request with members of the Parking Authority and if agreeable to them to make arrangements for the cooperation of the Police

Department in the handling of the program as requested.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REQUEST REMOVE TREE IN FRONT OF 111 LEE STREET - NAT L. BEYER

Nat L. Beyer appeared before the Council and requested permission to remove a tree from in front of 111 Lee Street in order that a house could be moved from this location. Several of the Council members stated that they had investigated the situation of the tree at this location and decided that in order to move the house, it would be necessary to remove one of the trees. Councilman R. Adams moved, seconded by Councilman Arata that Mr. Beyer be allowed to remove this one tree in order that the house could be moved.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REMOVAL OF TREES IN FRONT OF 215 McHENRY AVENUE - FRANK B. LATTIMER

Following the request of Frank B. Lattimer for permission to remove two trees in front of his used car lot at 215 McHenry Avenue to construct a driveway in the center of his lot and to close up his old driveway, he filed a new request that he be allowed to widen the present driveway to 10 feet instead of constructing a new driveway in the center of his lot and it would only be necessary to remove one tree. Councilman Annan moved, seconded by Councilman Arata that Mr. Lattimer be allowed to remove one tree in order that the existing driveway be widened to 10 feet.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REQUEST REMOVE TREES FRONT OF FIRST CHRISTIAN CHURCH - 14th & L STREETS

The request of the First Christian Church for the removal of trees in front of their church at the corner of 14th and L Streets was referred to the City Manager for study and recommendation to the Council at a later meeting.

The City Manager suggested to the Council that he find out the proposed width of McHenry Avenue under the projected widening program by the State in order that the possibility be explored of starting new planting based on the ultimate street width to replace existing trees that may be removed.

AGREEMENT WITH W.G. DUNLOP FOR LEASING OF HANGAR AT MUNICIPAL AIRPORT

Upon the recommendation of Harry Sham, Airport Manager and the City Manager that the Council enter into an agreement with W.G. Dunlop for the rental of the hangar at the Municipal Airport, Councilman R. Adams introduced

RESOLUTION NO. 9821-N.S.

which was seconded by Councilman Mellis, approving lease agreement between the City of Modesto and W.G. Dunlop for the rental of a hangar at the Municipal Airport for the term of one year commencing on May 1, 1952 at a rental fee of \$100.00 per month and appointing the City Manager and the City Clerk as signatory officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

LETTER FROM GORDON G. DUNN, MAYOR OF CITY OF FRESNO

A letter received by Mayor Marks from Gordon G. Dunn, Mayor of the City of Fresno extending an invitation to him and members of the Council to attend the Biennial Mayor's and Councilman's Institute sponsored by the League of California Cities to be held in Fresno, June 12 and 13, 1952 was read and ordered filed.

CANCELLATION OF TAXES ON LOTS DEEDED TO THE CITY OF MODESTO BY THE MODESTO YOUTH ORGANIZATION (LEO G. HAMMETT)

Councilman R. Adams introduced

RESOLUTION NO. 9822-N.S.

which was seconded by Councilman Mellis, authorizing the Auditor of the City of Modesto to cancel the second installment of 1951-52 City taxes on lots 21-24 inc. in Block 22, which was deeded to the City of Modesto by the Modesto Youth Organization (Tax bill No. 1726 in amount \$6.97), and request the Board of Supervisors of the County of Stanislaus and the Board of Directors of the Modesto Irrigation District to cancel the second installment of 1951-52 taxes on this property, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

CITY GO AHEAD WITH PLANS TO SELL CERTAIN PROPERTY

Councilman R. Adams suggested that the City go ahead with their plans for the sale of the four lots on Fifth Street and also with the triangle piece of property in Block 588. Members of the Council suggested that the money derived from the sale of these two pieces of property be used in financing the completion of the Youth Center building.

The City Manager reported that the City Attorney had advised him that the City held the title to the Youth Center building in the West Side Park in the City of Modesto, and he cited the reasons set forth by the City Attorney in coming to this conclusion.

REQUEST BY MODESTO CITY SCHOOLS FOR CANCELLATION OF TAXES ON PORTION OF BLOCK 805

A request was filed by the Modesto City Schools asking the City to cancel the 1951-52 taxes (tax bill No. 5656 on Block 805, W 347.18' being property purchased from Mary A. Sanders on July 11, 1951. Councilman Arata introduced

RESOLUTION NO. 9823-N.S.

which was seconded by Councilman Mellis, directing the Auditor to cancel the 1951-52 taxes on above described property as requested, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Budget APPROPRIATION TRANSFERS - LIBRARY

Upon the recommendation of the Library Board and the City Manager, Councilman Mellis introduced

RESOLUTION NO. 9824-N.S.

which was seconded by Councilman M. Adams approving the budget appropriation transfer of \$1,731.00 from the General Reserve of the Library Fund as follows:

Operating Expense (Telephone, heat & light, postage-supplies,
General and janitor) \$ 946.00

Capital Outlay (2 brass coupline, 2-50 ft. hose 1 class b
extinguisher and 2 shutoff) 135.00

Capital Outlay - books 650.00
\$1731.00

which resolution was adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Mayor Marks suggested that a meeting be arranged with the City Manager, Librarian, Board of Trustees of the McHenry Library and the Board of Supervisors of Stanislaus County, to discuss the financing of the Library budget as set up by the city and the county. It was brought out that the city was paying almost one-half of the cost of operating the library.

REFUND OF TAXES TO ST. MARY'S HOSPITAL

The City Attorney informed the Council that the former St. Mary's Hospital had brought suit against the City of Modesto for a refund of the 1946-47 property taxes, in the amount of \$221.31 under a ruling decided by the Superior Court of California. He advised the Council that a refund to the St. Mary's Hospital was in order and that the tax-payer had agreed to accept \$196.51 in full settlement of all claims, the difference of \$24.80 having been the tax paid on several vacant lots which were not entitled to exemption under the law. Councilman Mellis introduced

RESOLUTION NO. 9825-N.S.

which was seconded by Councilman Arata authorizing the Auditor to refund the sum of \$196.51 to the St. Mary's Hospital, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPOINT MRS. MYRTIE McHENRY LANGDON, HONORARY PRESIDENT OF THE BOARD OF LIBRARY TRUSTEES

Upon the recommendation of the Board of Library Trustees the City Manager suggested that the Council appoint Mrs. Myrtie McHenry Langdon as Honorary President of the Board of Library Trustees of the City of Modesto for life. Councilman Annan introduced

RESOLUTION NO. 9826-N.S.

seconded by Councilman M. Adams commending Mrs. Myrtie McHenry Langdon for her years of service, appointing her as Honorary President of the Board of Library Trustees for life and authorizing the Mayor to send a certified copy of the resolution to Mrs. Langdon, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

BUDGET APPROPRIATION TRANSFER-CALIFORNIA RELAYS

Upon the recommendation of the City Manager, Councilman M. Adams introduced

RESOLUTION NO. 9827-N.S.

which was seconded by Councilman Arata, approving the budget appropriation transfer of \$120.00 from the General Reserve to Music and Promotion to be used for the purchase of street flags to be used jointly by the California Relays and Fourth of July Celebration Committee, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ORDINANCE AMENDING ORDINANCE NO. 934-N.S. PROVIDE OFFICIAL PROPERTY NUMBERING SYSTEM

Councilman Mellis introduced an ordinance being

ORDINANCE NO. 1025-N.S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 934-N.S. ENTITLED "AN ORDINANCE TO PROVIDE

AN OFFICIAL PROPERTY NUMBERING SYSTEM FOR THE PROPERTIES AND PRINCIPAL BUILDINGS IN THE CITY OF MODESTO AND PRESCRIBING THE PENALTY FOR VIOLATION OF THE PROVISIONS OF SAID ORDINANCE" BY AMENDING SECTIONS 2, 3 and 4 thereof." and moved its adoption and passage to print and publish, which motion being duly seconded by Councilman Annan, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REPORT BY CITY MANAGER ON SALARY SURVEY

19
The City Manager reported that the City of Modesto was now engaged in a salary survey jointly with the County of Stanislaus and the Modesto School District. He stated that the County had employed the services of the State Personnel Board and that the city was furnishing personnel for contracting various businesses and governmental agencies in this area and that the School District helping prepare the final report. He stated that all information derived from the business concerns and governmental agencies would be confidential and would be prepared in a consolidated report which would be available to all agencies and would be of help to the city in consideration of salaries for this year's budget.

REPORT BY CITY MANAGER ON STREET NAME SIGNS

20
The City Manager reported that the street name signs purchased in January of this year had been completely installed. 212 units were placed at an average of \$16.30 per unit. He stated that 325 street name signs will complete the street sign program, 295 of these signs being replacements and 30 to be placed in new subdivisions.

REPORT BY CITY MANAGER ON TRAFFIC SIGNALS

21
The City Manager reported that the first phase of the study of traffic signal needs had been completed. The State has recommended installation of fully traffic-actuated signals at McHenry and Morris Avenues at an estimated cost of \$11,500.00 and of "fixed time traffic signals" at Eleventh and D Streets at a cost of approximately \$7,500.00. The city's share of the cost of these two signals would be 50%. He showed plans for the proposed installations prepared by the State. The manager and the Inter-departmental Committee agreed on the basis of the studies made that the signals which we already have should be placed at 10th & L Streets. Councilman Annan introduced

RESOLUTION NO. 9828-N.S.

which was seconded by Councilman M. Adams authorizing the installation of a traffic signal at 10th & L Streets which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman Mellis moved, seconded by Councilman R. Adams that the Council approve the installation of and the plans for signals at McHenry and Morris Avenues and at 11th and D Streets, as proposed by the State and reported by the City Manager and instructing him to proceed with the proposed installation of these signals.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REPORT ON "YIELD RIGHT OF WAY SIGNS"

12
The City Manager reported that the Inter-Departmental Traffic Committee had investigated the possibility of the city using "Yield-Right of Way" signs at some corners where four way stop signs are installed and it was their opinion that the proposed signs would require a change in the State Vehicle Code. It was recommended that the City of Modesto itself should not consider the use of these signs at this time and that if the matter were considered it should be considered on a state wide basis.

AUTHORIZE PROGRESSIVE PAYMENT TO LENTZ CONSTRUCTION COMPANY ON CONSTRUCTION OF SANITARY SEWER IN ROBERTSON ROAD AND MORRIS AVENUE

20
WHEREAS, the Director of Public Works has filed a report on the construction of a sanitary sewer in Robertson Road between Sutter Avenue and Hammond Avenue and a sanitary sewer in Morris Avenue between Coffee Road and Block 1007, by the Lentz Construction Company stating that the work had been done in accordance with the plans and specifications and to his satisfaction and he recommended that the job be accepted and a notice of completion be filed with the County Recorder and that a payment of \$6,787.87 be authorized, being 75% of of the contract price. Councilman M. Adams introduced

RESOLUTION NO. 9829-N.S.

which was seconded by Councilman Arata, accepting the contract as completed by the Lentz Construction Company, authorizing payment of \$6,787.87 and directing the City Clerk to record Notice of Completion with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

BUDGET APPROPRIATION TRANSFER-MAINTENANCE OF STATE HIGHWAY ROUTE #4

The City Manager informed the Council that the Director of Public Works, Marvin E. Ray reports that the State Division of Highways authorized expenditure of state funds for resurfacing of State Highway Route 4, Ninth Street, between L Street and South 99 Highway Bridge. The work is estimated to cost \$20,000.00 and must be done by force account by the City of Modesto with full reimbursement being made by the State of California. All work must be completed and statements rendered to the division of Highways office prior to June 30, 1952. Upon the recommendation of the City Manager, Councilman Arata introduced

RESOLUTION NO. 9830-N.S.

which was seconded by Councilman Annan, approving the proposed procedure and a transfer of \$20,000.00 from the General Reserve to the Street Department to provide for the maintenance of State Highway Route #4, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

PROVIDE FOR CITY OF MODESTO TO BECOME PART OF STANISLAUS COUNTY CIVIL DEFENSE OPERATIONAL AREA

Councilman M. Adams introduced

RESOLUTION NO. 9831-N.S.

which was seconded by Councilman Merrill providing for the City of Modesto to become a part of the Stanislaus County Civil Defense Operational Area and authorizing the appointment of

Kenneth C. Ables as Stanislaus Operational Area Coordinator-Director and E. W. Hane as Deputy Stanislaus Operational Area Director and authorizing the City Manager to appoint a representative to serve on the staff of the Operational Area Coordinator as the Civil Defense representative of the City of Modesto and providing that the City should incur no financial responsibility by becoming part of the operational area, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST: 
Rex. E. Gallfus City Clerk

Council Meeting

May 14, 1952

The Council of the City of Modesto met in regular session this date at 7:00 P. M. as provided by Ordinance No. 1020-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

REQUEST FOR DANCE HALL PERMIT-- R. C. (BOB) WATSON

A request filed with the Council by R. C. (Bob) Watson for a permit to operate a dance hall in connection with his restaurant and bar located at 724 10th Street was referred to the City Manager for investigation and report.

REQUEST OF U. Z. BRANNON FOR CURB CUT AT 1315 TENTH STREET

U. Z. Brannon appeared before the Council in behalf of his request for a 14 foot curb cut at 1315 Tenth Street. The Director of Public Works reported that he had checked this request and that he recommended a 12 foot curb cut, with the location beginning 10 feet northwest of the southeast lot line to avoid the removing of any trees. Councilman Annan moved, seconded by Councilman M. Adams granting a 12 foot curb cut to be located as approved by the Director of Public Works.

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

Councilman R. Adams Arrived at this time.

Mr. Brannon reported that there were three trees in front of his place of business and that one of these trees appeared to be almost dead and in his opinion he thought it should be removed. It was decided to hold over a decision on this matter until members of the City Council could inspect the trees and receive a report from the City Manager and Director of Public Works.

REQUEST BY SCIOTS TO LEAVE BANNERS ON STREETS UNTIL AFTER ITS CONVENTION MAY 26, 1952

Fred S. Curtis, 618 Ashby Avenue, appeared before the Council in regard to the written request of Leonard E. Clover, General Chairman of the Sciots for the semi-annual convention to be held in Modesto on May 24, 1952, that the banners which were hung for the California Relays by the Junior Chamber of Commerce on the city streets be left hanging until May 26th, after the date of the convention. Councilman

Merrill moved, seconded by Councilman Mellis granting permission to leave the banners hanging until May 26th with the understanding that the local Pyramid of Sciots would hold the city harmless for any liability or damages incurred by reason of their use.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

OFFER PURCHASE LOTS 21-24 INC. BLOCK 22 DEEDED TO THE CITY OF MODESTO BY THE MODESTO YOUTH ORGANIZATION

George Katsufraakis and Spero Kantelaris, representing the Greek Orthodox Church, appeared before the Council and offered to purchase lots 21 to 24 inc. in Block 22 from the City of Modesto for the sum of \$4,200.00. The City Attorney informed the Council that under the Charter they could sell these lots to any interested party either in a private sale or by calling for bids. It was agreed that action would be delayed one week and that if other offers were received they could be considered. After a discussion by the Council, Councilman R. Adams moved, seconded by Councilman Arata directing the City Attorney to prepare an ordinance which would authorize the sale of these lots, to be considered by the Council at its next meeting.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REQUEST PARK TRUCK IN I STREET--JOHN A. ROLLINS

John A. Rollins, 1218 I Street, appeared before the Council and requested permission to park a truck on I Street, opposite the Post Office, on Friday morning for 30 minutes in order that Senator Knowland, who would be passing through the city, might make a 15 minute speech. Councilman Annan moved, seconded by Councilman M. Adams granting permission for the placing of this truck and authorizing the Police Department to take the necessary steps to control the traffic at this time.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The Council requested the City Manager to investigate the possibility of selecting a more appropriate spot for the placing of this particular type of requests where there would be less inconvenience to the businesses in the neighborhood.

The City Manager stated that due to the fact that in many cases these requests often come to his attention late, it would be impossible for the Council to act on them without calling a special meeting and he suggested that a suitable procedure be set up so that after deciding on a location for these requests, that the granting of the permit in specific cases be left in his hands, thereby relieving the Council of this routing.

ALLOW CLAIMS FOR THE MONTH OF APRIL, 1952

Upon recommendation of the City Manager, Councilman M. Adams introduced

RESOLUTION NO. 9832-N.S.

which was seconded by Councilman Arata, approving the claims for the City of Modesto for the month of April, 1952 in the amount of \$112,291.10, being check numbers 3391 to 3630 inc. for the city and check numbers 10877 to 10904 inc. for the McHenry Public Library and the issuing of warrants by the Auditor is hereby validated, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AUTHORIZE APPROPRIATION OF FUNDS FOR CONSTRUCTION OF WARM-UP MAT AT AIRPORT

The City Manager reported Harry Sham, Airport Manager had recommended that a warm-up mat be installed at the airport in order to take care of the larger planes. He stated that this improvement could be made from airport gas tax money and would require an amendment to the appropriation ordinance. The total cost would be approximately \$900,00. Councilman Annan Moved, seconded by Councilman Arata approving the construction of the warm-up mat at the airport and authorizing the City Manager to take the required action to cover the appropriation of funds.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

RENEWAL OF LEASE WITH THE NAVAL DISTRICT ON QUONSET HUTS AT AIRPORT

Councilman Mellis introduced

RESOLUTION NO. 9833-N.S.

which was seconded by Councilman R. Adams renewing the lease with the United States of America (Naval District) on premises at the Municipal Airport (quonset huts) for a period of one year from July 1, 1952, with an option to lessor to renew annually until the 30th day of June, 1957, being their lease Noy (R)-42852, and appointing the Mayor and City Clerk as signatory officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Airport Manager Harry Sham suggested that the city consider the building of some more hangars at the airport. He suggested that any available gas tax money could be used for this purpose. The City Manager was directed to look into this matter and report to the Council at a later date.

RESURFACING OF NINTH STREET

The Director of Public Works reported that M. J. Ruddy & Son filed the lowest informal bid for furnishing 3000 tons of plant mix surfacing and for the rental of equipment for the resurfacing of Ninth Street from L Street to the South 99 Highway Bridge and he recommended that this bid be accepted. Councilman R. Adams introduced

RESOLUTION NO. 9834-N.S.

which was seconded by Councilman M. Adams approving the specifications and accepting the informal bid of M. J. Ruddy & Son for plant mix for the rental of equipment, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

FINAL ADOPTION ORDINANCE NO. 1025-N.S.--OFFICIAL PROPERTY NUMBERING SYSTEM

Ordinance No. 1025-N.S.--entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 934-N.S. ENTITLED: "AN ORDINANCE TO PROVIDE AN OFFICIAL PROPERTY NUMBERING SYSTEM

FOR THE PROPERTIES AND PRINCIPAL BUILDINGS IN THE CITY OF MODESTO AND PRESCRIBING THE PENALTY FOR VIOLATION OF THE PROVISIONS OF SAID ORDINANCE" BY AMENDING SECTIONS 2, 3, and 4 THEREOF", having been heretofore introduced and ordered printed and published at the regular meeting of May 7, 1952, Councilman Mellis moved, seconded by Councilman Merrill that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

POLICY IN DEVELOPMENT OF PARKS

11 Mayor Marks reported to the Council on an article appearing in the Modesto Bee in regard to a Stanislaus County Board of Supervisors meeting to decide whether to uphold the County Planning Commission in requiring the dedication of land for parks by developers of large subdivisions. It was brought out in the discussion by the Council that there was a great need for additional parks in this community and every reasonable means should be taken to see that parks are established. Councilman R. Adams, suggested that in the future creation of parks in this community, in his opinion, the city and county should work together to assure ample park areas, that should go beyond the little park areas which we have at present. The City Attorney advised the Council that there was a legal question as to whether a public agency had the power to impose such a requirement on subdividers without paying a compensation for the property. After considerable discussion of the matter, Councilman Annan introduced

RESOLUTION NO. 9835-N.S.

which was seconded by Councilman Mellis commending the County Planning Commission on its stand in regard to parks, and endorsing in principle the position of the Commission and that a copy of this resolution be furnished the Board of Supervisors and the City and County Planning Commission, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

CITY-COUNTY RELATIONS COMMITTEE MEETING

12 Mayor Marks reported that at a meeting of the City-County Relations Committee, 18 representatives had been present. It was decided at the meeting that one representative and an alternate, should be appointed by each city as members of the City-Council Relations Committee to meet with the county officials in regard to City-County matters. Councilman Mellis introduced

RESOLUTION NO. 9836-N.S.

which was seconded by Councilman Arata appointing the Mayor of the City of Modesto as the representative, of the City and the Vice-Mayor as the alternate representative, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

CITY MANAGER ATTEND MEETING IN LOS ANGELES--BOARD OF FIRE UNDERWRITERS

The City Manager reported that he and the Fire Chief planned to attend a meeting in Los Angeles with representatives of cities and of the Boards of Fire Underwriters on Thursday to participate in discussion of a new grading system. He stated that Fire Chief Wemyss had done a good job in preparing for and following through on the survey by the Board of Fire Underwriters of the Pacific.

COMMEND CITY EMPLOYEES ON WORK BEING DONE AT TENTH & L STREETS

Councilman R. Adams stated there had been some work done at Tenth & L Streets by the Public Works Department and the city employees should be congratulated on the way they were working and the manner in which the work was being carried on.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST: 
REX E. GAILFUS, CITY CLERK

Council Meeting

May 21, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1020-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Absent: Councilmen: Mellis

APPROVAL OF MINUTES

Councilman Merrill introduced

RESOLUTION NO. 98376N.S.

which was seconded by Councilman Annan, approving the minutes of the regular Council meeting held on May 7, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis, Arata

Councilman Arata arrived at this time.

REPORT ON REQUESTS FOR PERMIT TO OPERATE A DANCE HALL

The request of Jack Watson to operate a dance hall upstairs over the Tack Room in the former Moose Hall at 1000 H Street, having been recommended by the Chief of Police and considered by the Council, Councilman M. Adams moved, seconded by Councilman Arata granting permit to Mr. Watson to operate a dance at the above location on the condition that the improvements are made to conform with the requirements of the city ordinances and meet with the approval of the city officials.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

The request of R. C. (Bob) Watson to operate a dance hall at 724 Tenth Street in connection with his restaurant and bar having been recommended by the Chief of Police and considered by the Council, Councilman Merrill moved, seconded by Councilman R. Adams, granting permit to R. C. Watson to operate a dance at the above location on the condition that the improvements are made to conform with the requirements of the city ordinances and meet with the approval of the city officials.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

The City Manager reported that a thorough check had been made on the request of Hayden L. Logan to operate a dance hall in connection with Hotel Europa located at 602 Ninth Street, both as to the location of the dance hall and to the character of the applicant and it was the recommendation of the Police Chief that the permit be denied, as the premises for which the permit is desired is directly under the hotel and the noise and music would cause the lodgers to be disturbed. The City Manager also reported that in screening of the applicant it was determined that he had been guilty of a violation under the penal code. The City Manager reported that the Chief of Police had advised Mr. Logan's attorney that the permit application would be considered today, that the attorney had stated that he (the attorney) could not be present but that he would notify his client, if possible.

Rev. Alan Goozee, representing the Ministerial Association, appeared before the Council expressing their opposition to the granting of a permit to the applicant to operate a dance hall at this location. Councilman R. Adams moved, seconded by Councilman Merrill that the dance hall permit be denied. Before the vote could be taken on this motion, Councilman Annan moved that the matter be held over in order that Mr. Logan and his attorney might appear before the Council before a decision was made on this request, which motion was lost for want of a second and the original motion was voted on as follows:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: Annan

Absent: Councilmen: Mellis

SALE OF LOTS 21-24 INC. BLOCK 22 TO GREEK ORTHODOX CHURCH

Pursuant to delaying action for one week on the offer of George Katsufrakis and Spero Kantelaris, representing the Greek Orthodox Church, to purchase lots 21-24 inc. Block 22 which was recently deeded to the City of Modesto by the Modesto Youth Organization, to determine if other offers would be received for the purchase of these lots, and since publicity concerning the proposed sale has been published in the newspaper and no other offers received, it was the decision of the Council of accept the offer of \$4,200.00 plus one half the cost of the sale, from the Greek Orthodox Church for these lots, whereupon Councilman M. Adams introduced an ordinance being

ORDINANCE NO. 1026-N.S.

entitled: "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY" and moved its adoption and passage to print and publish, which motion being duly seconded by Councilman Arata, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

REPORT ON PROPOSED SEWER LINE EXTENSION BETWEEN DOUGLAS AVENUE AND MAGNOLIA AVENUE

The City Manager reported on the proposed sewer line extension between Douglas Avenue and Magnolia Avenue, explaining a new proposed plan for extending this line where the cost would be approximately \$1500.00. Because of the urgent need for sewers in the area, particularly by Mr. Falger, who is finishing his new house, he recommended that he be authorized to do the work primarily with city forces on the basis of the urgency involved and that he be authorized to contract for such part of the work as was necessary, possibly including the ditch digging. Councilman M. Adams introduced

RESOLUTION NO. 9838-N.S.

which was seconded by Councilman Annan authorizing the City Manager and the Director of Public Works to proceed with the installation of this line on the basis he had recommended,

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

Wm. Falger, a resident in this area, expressed his appreciation to the Council for their consideration of this problem and for the work that already had been done in solving it.

MAYOR MARKS REPORTS ON SPEECH MADE BY TOM BERRY

7
Mayor Marks reported that in a speech given by Tom Berry at the Lions Club today, Mr. Berry expressed his opposition to the unification program but that he preferred the proposal of having elections by districts to one overall vote. Mr. Berry also stated he was for a sanitary district for all the outside fringe area of the City of Modesto which would have a tax rate of \$1.53. Mayor Marks commented that he did not believe the people of the area would fall for such a proposal and Mr. Berry and his associates had overlooked the fact that the city had already built sewers in some areas large enough to take care of the people there at a considerable financial saving to them. Mr. Berry also thought that we had to reconcile ourselves to large unemployment for many months each year.

REPORT BY CITY MANAGER ON FIRE RATING OF CITY

8
The City Manager presented to the Council another problem confronting the city and relating to certain firms outside the city who have fire protection contracts with the city. He stated that these contracts would affect the rating obtained by the City of Modesto to the extent of possibly 35 points. He stated that his judgment of the tentative results of the survey by the Board of the Underwriters of the Pacific indicated that the city would be advanced to a class 3A rating on the basis of improvements already under way or completed. Furthermore it might be feasible to improve the fire department protection facilities of the city so that we could obtain a Class 2 rating in the City of Modesto. He is making a study of what it would cost the city and whether it would be worth this cost to try and obtain a Class 2 rating. The water supply is the number one consideration in grading and the city now has a Class 1 rating in regard to water. The Board will not consider regrading a city within one year but will defer finalizing the present grading until we can complete the study of costs. He suggested and the Council agreed that the final grading should be deferred at least until this study can be finished.

The City Manager reported that a great deal of work was being done by the cities and the Board of Fire Underwriters on a national level on the nature and application of grading schedules, and that he was serving as the Chairman of the State Committee on this problem.

It was brought out that in order to counteract the effect of the outside fire contracts the fire department would have to increase its man power by approximately 10 men at an annual cost of about \$48,000.00 and that this would be \$8,000 each to the six firms.

It was pointed out that the cost of city fire department was of the order of 50¢ to 60¢ on the city tax rate and it was suggested that the least that the outside firms should pay if the contracts were continued would be an amount to what they would pay on this basis if they were in the city. The City Manager pointed out

that their present payment was only a small part of that amount. He was asked to make a report on the matter.

DISCUSS PROPOSED ANNEXATION OF MUNICIPAL AIRPORT PROPERTY

The City Manager suggested that since the county had denied the city's request for assistance on the airport and since the city was paying taxes to the county amounting to about \$200.00 per month, that at this time the City investigate the possibility of annexing the Modesto Municipal Airport property. It was agreed that the City should proceed with this plan checking with the proponents of Unification and advising them of the reasons for the plan of annexing this property ahead of the unification program.

REPORT ON 1952-53 BUDGET

The City Manager reported that the 1952-53 budget was well along but that he probably would not be able to present it to the Council by June 1 for two reasons, first, the work of the committee on the Capital Improvement program was not complete and that a salary study is just being completed. He stated that on Monday night, May 19th he met with the Planning Commission and with representatives from 19 service clubs and they all regarded the street problem in the city as an urgent one and had suggested that consideration be given to a procedure under which property owners would improve minor streets with some assistance from the city. They will consider this again at a meeting on May 26th.

VETERANS OF FOREIGN WARS REQUEST PERMIT PLACE CHAIR ON SIDEWALK DURING ANNUAL SALE OF POPPIES

A request was filed with the Council by the Veterans of Foreign Wars for permission to place a chair on the sidewalk near the Anglo California National Bank at Tenth and I Streets, May 23 and 24th during their sale of poppies for the relief of disabled veterans and their families. Councilman Arata moved, seconded by Councilman Annan granting permit to place the chair at this location as requested.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

COMMUNICATION CHAMBER OF COMMERCE RE: CALIFORNIA RELAYS

A communication, in the form of a resolution, was received from the Chamber of Commerce commending the Junior Chamber of Commerce for the work done in putting on the 1952 California Relays which entailed a great deal of work and brings much attention to the City of Modesto. The Mayor was authorized to address a letter to the Junior Chamber of Commerce in behalf of the City Council expressing their appreciation for the work that had been done in putting on the event;

HAROLD SCHARNBERG APPLICATION FOR PERMIT OPERATE USED CAR LOT

The application of Harold Scharnberg for permit to operate a used car lot at 1230 Tenth Street was considered by the Council and it was brought out that there were no rest rooms at this location. Councilman Annan moved, seconded by Councilman M. Adams granting permit to said applicant to operate a used car lot at this location providing the applicant met all the requirements as set forth in the ordinance and regulations of the City of Modesto.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

APPROPRIATE FUNDS CONSTRUCTION OF A CAPITAL IMPROVEMENT AT THE MODESTO MUNICIPAL AIRPORT

Councilman M. Adams introduced an ordinance being

ORDINANCE NO. 1027-N.S.

entitled: "AN ORDINANCE APPROPRIATING AVIATION FUND MONEY FOR THE CONSTRUCTION OF A CAPITAL

IMPROVEMENT AT THE MODESTO MUNICIPAL AIRPORT" and moved its adoption and passage to print and publish which motion being duly recorded by Councilman Arata, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

COMMUNICATION FROM MODESTO PARKING AUTHORITY

A communication received from the Modesto City Parking Authority opposing the policy of granting free permits for the use of off-street parking lots by convention delegates or other organizations, as in their opinion it was in opposition to the basic purpose of the parking lots and it would tend to reduce the revenue from the lots, thereby curtailing the further acquisition of off-street parking facilities, was read and ordered filed.

PARKING OF SHERIFF'S CARS ON H STREET

A report was presented by the City Manager on the parking of cars on the south side of H Street between 11th and 12th Streets in front of the Sheriff's office. It was brought out that the operators of the W. J. Silva garage had no objections to the use of these parking spaces by the Sheriff's office and it was agreed by the Council that no change should be made at this time.

REPORT ON ONE-WAY ALLEYS IN BUSINESS DISTRICT

The City Manager reported to the Council on the work being done on the proposed one-way alleys and signing of alleys in the business district. He reported that copies of the Inter-departmental Traffic Committee report, together with maps attached, showing the location and direction of the alleys, would be mailed to the Council members for consideration later.

REPORT ON REQUEST FOR REMOVAL OF TREES

The consideration of the removal of one tree from in front of 1315 Tenth Street, U. Z. Brannan Used Car Lot and also the proposed removal of trees in front of the First Christian Church, 14th and L Streets was held over for the meeting of May 28th.

TRAINS BLOCKING CROSS STREETS--SOUTHERN PACIFIC COMPANY

Councilman Merrill stated that the Southern Pacific Company was again delaying traffic by allowing their trains to remain parked for a long period of time. The City Manager suggested that in turning in these complaints better results would be obtained from the Southern Pacific Company officials if the exact time and location of the train was reported to him, as they have regular schedules and could determine which trainmen were causing this trouble. Councilman Annan suggested that consideration be again given to the trains blocking the intersection at B Street. Considerable discussion was carried on in regard to the working of the traffic signals at the intersection of B Street, 7th Street and Tuolumne Boulevard. The City Manager stated that the Inter-Departmental Traffic Committee was now studying this intersection and recommendations would be presented to the Council.

REPORT ON TRAFFIC CONDITIONS AT INTERSECTION DOWNEY AVENUE AND 19th STREET

The Director of Public Works reported on the traffic conditions at 19th Street and Downey Avenue, caused by the loose concrete bricks. He stated this problem would be taken care of as soon as the Public Works Department was able to do the work.

1/ COMMENTS BY STANLEY PETERSON ON THE OPERATION OF THE CITY

Stanley Peterson appeared before the Council and commented on the smooth condition of the roads in the Thousand Oaks Tract adjacent to the city limits which had been installed by the county and suggested that the city proceed with similar installation. He was informed by the Mayor and City Manager that the city was proceeding on a street program but that the city had many streets and many problems in regard to this matter which had to be solved and it would take some time to complete.

Mr. Peterson pointed out that the money collected from parking meters should go into the general fund to help the city finance its operations and that greater care should be used in the selection of off-street parking lots. It was pointed out that the Parking Authority was a separate agency and were responsible for these parking lots.

Mr. Peterson remarked that the city should consider an improvement in the assessing procedure and not depend entirely on the county reassessment figures.

2/ REPORT ON IMPROVING OF NINTH STREET BY CITY MANAGER

The City Manager reported the city was proceeding with the resurfacing of Ninth Street and that the work would probably cause considerable confusion in the traffic for approximately ten days.

3/ LETTER FROM SENATOR RICHARD NIXON

A letter was read from Senator Richard Nixon acknowledging receipt of Resolution No. 9801 in regard to price control over municipal services. Mr. Nixon indicated he would give the matter his attention .

4/ ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:


REX E. GATTFUS CITY CLERK

*****P*****

Council Meeting

May 28, 1952

The Council of the City of Modesto met in regular session this date at 7:00 P. M. as provided by Ordinance No. 1020-N.S.

Present: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: R. Adams

1/ APPROVAL OF MINUTES OF COUNCIL MEETING

Councilman M. Adams introduced

RESOLUTION NO. 9839-N.S.

which was seconded by Councilman Arata, approving the minutes of the Council meeting held on May 14, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

2/ COMMUNICATION STANISLAUS COUNTY BAND, INC.

A request was received from the Stanislaus County Band, Inc. for the consideration of the Council for the appropriation of the same amount, \$1200.00, in the 1952-53 budget, as had been allotted in former years. This request was referred to the City Manager for consideration with the budget.

OFFER TO AUDIT CITY ACCOUNTS--C. D. NATTINGER

As provided by Article XIII, Section 1306 of the City Charter, C. D. Nattinger, C. P. A. filed an offer with the Council to audit the financial records of the City of Modesto for the year ending June 30, 1952, for a sum not to exceed \$750.00.

The City Manager reported that this was a reasonable bid and that Mr. Nattinger had been very helpful to the city. Councilman Arata moved, seconded by Councilman M. Adams directing the City Attorney to prepare an agreement covering his employment for consideration of the Council.

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

ACCEPT BOND AND CASH DEPOSIT FROM JOHN QUARESMA & ROY R. CARLSON

John Quaresma and Roy R. Carlson, subdividers of the College Center subdivision, having posted a \$25,000.00 bond, as required by agreement entered into with the city, to guarantee the completion of the improvement and furnishing of materials required by a provision of Ordinance No. 962-N.S. as it read prior to its amendment by Ordinance No. 1019-N.S, the City Manager reported that City Engineer Fred E. Lange had filed a report showing estimated cost of work in the College Center Subdivision (Unit #1) uncompleted as of this date to be \$7,500.00. The City Manager suggested that the Council accept the bond of \$25,000.00 and a cash deposit in the amount of \$7,500.00. Councilman Merrill introduced

RESOLUTION NO. 9840-N.S.

which was seconded by Councilman Arata accepting the bond of \$25,000.00 and deposit of \$7,500.00 as set forth above with the understanding that portions of the deposit of \$7,500.00 be returned upon application by the subdividers as proportionate quantities of the work are done in amounts approved by the Director of Public Works which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

Councilman Merrill proposed to amend the above resolution and introduced

RESOLUTION NO. 9841-N.S.

which was seconded by Councilman Arata approving the College Center Subdivision map and accepting on behalf of the public for public use, streets, alleys and easements as shown on this map within the boundaries of the subdivision and appointing the City Clerk as signatory official, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

DISCUSS PROBLEM OF INSTALLING SEWAGE IMPROVEMENTS IN SUBDIVISIONS

The Council discussed the problem of installing sewage improvements in a subdivision which would later help in the serving of an adjoining subdivision. It was brought out that in installing sewer lines sometime large pipes and deeper trenches were required in order to properly serve another adjoining area. The question was raised as to whether or not the subdivider of the subsequent subdivisions should pay

part of the cost of the sewer lines in the first subdivisions which are installed at a greater cost. It was brought out in the discussion that the city sometimes required sewer lines in a subdivision at a greater depth and larger than would be needed for that one subdivision so that other areas beyond might be served. Although it was considered a financial matter between the subdividers, the Council thought something might be done to help in this matter.

The City Manager was instructed to investigate the procedure in other cities and how these improvements are paid for by adjoining subdividers.

The City Manager suggested that some solution of this matter could be accomplished by having the subdividers work out the problems between themselves.

PAYMENT FOR CHECKING FEE OF SUBDIVISION MAP--QUARESMA & CARLSON

Mr. Quaresma stated that at the time of acceptance of the map he would pay the city \$200.00 for a checking fee as required in Ordinance No. 962-N.S.

REQUEST EXTENSION SEWER IN ALLEY OF BLOCK 725

The City Manager reported that Robert L. Nickerson and Robert Carlson owners of property in Block 725 had filed a request for extension of sewer service to their area. The City Manager stated that this property was near the city line and that the owners as well as others in the neighborhood have indicated their approval of the unification program and have stated that they would come into the City of Modesto at the first available opportunity. The Council expressed their approval of the extension of this sewer line to this property in line ~~to this property in line~~ with their present policy.

At this point Councilman Mellis stated he did not wish to oppose this particular extension of sewer line but he was very much interested in seeing that the tax payers of the City of Modesto should not have to stand the cost of extension of these lines into the fringe area.

AUTHORIZE ENTERING INTO NEW CONTRACT WITH HARRY N. JENKS, CONSULTING SANITARY ENGINEER

Harry N. Jenks, Consulting Sanitary Engineer, working under an existing contract with the City of Modesto and having already completed work plans and specifications requiring payment of \$7,500.00, of which \$5,000.00 has already been paid, the City Manager suggested that the City enter into a new contract with Mr. Jenks. Councilman M. Adams introduced

RESOLUTION NO. 9842-N.S.

seconded by Councilman Merrill approving the execution of a new agreement with Harry N. Jenks, Consulting Sanitary Engineer, employing Mr. Jenks as consultant sanitary engineer for the City of Modesto, under the terms and conditions set forth in the agreement and appointing the City Manager and City Clerk as signatory officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

FINAL READING ORDINANCE NO. 1026-N.S. AUTHORIZE SALE OF REAL PROPERTY (LOTS 21-24 INC. BLOCK 22--MODESTO YOUTH AUTHORITY)

Ordinance No. 1026-N.S. entitled: "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY", having been heretofore introduced and ordered printed and published at the regular meeting of May 21, 1952, Councilman Arata moved, seconded by Councilman Annan that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

FINAL READING ORDINANCE NO. 1027-N.S. APPROPRIATE FUNDS CONSTRUCTION OF WARM-UP MAT AT THE MUNICIPAL AIRPORT

Ordinance No. 1027-N.S. entitled: "AN ORDINANCE APPROPRIATING AVIATION FUND MONEY FOR THE CONSTRUCTION OF A CAPITAL IMPROVEMENT AT THE MUNICIPAL AIRPORT", having been heretofore introduced and ordered printed and published at the regular meeting of May 21, 1952, Councilman M. Adams moved, seconded by Councilman Annan, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

LOCATION OF TRAFFIC SIGNAL AT 11th & D STREETS

A discussion was held by the Council regarding the proposed traffic signal at 11th and D Streets. Several of the Councilmen thought that there were other locations in the city where a signal of this type might be needed more urgently. It was brought out that this signal would help industries at a certain time of the year and it might be, with the consent of the State, that at other times of the year it could be set on an actuated basis. It was decided before the final decision on this location was made that the City Manager talk with the State and check with the industries in regard to the signal at this location.

START SIGNAL AT TENTH AND L STREETS

Councilman Annan introduced

RESOLUTION NO. 9843-N.S.

which was seconded by Councilman M. Adams authorizing the starting of the automatic traffic signal at Tenth and L Streets as of May 29, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

REQUEST FOR WARNING SIGNS ON ACHOR COURT--DICK USTICK

The request of Dick Ustick for warning signs on Achor Court was considered by the Council and it was the recommendation of the Inter-departmental Traffic Committee that any decision on the changing of the traffic or parking on the street be held over until the actuated traffic signals had been installed at McHenry and Morris Avenues as it was their opinion this installation would draw traffic away from these adjoining streets. It was agreed by the Council that the matter be held over until after this installation.

CERTIFICATE OF COMPLETION--MUNICIPAL FINANCE ADMINISTRATION COURSE--CYRIL McC. HENDERSON

The City Manager reported that he had received from the International City Manager's Association, a certificate of completion of a course in Municipal Finance Administration awarded to Cyril McC. Henderson, Planning Director. He presented the certificate to Mr. Henderson and commended him for taking and completing this course at his own expense as it entailed a great deal of time and study.

REMOVAL OF TREES AT THE CORNER OF L AND 14TH STREETS IN FRONT OF THE FIRST CHRISTIAN CHURCH

The request of the First Christian Church for the removal of trees at the corner of 14th and L Streets was considered. It was decided that the request would not be granted at this time and if the church requested, it could be considered again at such time as the street tree planting program for commercial and semi-commercial areas has been developed by the City Planning Commission, at which time consideration might be given to removal of the existing Sycamores in order that this area may be planted with a new type of tree.

REQUEST REMOVAL OF TREE--U. Z. BRANNAN--1315 TENTH STREET

The request for removal of a tree in front of 1315 Tenth Street by U. Z. Brannan was considered by the Council and the Director of Public Works suggested that this tree be left as since trimming by the city park crew, it appeared to be in good health. The Council denied the request for removal of this tree.

SAFETY AWARD FOR CITY OF MODESTO FROM CALIFORNIA SAFETY COUNCIL

The City Manager reported that the City of Modesto had received a "First Safety award in cities of its class for the saving of life in the traffic for the year 1951" from the California Safety Council. He stated that it was an honor for the City of Modesto to receive this award. He gave credit to all of the people and organizations in Modesto who contribute to traffic safety and called attention to the Inter-departmental Traffic Committee as a contributing factor and commended the committee for its splendid work. He also stated that the State of California was interested in the use of this type of committee in smaller cities.

FURTHER DISCUSSION WITH HARRY N. JENKS ON CONTRACT

Harry N. Jenks, Consulting Sanitary Engineer and his son John Jenks arrived at the meeting at this time. Mayor Marks advised Mr. Jenks that the Council had approved a new contract employing him as Consulting Sanitary Engineer for the City of Modesto with a provision that payment for the preparation of plans and specifications of such facilities as have already been designed and as are subsequently constructed shall be on the following basis:

If the construction costs are higher, than $4\frac{1}{2}\%$ of the construction cost based on the Engineering News-Record Construction Cost Index of January 1, 1952

Should the cost of construction be lower, than the $4\frac{1}{2}\%$ fee would be based on the lower cost figure but in no event would the construction cost used in computing this payment be greater than as of January 1, 1952

The \$7,500.00 advance payment would be credited against this $4\frac{1}{2}\%$ on a pro rata basis.

Mr. Jenks stated that this would be agreeable to him.

CITY OF MODESTO BUDGET FOR 1952-53

The Council having heretofore set the date for the submission of the 1952-53 budget for its consideration as not later than June 1, 1952, the City Manager reported that although the budget was practically complete the Citizens Advisory Committee on Capital Improvement was still working on proposed improvements for the year 1952-53 and that the salary survey was now complete and suggested that the Council set the date of July 1st for submission of the budget. Councilman Mellis introduced

RESOLUTION NO. 9844-N.S.

which was seconded by Councilman M. Adams, setting the date of July 1, 1952 as the date on which the proposed 1952-53 budget should be presented to the Council for consideration, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

REPORT ON ONE-WAY ALLEYS AND SIGNING OF ALLEYS

The City Manager having mailed information concerning one-way alleys and signing of alleys together with maps to each Councilman, it was decided that a further study should be made and the matter was held over for one week.

TRUCKS PARKING IN RESIDENTIAL AREA

A discussion was held by the Council concerning the problem of trucks parking overnight and for long periods of time in residential areas. It was proposed that the ordinance be amended to prohibit parking of trucks for longer than 5 hours in the residential areas. Councilman Mellis remarked that 5 hours might be too long and suggested that this time limit be 4 hours to discourage parking of trucks in the residential area.

It was finally decided by the Council that a public hearing should be held in regard to the parking of trucks in the residential areas. Councilman M. Adams moved, seconded by Councilman Mellis, setting the time for a public hearing on the parking of trucks on residential streets as 7:30 P. M. on June 11th.

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

REPORT ON LEGAL SIGNIFICANCE OF ANNEXATION PROCEEDINGS

The City Attorney filed a report "Legal Significance of Annexation Proceedings".

REMIND COUNCIL OF MEETING

The City Manager reminded the Council of the Bi-annual Institute for Mayors and Councilmen by the League of California Cities would be held in Fresno June 12-13 and also stated that there would also be a special meeting there on local sales tax problems at 2:00 P. M. on June 13, 1952.

He also reminded the Council of a meeting of the California Sewage and Industrial Waste Association at the Modesto plant which was also being held this evening and invited any who were able to attend at the conclusion of the Council meeting.

BLOCKING OF TRAFFIC AT SEVENTH AND I STREETS

Councilman Merrill requested an investigation be made of the blocking of traffic at Seventh and I Streets in the building of the theater by Mr. F. E. Alford. He stated that the building seemed to be practically complete and he thought that something could be done at this time to remove the obstructions in the street. The City Manager stated that the matter would be checked into.

DISCUSSION ON TAXICAB FARES AND METERS

The Council discussed the matter of fares and meters on local taxicabs. The City Manager reported that he would check into the ordinance and make a report on what was necessary in order to make necessary changes and regulations and the installation of taxi meters.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST: 
REX E. GAILFUS, CITY CLERK

June 4, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1020-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Absent: Councilmen: Mellis and Mayor Marks

APPROVAL OF MINUTES OF COUNCIL MEETING

Councilman M. Adams introduced

RESOLUTION NO. 9845-N.S.

which was seconded by Councilman Annan approving the minutes of the Council meeting of May 21, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mellis and Mayor Marks

REQUEST BY PACIFIC GRAPE PRODUCTS COMPANY USE PORTION OF GROVELAND STREET

Aleck Rasmussen, representing the Pacific Grape Products Company, 320 Grand Street, personally appeared before the Council and requested the use of a portion of Groveland Street, to the west and adjoining their plant. He stated that they proposed to install a concrete slab, approximately 35' x 80' in this street to be used as a loading and storage platform. The Modesto Refrigerating Company, adjacent to this location, stated that they had no objections to this improvement in the street. Mr. Rasmussen stated that the purpose of the improvement was to endeavor to take traffic off of Grand Street and that it would be a temporary measure, prior to the construction of the proposed overhead conveyor across Grand Street.

The City Manager suggested that the matter be held over for one week until June 11th at 7:00 P. M. in order that the members of the Council and the Director of Public Works, as well as himself could investigate the location of this project and also so that the City Attorney could look into the matter as to its legality.

COMMUNICATION--MYRTIE LANGDON

A communication addressed to Mayor Harry Marks from Myrtie Langdon expressing her appreciation for having been appointed Honorary President of the Library Trustees, was read and ordered filed.

APPROVE PLANS & SPECIFICATIONS AND CALL FOR BIDS ON SANITARY SEWER TRUNK LINE ON KEARNEY, ROSEBURG AND COLDWELL AVENUES

The Director of Public Works presented plans and specifications to the Council for the constructions of a sanitary sewer trunk line on Kearney, Roseburg and Coldwell Avenues. He explained that the purpose of this line was to serve not only this area but also to serve as a main trunk for the northern areas to be served at a later date. He stated that one section of this line was being built on an up-hill grade so that the flow could be reversed at a later date and that the city was furnishing a pump to pump the sewage through this line. He asked that the Council approve the plans and specifications and authorize the City Clerk to call for bids. Councilman M. Adams introduced

RESOLUTION NO. 9846-N.S.

which was seconded by Councilman Arata approving the plans and specifications and authorizing the City Clerk to call for bids. All bids to be received not later than 2:00 P. M. on Monday, June 30, 1952. All bids received will be opened and read at the above specified time in the Council Chamber, 717 Tenth Street. Any award made or contract entered into shall be by action of the Council, meeting in regular session at a subsequent meeting which resolution was adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mellis and Mayor Marks

PROVIDE FOR CHANGING BASIS FOR ALLOCATING STREET NUMBERS IN THE 900 BLOCK ON TENTH ST.

Pursuant to Section 2(d) of Ordinance No. 934-N.S. as amended by Ordinance No. 1025-N.S. Councilman Arata introduced

RESOLUTION NO. 9847-N.S.

seconded by Councilman Annan providing for the changing of the basis for allocating street numbers in the 900 block on Tenth Street in the City of Modesto, so that a separate number be assigned for each 12½ feet of frontage and directing the City Clerk to notify each property owner and occupant in said block of the new number or numbers assigned to his property and that the effective date of such number change shall be January 1, 1953, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mellis and Mayor Marks

AGREEMENT WITH R. S. GADA ON RADIO EQUIPMENT OF THE CITY OF MODESTO

The City Manager recommended that the City enter into an agreement with R. S. Gada d.b.a. Ray's Radio Shop for the furnishing of all materials and labor necessary to maintain all of the two way radio equipment for the City of Modesto. He stated that Mr. Gada had worked with the City in setting up and maintaining this equipment for a good many years and that in his opinion it was to the city's advantage in entering into this agreement. Councilman M. Adams introduced

RESOLUTION NO. 9848-N.S.

which was seconded by Councilman Arata authorizing the entering into an agreement as set forth above and appointing the City Manager and City Clerk as signatory officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mellis and Mayor Marks

PROPOSED NEW SUBDIVISION ORDINANCE

The Director of Planning presented a second draft of a new proposed Subdivision Ordinance for the consideration of the Council. Copies of this proposed ordinance were distributed to each councilman for their study.

REPORT BY CITY MANAGER ON RECREATION

The City Manager reported that he and the Director of Recreation had presented a preliminary report to the Stanislaus County Board of Recreation Commissioners on the expenditures of the City of Modesto for recreation purposes for the fiscal year ending June 30, 1952 as they had requested. It was explained to the Board that the 1952-53 budget had not been approved by the Council and could not be presented formally at this time.

The City Manager brought to the attention of the Council, and filed a report, showing the total amounts appropriated and used in the recreation work by the city and the amounts furnished by the various other agencies and showing that the city tax payers were carrying the major part of the cost although most of the use was by those living outside of the city. He explained that the schools had

furnished grounds and help in the handling of the program and that some of the grounds outside had been set up by the schools for softball and were the best places to handle part of this program.

It was the opinion of the Council that the city was furnishing too much of the total cost of recreation considering that the program was for the benefit of a great many people living outside the city limits and was carried on both inside and outside the city limits.

Councilman Annan suggested that a meeting be held with representatives of the Stanislaus County Board of Supervisors and of the Stanislaus County Board of Recreation Commissioners to discuss the program and method of financing. Councilman M. Adams moved, seconded by Councilman Annan appointing Councilman Robert W. Adams and Lyndall O. Merrill as a committee to meet with the Stanislaus County Board of Supervisors and the Stanislaus County Board of Recreation Commissioners for consideration of the 1952-53 recreation budgets and the method of financing the program.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mellis and Mayor Markd

Merton E. Bowen, Acting Superintendent of Parks, appeared before the Council and presented various requests that he has received for the use of the city parks.

The City Manager reported that there were a great many people both from inside the city and outside the city using the parks. It was creating a problem in the handling of the tables and facilities. Many of the groups wished to use the parks for a full day, that the city park facilities were becoming increasingly inadequate to serve all of the community, and he stated that if this continued he thought that it would be necessary to have someone there to regulate the use of parks.

The City Manager stated that this is one of the problems we faced as a community and he wanted the Council to know of the problem that the city faces in the operation of these parks, which were being used largely by people living outside the city limits.

ORDINANCE PROVIDE FOR SALE OF WATER PIPE LINE TO THE DEL ESTE WATER COMPANY ON SNOWDEN AVENUE

The City Manager having been authorized by the Council to negotiate for the sale of the water pipe line on Snowden Avenue to the Del Este Water Company for the sum of \$900.00, Councilman Arata introduced an ordinance being

ORDINANCE NO. 1028-N.S.

entitled; "AN ORDINANCE PROVIDING FOR THE SALE OF A CERTAIN WATER PIPE LINE TOGETHER WITH APPURTENANCES TO THE DEL ESTE WATER COMPANY AND AUTHORIZING THE EXECUTION OF AN AGREEMENT IN CONNECTION THEREWITH" and moved its adoption and passage to print and publish, which motion being duly seconded by Councilman R. Adams, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mellis and Mayor Marks

CALL FOR BIDS FOR OFFICIAL ADVERTISING FOR YEAR ENDING JUNE 30, 1953

Councilman Arata introduced

RESOLUTION NO. 9849-N.S.

which was seconded by Councilman R. Adams, authorizing the City Clerk to call for bids for the publication of the official advertising of the City for the fiscal year ending June 30,

1953. All bids are to be filed not later than 7:00 P. M. Wednesday, June 18, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mellis and Mayor Marks

NOTICE OF HEARING BEFORE THE PUBLIC UTILITIES COMMISSION ON APPLICATION FOR INCREASE IN BUS FARES

The City Manager read a "Notice of Hearing" before the Public Utilities Commission of the State of California to be held on Wednesday, June 18, 1952, in the Cannery Workers Building at 13th and I Streets, Modesto on the application of the Modesto Transit Company, the Modesto Riverbank, Oakdale Stage Line and the Modesto Motor Bus Service, to increase rates and fares for the transportation of passengers. The City Manager stated that this meeting should be attended by some city official and that a study of the facts concerning the companies would be made prior to the meeting

REPORT ON FIRE GRADING OF THE CITY

The City Manager reported that he had had another meeting with the Board of Fire Underwriters of the Pacific and that they had stated that they would give every consideration to every improvement made in the fire protection facilities of the city prior to completion of our grading of the city but they also stated that once the grading has been completed and processed through their office to the Pacific Fire Rating Bureau additional improvements could not be included in the existing grading.

The City Manager filed with the Council a report listing 21 improvements made in the Fire Department to improve the rating which will result from the survey that was recently made by the Board of Fire Underwriters of the Pacific.

The City Manager reported that the Board was willing to hold up their grading for a reasonable period of time so that the city officials might study the matter and costs of improving the system with the idea of obtaining a better grading.

The City Manager stated that he thought there was a possibility for the city to obtain a Class 2 grading.

IN THE MATTER OF FIRE CONTRACTS

The City Manager reported that under the present contracts for outside fire protection it was unfair to the city taxpayers to continue the contracts as they stand. He suggested that the Council might consider with the various companies concerned whether or not they wished to rewrite the contracts on a basis that would be fair to the city taxpayers. Four points were brought out in the discussion, 1) that the industries be notified that the matter of cancellation of these contracts will be discussed at the Council meeting on June 11. 2) that it is probable that the contracts will be cancelled. 3) that the Council will consider some more reasonable basis for continuing the contracts. 4) That the city may be unable to continue to handle the contracts at all.

Councilman M. Adams moved, seconded by Councilman R. Adams establishing the time for discussion of these contracts as 7:00 P. M. June 11 and directing the City Manager to notify the holders of the contracts prior to this meeting.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mellis and Mayor Marks

COMMUNICATION ROBERT H. BUTLER--RE: MINATURE RAILROAD

The City Manager read a letter from Robert H. Butler, 4086 Barnes Road, Santa Rosa, in which he requested consideration for permission by the Council for the placing of a minature railroad in the City of Modesto and stated that he would like to place this train in a city park if some place was available. The request was referred to the City Manager for his consideration.

COUNCILMAN ARATA EXPRESSES CONGRATULATIONS TO PUBLIC WORKS DEPARTMENT ON EFFECTIVE METHOD ON HANDLING THE RESURFACING OF NINTH STREET

Councilman Arata expressed his appreciation and congratulations to the Public Works Department on the effective method in which they handled the resurfacing of Ninth Street.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST: 
REX E. GAILFUS, CITY CLERK

Council Meeting

June 11, 1952

The Council of the City of Modesto met in regular session this date at 7:00 P. M. as provided by Ordinance No. 1020-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

APPROVE MINUTES OF COUNCIL MEETINGS

Councilman R. Adams introduced

RESOLUTION NO. 9850-N.S.

which was seconded by Councilman Annan, approving the minutes of the regular Council meetings of May 28th and June 4th, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill and Arata

REQUEST BY PACIFIC GRAPE PRODUCTS COMPANY USE PORTION OF GROVELAND STREET

Aleck Rasmussen, representing the Pacific Grape Products Company, 320 Grand Street, personally appeared before the Council and requested the use of a portion of Groveland Street, to the west and adjoining their plant. He stated that they proposed to install a concrete slab, approximately 35' x 80' in this street to be used as a loading and storage platform. The Modesto Refrigerating Company, adjacent to this location, stated that they had no objections to this improvement in the street. Mr. Rasmussen stated that the purpose of the improvement was to endeavor to take traffic off of Grand Street and that it would be a temporary measure, prior to the construction of the proposed overhead conveyor across Grand Street.

The City Manager suggested that the matter be held over for one week until June 11th at 7:00 P.M. in order that the members of the Council and the Director of Public Works, as well as himself could investigate the location of this project and also so that the City Attorney could look into the matter as to its legality.

COMMUNICATION - MYRTIE LANGDON

A communication addressed to Mayor Harry Marks from Myrtie Langdon expressing her appreciation for having been appointed Honorary President of the Library Trustees, was read and ordered filed.

APPROVE PLANS & SPECIFICATIONS AND CALL FOR BIDS ON SANITARY SEWER TRUNK LINE ON KEARNEY, ROSEBURG AND COLDWELL AVENUES

The Director of Public Works presented plans and specifications to the Council for the constructions of a sanitary sewer trunk line on Kearney, Roseburg and Coldwell Avenues. He explained that the purpose of this line was to serve not only this area but also to serve as a main trunk for the northern areas to be served at a later date. He stated that one section of this line was being built on an up-hill grade so that the flow could be reversed at a later date and that the City was furnishing a pump to pump the sewage through this line. He asked that the Council approve the plans and specifications and authorize the City Clerk to call for bids. Councilman M. Adams introduced

RESOLUTION NO. 9846-N.S.

which was seconded by Councilman Arata approving the plans and specifications and authorizing the City Clerk to call for bids. All bids to be received not later than 2:00 P.M. on Monday, June 10, 1952. All bids received will be opened and read at the above specified time in the Council Chamber, 717 Tenth Street. Any award made or contract entered into shall be by action of the Council, meeting in regular session at a subsequent meeting which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mellis and Mayor Marks

PROVIDE FOR CHANGING BASIS FOR ALLOCATING STREET NUMBERS IN THE 900 BLOCK ON TENTH STREET

Pursuant to Section 2(d) of Ordinance No. 934-N.S. as amended by Ordinance No. 1025-N.S. Councilman Arata introduced

RESOLUTION NO. 9847-N.S.

seconded by Councilman Annan providing for the changing of the basis for allocating street numbers in the 900 block on Tenth Street in the City of Modesto, so that a separate number be assigned for each 12½ feet of frontage and directing the City Clerk to notify each property owner and occupant in said block of the new number or numbers assigned to his property, and that the effective date of such number change shall be January 1, 1953, which resolution was regularly adopted by the following vote:

Ayes: Councilmen; M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mellis and Mayor Marks

AGREEMENT WITH R.S. GADA ON RADIO EQUIPMENT OF THE CITY OF MODESTO

The City Manager recommended that the City enter into an agreement with R.S. Gada d.b.a. Ray's Radio Shop for the furnishing of all materials and labor necessary to maintain all of the two way radio equipment for the City of Modesto. He stated that Mr. Gada had worked with the City in setting up and maintaining this equipment for a good many years and that in his opinion it was to the City's advantage in entering into this agreement. Councilman M. Adams introduced

RESOLUTION NO. 9848-N.S.

seconded by Councilman Arata authorizing the entering into an agreement as set forth above and appointing the City Manager and City Clerk as signatory officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

~~Absent: Councilmen: Mellis and Mayor Marks~~

PROPOSED NEW SUBDIVISION ORDINANCE

7 The Director of Planning presented a second draft of a new proposed Sub-division Ordinance for the consideration of the Council. Copies of this proposed ordinance were distributed to each Councilman for their study.

REPORT BY CITY MANAGER ON RECREATION

8 The City Manager reported that he and the Director of Recreation had presented a preliminary report to the Stanislaus County Board of Recreation Commissioners on the expenditures of the City of Modesto for recreation purposes for the fiscal year ending June 30, 1952 as they had requested. It was explained to the Board that the 1952-53 budget had not been approved by the Council and could not be presented formally at this time.

The City Manager brought to the attention of the Council, and filed a report showing the total amounts appropriated and used in the recreation work by the City and the amounts furnished by the various other agencies and showing that the City tax payers were carrying the major part of the cost although most of the use was by those living outside the City. He explained that the schools had furnished grounds and help in the handling of the program and that some of the grounds outside the City had been set up by the schools for softball and were the best places to handle part of this program.

It was the opinion of the Council that the City was furnishing too much of the total cost of recreation considering that the program was for the benefit of a great many people living outside the City limits and was carried on both inside and outside the City limits.

Councilman Annan suggested that a meeting be held with representative of the Stanislaus County Board of Supervisors and of the Stanislaus County Board of Recreation Commissioners to discuss the program and method of financing. Councilman M. Adams moved, seconded by Councilman Annan appointing Councilman Robert W. Adams and Lyndall O. Merrill as a committee to meet with the Stanislaus County Board of Supervisors and the Stanislaus County Board of Recreation Commissioners for consideration of the 1952-53 recreation budgets and the method of financing the program.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mellis and Mayor Marks

Merton E. Bowen, Acting Superintendent of Parks, appeared before the Council and presented various requests that he has received for the use of the City parks.

The City Manager reported that there were a great many people both from inside the City and outside the City using the parks. It was creating a problem in the handling of the tables and facilities. Many of the groups wished to use the parks for a full day, that the City park facilities were becoming increasingly inadequate to serve all of the community, and he stated that if this continued he thought that it would be necessary to have someone there to regulate the use of the parks.

The City Manager stated that this is one of the problems we faced as a community and he wanted the Council to know of the problems that the City faces in the operation of these parks, which were being used largely by people living outside the City limits.

ORDINANCE PROVIDE FOR SALE OF WATER PIPE LINE TO The DEL ESTE WATER COMPANY ON SNOWDEN AVE.

The City Manager having been authorized by the Council to negotiate for the sale of the water pipe line on Snowden Avenue to the Del Este Water Company for the sum of \$900.00, Councilman Arata introduced an ordinance being

ORDINANCE NO. 1028-N.S.

entitled: "AN ORDINANCE PROVIDING FOR THE SALE OF A CERTAIN WATER PIPE LINE TOGETHER WITH APPURTENANCES TO The DEL ESTE WATER COMPANY AND AUTHORIZING THE EXECUTION OF AN AGREEMENT IN CONNECTION therewith" and moved its adoption and passage to print and publish which motion being duly seconded by Councilman R. Adams, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mellis and Mayor Marks

CALL FOR BIDS FOR OFFICIAL ADVERTISING FOR YEAR Ending JUNE 30, 1953

Councilman Arata introduced

RESOLUTION NO. 9849-N.S.

which was seconded by Councilman R. Adams, authorizing the City Clerk to call for bids for the publication of the official advertising of the City for the fiscal year ending June 30, 1953. All bids are to be filed not later than 7:00 P.M. Wednesday, June 18, 1952, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mellis and Mayor Marks

NOTICE OF HEARING BEFORE THE PUBLIC UTILITIES COMMISSION ON APPLICATION FOR INCREASE IN BUS FARES

The City Manager read a "Notice of Hearing" before the Public Utilities Commission of the State of California to be held on Wednesday, June 18, 1952 in the Cannery Workers Building at 13th & I Streets, Modesto on the application of the Modesto Transit Company, the Modesto Riverbank, Oakdale, Stage Line and the Modesto Motor Bus Service, to increase rates and fares for the transportation of passengers. The City Manager stated that this meeting should be attended by some city official and that a study of the facts concerning the companies would be made prior to the meeting.

REPORT ON FIRE GRADING OF THE CITY

The City Manager reported that he had had another meeting with the Board of Fire Underwriters of the Pacific and that they had stated that they would give every consideration to every improvement made in the fire protection facilities of the City prior to completion of our grading of the City, but they also stated that once the grading has been completed and processed through their office to the Pacific Fire Rating Bureau additional improvements could not be included in the existing grading.

The City Manager filed with the Council a report listing 21 improvements made in the Fire Department to improve the rating which will result from the survey that was recently made by the Board of Fire Underwriters of the Pacific.

The City Manager reported that the Board was willing to hold up their grading for a reasonable period of time so that the City officials might study the matter and costs of improving the system with the idea of obtaining a better grading.

The City Manager stated that he thought there was a possibility for the City to obtain a Class 2 grading.

IN THE MATTER OF FIRE CONTRACTS

~~The City Manager reported that under the present contracts for outside~~

~~fire protection it was unfair to the City taxpayers to continue the contracts as they stand. He suggested that the Council might consider with the various companies concerned whether or not they wished to rewrite the contracts on a basis that would be fair to the City taxpayers. Four points were brought out in the discussion, 1) that the industries be notified that the cancellation of these contracts will be discussed at the Council meeting on June 11. 2) that it is probable that the contracts will be cancelled. 3) that the council will consider some more reasonable basis for continuing the contracts. 4) that the City may be unable to continue to handle the contracts at all.~~

Councilman M. Adams moved, seconded by Councilman R. Adams establishing the time for discussion of these contracts at 7:00 P.M. June 11 and directing the City Manager to notify the holders of the contracts prior to this meeting.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mellis and Mayor Marks

COMMUNICATION ROBERT H. BUTLER - RE: MINATURE RAILROAD

Councilman Arata expressed his appreciation and congratulations to the Public Works Department on the effective method in which they handled the resurfacing of Ninth Street.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:


REX E. GALLPUS, CITY CLERK

Council Meeting

June 11, 1952

The Council of the City of Modesto met in regular session this date at 7:00 P.M. as provided by Ordinance No. 1020-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

APPROVE MINUTES OF COUNCIL MEETINGS

Councilman R. Adams introduced

RESOLUTION NO. 9850-N.S.

which was seconded by Councilman Annan, approving the minutes of the regular Council meetings of May 28th and June 4th, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill and Arata

COMMUNICATION INTERNATIONAL CITY MANAGER'S ASSOCIATION

A communication was read from The International City Managers' Association requesting the attendance of the City Manager to the 38th Annual Conference of the Association to be held at Kansas City, Missouri, Sept. 28 to Oct. 2, 1952. City Manager Miller expressed his desire to attend this conference but stated attendance should be dependent upon the feasibility of his absence from the City at that time.

Councilman Merrill arrived at this time.

COMMUNICATION PACIFIC COAST BUILDING OFFICIALS CONFERENCE

A communication was read from the Pacific Coast Building Officials Conference

urging the presence of the city of Modesto Building Inspector at a conference to be held in Spokane, Washington, September 9-12, 1952. The City Manager requested that this letter be filed with him for his consideration at a later date.

COMMUNICATION POWER & WATER USERS ASSOCIATION

A communication was read from Frank Andrews, President of the Power and Water Users Association of Stanislaus County in which he expressed his dissatisfaction with the "poor planning and engineering by our district officials." He also enclosed a copy of an open letter to the Board of Directors of the Modesto Irrigation District.

REQUEST FOR CURB CUT-HARRY CIRADLO

A request by Harry Ciradolo for a curb cut in Block 559 at 514 McHenry Avenue was considered by the Council. It was brought out that this lot would park quite a number of cars and would relieve the traffic condition on McHenry Avenue at this location and it was recommended by the Department of Public Works that Mr. Ciradolo be granted a curb cut at the above location ten feet in width, beginning nine feet south of the north property line. As this was new business and the exact number of cars that would be parked on this lot was not known, the matter was held over for one week.

REQUEST FOR TREE REMOVAL BY THE MODESTO CITY HOSPITAL

Dr. A. N. Tonge, representing the Modesto City Hospital filed a request for permission to remove the Cottonwood trees located in the planting strip in front of the three lots on Seventeenth and H Street, just south of the present hospital building. Dr. Tonge stated that the removal of the trees was necessary in order to permit the removal of two buildings from this property to make room for the hospital expansion program. The Director of Public Works recommended that the hospital be granted permission to remove these trees at their own expense.

He stated that by removal of these four trees there would remain two Cottonwood trees in the block and it was hoped that they could be removed in the near future in order that a regular tree planting plan can be utilized. Councilman Merrill moved, seconded by Councilman M. Adams, granting permission to the Modesto City Hospital to remove these trees at their own expense as recommended by the Director of Public Works

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

REQUEST FOR VARIANCE FROM STREET GRADE AT CAMPUS WAY AND MADONIA AVENUE THE GRANGE COMPANY

A request was received from the Grange Company in which they request a variance from street grade at Campus Way and Madonia Avenue in order to provide a workable approach to the truck scale platform at this location, which is necessary due to an error in the location of the scale. The Grange Company advised that it would cost approximately \$50,000.00 to move the scale to a new location further from the street.

The Director of Public Works reported that due to the limited amount of traffic on Campus Way he recommended that the Grange Company be issued a revokable permit to do the work as outlined, it being revokable to allow for any future development of the area which might make it necessary to return the street to its original cross section.

The Director of Public Works explained the location and construction of the approach and the City Attorney explained the legal requirements for maintaining of public streets. Due to the location of the street and its short length and the limited amount of traffic, Councilman R. Adams introduced

RESOLUTION NO. 9851-N. S.

which was seconded by Councilman Mellis granting permit to The Grange Company for the construction of this approach on a revokable basis as recommended by the Director of

Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: ~~None~~ Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Absent: Councilmen: Arata

Noes: Councilmen: None

Councilman Arata arrived at this time.

HEARING ON OUTSIDE FIRE PROTECTION CONTRACTS

The following persons representing firms outside the city having contracts with the City of Modesto for furnishing fire protection to their buildings, appeared before the Council:

John B. Beard, Modesto Refrigerating Company

Julio R. Gallo and O. S. Peterson, E & J Gallo Winery

Stanley Griswold, Pacific Can Company

J. L. Woodworth, Barium Products Ltd.,

A. I. Rockey, ~~Grove~~ Laboratories

Mr. Beard introduced the various representatives and Mr. Gallo acted as spokesman for the group.

Mayor Marks explained the nature of this hearing stating that most of the previously existing contracts are now cancelled or will be cancelled because of annexation of the property to the city and that with the completion of the annexation of the Crows Landing area, there will be only six such contracts outstanding.

The City Manager reported that the total cost of the fire department as proposed for the 1952-53 budget would be approximately \$190,000.00 or about 60¢ per \$100 assessed value on the city tax rate, and this total could be higher if the city went after a Class 2 grading. It was pointed out that since city assessments on real property were about 50% higher than county assessments that this would be equivalent to 90¢ per \$100 on the county assessment.

The representatives present brought up several points in regard to the service as follows:

- 1-Under the contracts the fire department could leave the fire outside the city and return to the city if a fire should break out and the city demand service.
- 2-The water supply at certain locations is not sufficient to give comparable service.
- 3-The firms outside are paying a fire tax to some rural fire districts.

The City Manager stated that it would not be practicable for the fire department to leave a fire outside the city and that this condition would happen only on very rare occasions if at all. He brought out the fact that water supply is not ^{the} only important factor, that in certain types of fire chemicals are more important, that getting to the fire in time and also trained man power are very important. He explained that the city taxpayers are paying and for many years have paid ^{taxes} to buy the city's fire protection facilities and to build up and operate the city fire department and that this factor should be considered.

The City Manager explained that the matter of obtaining a lower fire grading should not be confused with this present problem as it is a different problem. He stated that the city was given 39 deficiency points because of the contracts but that he was fairly sure we can obtain a Class 3A grading even with these deficiencies. On the other hand if the city was going to attain a Class 2 grading that we would need every point we could get. The matter primarily under discussion now was the determination of an equitable payment to the city if the contracts were to be continued.

Mayor Marks remarked that the City Council are first of all responsible to the people of the City of Modesto and that any service given to outside firms should be paid for on an equitable basis. He asked "How can we justify using city equipment owned by city taxpayers for outside fire protection?"

Mr. Gallo stated that they have some fireprotection already that the city serves

as an added protection and that this city protection saves the Gallo winery about \$1,200 per year in insurance premiums. He stated they would be favorable to a fair formula for working out a payment for this service.

Mayor Marks pointed out that under the contract, Gallo's paid the city an annual charge of only \$200.00 per year. Mayor Marks stated this problem is faced all over the state but more definitely in Modesto, He stated a principle is involved, "Are those outside the city limits entitled to the same service as those inside the city?"

It was brought out that the city should do what could be done on a reasonable basis to help these industries which are important to the city as well as the community.

It was pointed out also that the standby agreements under mutual aid were to cover only major disasters and did not cover single fires.

It was noted that the engineers of the Board of Fire Underwriters of the Pacific had estimated that ten additional firemen, costing \$45,000 to \$50,000 per year, would be needed to maintain equal fire protection inside the city and still maintain these contracts. Also that even more important than a saving in insurance premiums, if a fire starts, is the saving of the buildings and equipment.

The City Manager suggested that if the Council wished to explore alternatives whereby these outside contracts could be continued that the industries covered by the contracts submit proposals which they thought equitable. This suggestion was agreeable to the Council and Councilman Mellis suggested that the matter be left in the City Manager's hands for study and report again to the Council.

Mr. Beard, speaking for the group of industries represented, expressed his approval of the attitude shown by the Council on the handling of this matter.

HEARING ON PARKING OF TRUCKS IN RESIDENTIAL AREAS

A group of people living in various parts of the city, appeared before the Council in protest to the practice of parking trucks on the streets and off the streets in the residential districts of the city for long periods of time.

The City Manager read a proposed amendment to the traffic ordinance prepared by the traffic committee which would limit the time for parking of trucks in the residential areas to five hours except where special problems require more time. He explained that he had been receiving two kinds of complaints in this matter, parking of large trucks over-night and for longer periods of time during the day and night and the parking of commercial vehicles in residential area. He also explained that the problem can be controlled on paved streets as the ordinance already limits parking on these streets during the night.

The City Manager stated the hearing covered only residential areas and the matter of trucks in the business areas would have to be considered at another time.

Councilman Mellis suggested that the time limit for parking might be better at four hours but that he would go along with the five hour limitation.

Mrs. Arata from the audience stated that all truck parking should be regulated as well as the parking of busses. Mrs. Faulkner and several others from the audience stated their belief that such control is needed.

The City Manager drew to the attention of the Council the provisions in the present ordinance prohibiting the parking of trucks of over ^{one and} one-half tons on residential lots.

It was brought out in the discussion that truckers should not be allowed to operated truck terminals in the residential area, that the time limit should be set so that trucks would not be moving in and out of these districts at all times of the

day and night.

This problem arises throughout the city and not only on the west side.

The Council expressed its appreciation for the interest shown by the public in this problem and expressed the desire of hearing from more truckmen who might be interested but none were present.

It was brought out that the Police Department was doing a good job in traffic control and that the ordinances should be reasonably enforced.

The City Attorney suggested that the entire traffic ordinance be revised and stated the city needs a new uniform traffic ordinance.

It was decided to temporarily adopt this proposed ordinance and if this does not solve the problem to make amendments to it, pending the preparation and adoption of a new uniform traffic ordinance. Councilman Mellis moved, seconded by Councilman Arata instructing the City Attorney to draw up an ordinance for consideration of the Council regulating parking of trucks in the residential areas to cover the problems brought out at this meeting.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

HEARING ON ONE-WAY ALLEYS AND SIGNING OF ALLEYS

Following a study by the Inter-departmental Traffic Committee on one-way alleys and signing in alleys the City Manager presented their recommendation for the consideration of the Council:

1. That the direction of traffic flow in the alleys should be limited to one-way traffic in the downtown congested area where frequent loading and unloading of merchandise is taking place.
2. That in extending the one-way traffic system in the downtown areas, recognition should be given to the existence of parking operations and other uses which may not fit in with such a proposal. Specifically we have noted four such operations:
 - a. The northerly parking lot of Lucky's Market
 - b. The Santa Fe Trailways Depot
 - c. The Greyhound depot
 - d. The parking lot behind the Modesto Journal Building
3. That the extension of one-way alleys in blocks primarily developed for residential uses is not, at this time, necessary, but that it should be contemplated as the properties in these blocks are converted to commercial type uses.
4. That the direction of traffic in the alleys should be alternated as indicated on the attached map.
5. That it would facilitate the movement of traffic through these alleys if the loading and unloading of vehicles was restricted to the right hand side of the alleys only.

Specifically, then, it is our recommendation that at this time one-way traffic be instituted on the alleys in the following blocks and in the following directions:

Block 58, going south
Blocks 82, 84, and 85, going south
Blocks 93, 94 and 95, going north

The standard sign now used in the alleys reads "NO PARKING AT ANY TIME". It is recommendation that on the right side of the one-way alleys there should be added a sign (non-standard sign) "LOADING THIS SIDE ONLY."

Councilmen Mellis moved, seconded by Councilman Merrill, directing the City Attorney to prepare the necessary ordinance putting into effect the recommendations of the Inter-departmental Traffic Committee regulating these alleys.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

CODIFICATION OF ORDINANCES

Mayor Marks remarked that the City of Modesto had been functioning for approximately

75 years and that a great number of ordinances had been passed and were very difficult to find and interpret and that the Council was proceeding with the necessary steps for a codification at an early date. He stated that this would help considerable in locating ordinances for the solving of many legal questions that confront the Council and general public.

PROBLEM OF STREET IMPROVEMENTS

Councilman Merrill remarked that in addition to the traffic condition in the alleys which we had just considered that one great concern of the city was street improvements and he understood that the Citizen's Advisory Committee was now working on this problem.

The City Manager stated that the committee has set up a sub-committee which was working on the problem and that it would make recommendations that he was sure would be very helpful to the Council. He stated that improving the streets certainly would meet with public approval if equitably financed. Councilman R. Adams stated that the Council members had been aware of the need for street work in the city and had been and would continue to improve these streets and was in favor of the addition of new street equipment to help in this work.

SIGNING OF ALLEYS

It was suggested that stop signs be installed at the end of each alley stopping traffic crossing the sidewalk. The City Manager reported that the city already had an ordinance which required all vehicles to stop upon leaving an alley and before crossing a cross walk.

MAYOR EXPRESSES APPRECIATION INTEREST OF PUBLIC IN CITY PROBLEMS

Mayor Marks expressed his appreciation for the interest that the public was taking in the city problems and suggested that we invite the Regional Water Pollution Board to come down and hold hearings on the sewage disposal and pollution problems sometime in the future.

The City Manager stated that we have a program for solving this sewer problem and the pollution in the river and he concurred in the thought of having the Board come down and check into the matter.

ALLOW CLAIMS FOR MONTH OF MAY, 1952

Upon the recommendation of the City Manager, Councilman Annan introduced
RESOLUTION NO. 9852-N. S.

which was seconded by Councilman M. Adams, approving the claims for the City of Modesto for the month of May, 1952, in the amount of \$116,580.91, being check numbers 3631-3826 inclusive, excluding 3814 -3823, which will appear in June's claims for the city and check numbers 10905 to 10929 inclusive for the McHenry Public Library and the issuing of warrants by the Auditor is hereby validated, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

PURCHASE OF FRONT-END LOADER FOR NEW TRACTOR

The Director of Public Works reported that on May 1, he had received quotations on a front end loader of 1/2 cubic yard capacity and suitable for installation on the recently purchased Minneapolis Moline Tractor from three companies. The Director of Public Works stated that of all the equipment offered the Lull Shovel loader, Model 4-A of the Contractors Equipment & Supply Company, in

amount of \$1,494.94 was satisfactory in design and construction and that it was lower in price for this type loader and he recommended that this equipment be purchased. Councilman M. Adams introduced

RESOLUTION NO. 9853-N.S.

which was seconded by Councilman Mellis, authorizing the purchase of the Lull Shovel loader at a purchase price of \$1,494.94, f.o.b. Modesto from the Contractors Equipment & Supply Company as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPOINT REX E. GAILFUS, CITY CLERK AND AUDITOR

The City Attorney reported that under the new charter a clarification of the functions of certain city officials is required. He stated that Resolution No. 8402-N.S. appointed Rex E. Gailfus as Clerk, Assessor, Auditor, Treasurer and Collector and that under the new charter the Council could consolidate the positions of City Clerk and Auditor and he recommended this resolution be rescinded that that the appointment be made to conform to the charter. Councilman Mellis moved, seconded by Councilman Merrill directing the City Attorney to prepare a resolution consolidating the offices of City Clerk and Auditor and defining the duties of these offices and appointing Rex E. Gailfus to these positions.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager and the City Attorney were directed to work out a schedule of duties and responsibilities to be included with the operation of these offices.

AUTHORIZE FINAL PAYMENT ON SEWER LINES TO LENTZ CONSTRUCTION COMPANY

The Director of Public Works filed a report that the 35 day lien period required by the contract with the Lentz Construction Company for the construction of a sanitary sewer line in Robertson Road between Sutter Avenue and Hammond Avenue and a sanitary sewer extension in Morris Avenue between Coffee Road and Block 1007 had expired and no claims have been filed against the contractor and he recommended that the remaining 25% of the contract price, \$2,262.63, be paid. Councilman R. Adams introduced

RESOLUTION NO. 9854-N. S.

which was seconded by Councilman Arata authorizing payment of \$2,262.63 to the Lentz Construction Company as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROVAL OF AGREEMENT WITH MODESTO HIGH SCHOOL DISTRICT FOR USE OF SWIMMING POOL FOR THE SUMMER SEASON

Councilman Arata introduced

RESOLUTION NO. 9855-N.S.

approving an agreement between the Modesto High School District of Stanislaus County and the City of Modesto for the use of the swimming pool located on the Modesto High School grounds during the summer vacation months of each year and appointing the City Manager and the City Clerk as signatory officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AGREEMENT WITH CHAMBER OF COMMERCE FOR PUBLICITY AND PROMOTION ACTIVITIES

Councilman Merrill introduced

RESOLUTION NO. 9856-N.S.

which was seconded by Councilman Annan, approving the agreement with the Chamber of Commerce relating to the furnishing of publicity and promotion activities to the City of Modesto and appointing the City Manager and the City Clerk as signatory officials and authorizing payment of \$1,500 to the Chamber of Commerce, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

FINAL READING ON ORDINANCE NO. 1028-N. S. SALE OF WATER PIPE LINE TO DEL ESTE WATER COMPANY

Ordinance No. 1028-N. S. entitled "AN ORDINANCE PROVIDING FOR THE SALE OF A CERTAIN WATER PIPE LINE, TOGETHER WITH APPURTENANCES TO THE DEL ESTE WATER COMPANY, AND AUTHORIZING THE EXECUTION OF AN AGREEMENT IN CONNECTION THEREWITH", having been heretofore introduced and ordered printed and published at the regular meeting of June 4, 1952, Councilman M. Adams moved, seconded by Councilman Arata, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REQUEST OF PACIFIC GRAPE PRODUCTS COMPANY USE PORTION OF GROVELAND STREET

The request of the Pacific Grape Products Company to use a portion of Groveland Street was again considered by the Council. The Director of Public Works reported that the proposed temporary use of this street represented no problems in so far as the Department of Public Works is concerned. He recommended that if permission is granted that the company construct a concrete slab 140' in length and 30' in width, beginning at the south curb line of Grand Street and should be 7" in thickness and should be constructed to lines and grades established by the City Engineer.

The City Attorney reported that there was a legal problem involved in the use of this street as requested and he quoted legal decisions in regard to the matter.

Councilman Annan introduced

RESOLUTION NO. 9857-N. S.

which was seconded by Councilman Merrill that due to the location and length of the street, the limited use thereof, and the temporary basis for its use and due to the fact that it would relieve the traffic on Grand Street considerably, the permit be granted under the following conditions:

1. That we have a written statement from the neighboring businesses that they have no objections to the use as requested.
2. That the permit be on a revokable basis.
3. That all liability be assumed by the Pacific Grape Products Co.

and it being understood that use of the street be limited to the fruit processing period of each year for two years only or less and that it be used for storage only.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REPORT BY COMMITTEE ON RECREATION

Councilman Merrill reported that he and Councilman R. Adams, Dan Mellis and City Manager Miller attended a meeting of the Board of Supervisors and County Recreation Commission and that they had requested that Stanislaus County assist in the recreation program in the Modesto Area to the extent of \$17,750.00 for the fiscal year beginning July 1, 1952. The committee filed with the Council a copy of a letter to G. Edwin Washburn, Secretary Stanislaus County Board of Recreation Commissioners setting forth two other projects important to the whole area in addition to the above

- 1. Dennett Dam
- 2. Thousand Oaks Park Land

Councilman Mellis moved, seconded by Councilman Annan that the finding of this committee be forwarded to the Stanislaus County Recreation Commission asking them to participate as requested in the 1952-53 recreation program in the Modesto area.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: None

The City Manager stated that the County Commission had been very helpful in this important program and the city wished to have a program which would serve the whole community in which everyone would be welcome to participate.

ADJOURNMENT

There being no further business to come before the Council the meeting was duly and regularly adjourned.


 ATTEST: REX E. GAILFYS, CITY CLERK

Council Meeting
 June 18, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1020-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill Mayor Marks
 Absent: Councilmen: None

PLEDGE OF ALLEGIANCE

Councilman M. Adams suggested that the procedure for convening of the Council should include the pledge of allegiance to the flag, and moved, seconded by Councilman Mellis that the Council orally pledge allegiance to the flag following the convening of each meeting of the Council.

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis and Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: R. Adams, and Merrill

This was followed by the pledge of allegiance to the flag by all those present.

APPROVAL OF MINUTES OF COUNCIL MEETING OF JUNE 11th

Councilman M. Adams moved, seconded by Councilman Arata that the minutes of the Council meeting held on June 11th, 1952, be approved.

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Mayor Marks
 Noes: Councilmen: None
 Absent: Councilmen: R. Adams and Merrill

Councilman R. Adams arrived at this time.

INVITATION FROM MODESTO CITY EMPLOYEES' ASSOCIATION

An invitation from the Modesto City Employees Association to attend a Jitney Pot Luck Dinner to be held Monday, June 23, 1952, at the Girl Scout Club House in Beard Brook Park, was read and ordered filed.

INVITATION FROM FOURTH OF JULY COMMITTEE

An invitation from the Fourth of July Committee for the Council to participate in the Fourth of July parade was read and ordered filed.

REPORT ON REQUEST OF HARRY CIRAOLO FOR CURB CUT AT 514 McHENRY AVENUE

The request of Harry Ciralo, 514 McHenry Avenue, for a curb cut having been held over from the prior meeting, the Director of Public Works reported that Mr. Ciralo had planned to oil a portion of this lot large enough to allow from 12-15 cars to park and if he found it necessary he would provide more of the lot for off-street parking at a later date. Councilman Arata moved, seconded by Councilman Annan, allowing a ten foot cut as requested to be located nine feet south of the north property line.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

OPERATION OF CITY RECREATION CAMP

Mayor Marks requested Director of Recreation Brooks to report on the operation of the summer camp. Mrs Brooks reported that the camp had been operated for the past 5 years but the actual camp grounds belonged to the Stanislaus County Farm Bureau. He stated that the camp was operated only for a ten day period each year and that most of the children who attended this camp would be able to attend other camps if the city should discontinue the camp.

The City Manager stated that with the assistance of Mr. Brooks, a detailed report would be prepared on the operation of the camp for the consideration of the Council.

The City Manager stated that he strongly believed in camp activities but that the city could not go beyond their financial limit to give this service. Councilman Merrill arrived at this time.

REQUEST STANISLAUS COUNTY AND MODESTO IRRIGATION DISTRICT CANCEL TAXES ON LOT 17 WEIL COLONY

The City of Modesto having acquired title to lot 17 of Weil Colony, Councilman Mellis introduced

RESOLUTION NO. 9858-N. S.

which was seconded by Councilman M. Adams, requesting the Board of Supervisors of Stanislaus County and the Board of Directors of the Modesto Irrigation District to cancel the second installment of 1951-52 taxes on this property, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AUTHORIZE CANCELLATION OF CITY TAXES ON IMPROVEMENTS ON LOT 6 OF BLOCK 1006-- J. M. GAUB

Whereas the buildings on lot 6, Block 1006, owned by J. M. Gaub et ux, were assessed on the 1951-52 tax roll in error as they were started and completed after the first Monday in March, 1951, Councilman Arata introduced

RESOLUTION NO. 9859-N. S.

which was seconded by Councilman Mellis, cancelling the delinquent tax of \$24.65 assessed against this property, being tax assessment No. 5510, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

PROPOSED INDUSTRIAL DEVELOPMENT BY TIDEWATER SOUTHERN RAILWAY COMPANY SOUTH OF THE CITY OF MODESTO

F. B. Stratton, Industrial Commissioner for the Western Pacific Railroad Company, Rex Kearney, President of the Tidewater Southern Railway Company, appeared before the Council in regard to the proposed industrial site to be constructed along the Tidewater Southern Railroad, south of Modesto.

Mr. Stratton stated that he had worked with the Mayor and City Manager on this project for some time and that the company had options on approximately 200 acres of land and that he would recommend that the Railway Company proceed with the development upon the assurance by the Council that the city would furnish sewers and water to the area. He also stated that it was important that the adjacent property be zoned properly to assure property for future expansion of the industrial area.

John Fairweather, Manager of the Modesto Chamber of Commerce stated that the Chamber had worked closely with the city and the Railway on the development and believed it was most important to the community and urged the Council to take action to assure the utilities to the area.

After considerable discussion concerning the problems faced in furnishing service to the area, the Council agreed it was important that they work with the Railroad Company in promotion of this area. Councilman Adams, M., introduced

RESOLUTION NO. 9860-N. S.

seconded by Councilman Merrill as follows:

WHEREAS, the Tidewater Southern Railway Company has obtained options on approximately 200 acres of land adjacent to its right of way south of the City of Modesto for the purpose of industrial development, and

WHEREAS, adequate industrial and sanitary sewage disposal and adequate water supply for industrial use and for fire protection purposes are essential to the proposed development, and

WHEREAS, the City Council believes it to be in the best interest of the community to promote such development,

NOW THEREFORE BE IT RESOLVED, that it is the position of the City Council that if the Tidewater Southern Railway Company will acquire and develop the area for industrial sites as indicated the City will, at its expense, furnish the following:

1. A sewer line to the corner of the property which is nearest the city's disposal plant, of sufficient size to handle the industrial and domestic wastes from such an area with typical industrial development, and
2. Water supply to the area sufficient for normal industrial use and for fire protection purposes

BE IT FURTHER RESOLVED that it is the position of the City Council that the City will furnish these utilities as they are required for the proper development of the area and not later than March 1, 1955, provided the Company has by that date developed facilities in at least half of the aforementioned area for industrial purposes; and

BE IT FURTHER RESOLVED that the City Council takes this position on the basis that the Tidewater Southern Railway Company agrees to cause the property to be annexed to the City at the earliest feasible time, but not later than March 1, 1955, if this is legally possible and on the basis that any sales of land or other transfers of interest by the Company in the aforementioned area will be made subject to this condition. In the event that the area is not annexed to the City by March 1, 1955, the City reserves the right to charge higher rates for sewer and water services than charged for those services furnished within the City, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

It was brought out that in the establishing of an industrial district by the Western Pacific Railroad Company south of Modesto, it would be necessary to get the adjoining area zoned properly to permit future expansion of this industrial area and that there is approximately 700 acres which could be used as an industrial district. The City Manager suggested that the City contact the County Planning Commission in regard to rezoning of this area. Councilman M. Adams moved, seconded by Councilman Arata appointing Councilman Merrill and Annan, Director of Planning Henderson and the City Manager as a committee to work toward the proper rezoning of this area.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: none

PRESENTATION OF CERTIFICATES TO CITY EMPLOYEES ON THE COMPLETION OF COURSE IN ELEMENTS OF SUPERVISION

The City Manager stated that the following employees who were present at the meeting, had completed a course in "Elements of Supervision" and were being presented certificates:

M. E. Bowen	Acting Superintendent of Parks
Alma Rossel	Circulation Librarian
William J. Coulson	Police Captain
Bob Shelton	Assistant to the City Manager
Eleanor Dennett	Reference Librarian
Kathryn Thornburg	Children's Librarian
Cyril McC Henderson	Director of Planning
Cliff A. Wagoner	Greenskeeper
W. S. Junk	Acting Superintendent, Sewage
	Disposal Plant
A. L. Walsh	Water Service Foreman
Fred Kidder	Librarian
Chester Watson	Construction Foreman
Mark Landquist	Health Officer
U. H. Pickering	Chief of Police

The certificates were presented to the employees by Mayor Marks who congratulated them on having completed the course. The City Manager congratulated the employees for having completed the course and commended them for their efforts in improving themselves for their jobs with the city.

TRANSFER OF \$125,000.00 FROM THE WATER FUND TO THE GENERAL FUND

A request from the Finance Department for the transfer of \$125,000.00 from the Water Fund to the General Fund was presented to the Council. Councilman Annan introduced

RESOLUTION NO. 9861-N. S.

which was seconded by Councilman Arata, authorizing the transfer as requested, which resolution was adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROVE AGREEMENT WITH W. F. BECKETT FOR ANNEXATION OF CLOVERFIELD TRACT

The request of William F. Beckett, Sr. and William F. Beckett Jr. owners of the Cloverfield Tract for city services to this tract prior to annexation, was considered by the Council and Councilman Annan introduced

RESOLUTION NO. 9862-N. S.

which was seconded by Councilman M. Adams, approving the entering into an agreement which would be effective upon the effective date of the proposed amendments to the Ordinances providing for water and sewer service charges and appointing the City Manager and the City Clerk as signatory officials, which resolution was regularly

adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

CITY ATTORNEY AUTHORIZED TO PREPARE AMENDMENTS TO ORDINANCES ON WATER AND SEWER SERVICE CHARGES

Councilman R. Adams moved, seconded by Councilman Mellis that the City Attorney be authorized to prepare amendments to the ordinances establishing water and sewer charges for areas outside the city for the consideration of the Council.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

DISCUSSION ON NEW CITY PERSONNEL ORDINANCE

A short discussion of the proposed new City Personnel ordinance was held. Meryl R. Sayers, President of the Employees' Association, and a group of city employees attended the meeting. The matter was held over to be brought up at the meeting of June 25th.

REGULATION OF TRUCKS IN RESIDENTIAL AREAS

The City Manager drew to the attention of the Council the question as to whether very large trucks should be allowed in the residential area at all. He stated that if it was agreeable with the Council in the preparation of the ordinance regulating these trucks this matter would be considered. The City Attorney informed the Council that there was a serious enforcement problem in the regulations of trucks in this area and he thought in regulating the size might help. The matter was held over for consideration by the Council at a later date.

ORDINANCE AMEND ORD. NO. 345-N. S. TRAFFIC CONTROL THROUGH CERTAIN ALLEYS

The Council having considered an amendment to Ordinance No. 345-N. S. regulating traffic in certain alleys in the business district, Councilman M. Adams introduced an ordinance being

ORDINANCE NO. 1029-N. S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N. S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO", AS AMENDED BY AMENDING SECTION 20 (a) AND BY ADDING SUB-SECTION (c) TO SECTION 31 AND REPEALING ORDINANCES NOS. 362-N. S. 376-N. S., 667-N. S. AND 1010-N. S. OF THE CITY OF MODESTO" and moved its adoption and passage to print and which motion being duly seconded by Councilman Merrill, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

VETERANS ADMINISTRATION RULING ON APPRAISALS NEAR AIRPORTS

The City Manager drew to the attention of the Council a regulation by the Veterans Administration in regard to appraisals near airports. He stated that they had been instructed not to appraise any property that was within a radius of four miles of any airport without prior submission of the case to their Washington office.

The City Manager raised the question as to the necessity of such a procedure, stating that it placed a "doubt" on every part of the Modesto area. Councilman Merrill moved, seconded by Councilman Arata authorizing the City Manager to write to the Veterans Administration protesting this unreasonable ruling.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Mayor Marks stated that he had found that airports, which a few years ago were entirely out of the residential areas, were now being surrounded by residential areas and that this growth had really created a problem in the maintaining of many airports.

CAPITOL SKY PARK REQUEST PERMIT VOICE ADVERTISING BY AIRPLANE

The City Manager stated that the Chief of Police had received a request from the Capitol Sky Park of West Sacramento for permission to engage in voice advertising by airplane over the City of Modesto. Attorney Grimes stated that some cities have regulations in regard to this form of advertising. The City Manager stated that the Police Chief reported that such advertising always brought complaints, and the question was, "Do you want this type of advertising or not?" It was the opinion of the Council that more information should be obtained regarding what is allowed in other cities and what regulation they have.

The City Manager was instructed to look into the matter and report to the Council.

PROPOSED ZONING OF PROPERTY ADJACENT TO CITY PARK SITE NEAR ROOSEVELT CENTER

The Mayor called to the attention of the Council the proposed zoning of a certain parcel of property fronting on Orangeburg Avenue, bordered on the east by the Tidewater Southern Railroad and on the west by a new Modesto City Park,

The City Manager stated that the County Planning Commission had received a request for a use permit to authorize the use of the front 250 feet of this property, fronting on Orangeburg Avenue, for neighborhood business uses and the remainder for multiple family uses. The matter now is before the City Planning Commission for a recommendation, and some of the property owners in the neighborhood have objected to the proposed use.

He pointed out that he had brought it to the attention of members of the Council although it was outside the city because it is adjacent to the new city park.

Councilman Mellis suggested that if possible the city should buy this 5 acre parcel and create a larger 10 acre park by joining the two parcels.

Councilman Merrill stated that he and the City Manager had discussed with representatives of the Fremont Dad's Club the possibility that they and the Roosevelt Dad's Club might wish to initiate and assist in the purchase of this property to be used and developed in conjunction with the city property for park purposes.

It was suggested that if the property was purchased and turned over to the city by some group, the city could develop the land as a park.

The City Manager pointed out that if a larger park was desired at this location, necessary land should be purchased now. The question was raised as to the ability of the city to finance it at this time.

It was pointed out that some members of the Council could, if they wished, attend the Friday meeting of the City Planning Commission. However, members of the Council expressed themselves as having every confidence in the decision which would be made by the City Planning Commission.

HEARING BEFORE PUBLIC UTILITIES COMMISSION ON REQUEST FOR INCREASE IN RATES BY LOCAL BUS COMPANIES

The City Attorney reported that he and the Director of Finance had been attending a hearing today before the Public Utilities Commission in regard to the request of the three local bus companies for an increase in rates.

ADJOURNMENT

There being no further business to come before the Council, the meeting was regularly and duly adjourned.

ATTEST: 
REX E. GAILFUS, CITY CLERK

Council Meeting

June 25, 1952

The Council of the City of Modesto met in regular session this date at 7:00 P. M. as provided by Ordinance No. 1020-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

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

APPROVAL OF MINUTES

Councilman M. Adams moved, seconded by Councilman Annan, that the minutes of the Council meeting held on June 18th, 1952, be approved.

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Merrill

Councilmen: R. Adams arrived at this time.

WELL AT MUNICIPAL AIRPORT

Harry Sham, Manager of the Municipal Airport, and Joe Osterberg, of Osterberg Bros., Well Drillers, appeared before the Council regarding the proposed installation of a well at the Municipal Airport. The City Manager reported that the cost of water to the city, at the airport, which is obtained from the Del Este Water Company, was \$219.83 for the year ending Dec. 30, 1951, and that the company was considering an increase in the water rate. The City Manager reported that a well could be sunk for approximately \$250.00, a pump installed for \$75.00 and electrical work would cost \$100.00, making a total cost to the city of \$425.00.

Mr. Sham stated that at the present time there were two wells at the airport which were polluted.

Mr. Osterberg explained that in his opinion any new well which would be installed at the airport, sunk to a depth of 100 ft., would be polluted and that a well sunk to a depth of 200 feet would have a high salt content. He stated that a number of wells in this district were polluted.

The Council agreed that all water at the Municipal Airport should be suitable for drinking purposes and that they were not in favor of sinking a new well and having any water available on city property which would be polluted.

The City Manager suggested that the matter be held up until a further check could be made of the existing wells.

COMMUNICATION--CALIFORNIA FROZEN FOODS, INC.

A communication from H. D. Buxton, Manager of the California Frozen Foods, Inc. expressing "appreciation and praise" for the way the Fire Department and Police Department personnel handled the fire which occurred at their plant recently, was read and ordered filed.

The City Manager and the Mayor also commended the two departments for their work in connection with this fire.

REQUEST RECONSIDER DANCE PERMIT FOR HAYDEN L. LOGAN

Attorney Frank C. Damrell, representing Hayden L. Logan, operating the Europa Hotel at 602 Ninth Street, appeared before the Council and stated that sometime ago Mr. Logan

had requested a dance permit for his hotel which had been denied by the Council. Mr. Damrell stated that because neither Mr. Logan or himself had been present at the Council meeting, he requested that another hearing be held on the application.

The City Attorney stated that a new application should be filed and the Council would set a date for a hearing on the application. Councilman Merrill arrived at this time.

CONSIDERATION OF THE PERSONNEL ORDINANCE

The City Manager reviewed the progress that had been made in the preparation of the new Personnel Ordinance. He explained that a tremendous amount of work had been done by the Personnel Commission, city officials and city employees in bringing the ordinance up to this point, and that the proposed ordinance was recommended by them.

One question referred to the City Council by the Personnel Commission, is the provision prohibiting city employees from taking an active part in any "municipal or county political campaign" and the City Manager explained that there were several reasons why city employees should not participate in municipal or county political campaigns and he believe it was a good rule for city employees to keep out of municipal and county politics while working for the city. The charter prohibits activities in "municipal" elections and the City Attorney pointed out that this might be construed to include "county". The present Personnel Ordinance prohibits political activity in city or county elections.

Meryl Sayers, President of the Modesto City Employees' Association expressed his personal opposition to the section restricting employees in county political activities. He believed that it was a restriction in his rights as a citizen.

Attorney Frank Damrell, Chairman of the City Personnel Commission, expressed his opposition to restricting the employees beyond the city elections. He cited cases in which an employee might want to and should participate in county municipal elections.

City employees, Wayne Fischer, Bill Coulson, and Jack Wemyss expressed views in favor of not participating in local political elections.

The City Manager stated that he believed the rights of the employees should be limited in this case as he could foresee problems from taking active part in controversial local elections.

Several of the Councilmen expressed a desire to hold the matter over for further study before a decision was made and it was agreed that this should be done.

A further discussion was held concerning the elimination of the so called "rule of three" relating to appointments of civil service employees from the Personnel Ordinance.

The process of holding examinations and creating an eligible list was explained and arguments for and against the "rule of three" were presented. It was finally agreed that the "rule of three" should be eliminated in the new ordinance.

The question of increasing the number of members on the Personnel Commission from three to five was considered and it was decided to carry the matter over for further consideration after the other members of the Commission could be contacted for their ideas on the question.

Consideration of the whole ordinance was held over for next week's meeting.

OFFICIAL ADVERTISING BIDS

Pursuant to "Notice to Bidders" for the legal advertising for the City of Modesto for the year ending June 30, 1953, the City Clerk report three bids were filed as follows:

<u>BIDDERS</u>	<u>Cost first insertion</u>	<u>Cost subsequent insertions</u>
The Modesto Bee (six point solid type--12 lines to inch)	\$1.50	\$1.25
The Modesto Tribune (8 point solid type--10 lines to inch average 5 1/2 words to line)	.99	.88
The Modesto Journal (6 point non-pareil solid type--12 lines to inch)	1.10	1.10

The Director of Finance explained that the bid of the Modesto Journal was the lowest bid and that all three bids received were from qualified papers of the city. The City Attorney explained that the use of a weekly paper would delay the effective date of ordinances and inconvenience the city somewhat in the publishing of other legal notices and that the charter requires the Council to accept bids from all papers of general circulation publishing in the City of Modesto.

It was brought out that a good many cities in the state published in weekly newspapers. After considerable discussion, Councilman Annan introduced

RESOLUTION NO. 9863-N. S.

which was seconded by Councilman R. Adams accepting the bid of the Modesto Journal as it was the lowest responsible bid and directing the City Attorney to prepare a contract covering the official advertising for the year ending June 30, 1953, for submission to the Council, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mayor Marks

Noes: Councilmen: Arata, Merrill and Mellis

Absent: Councilmen: None

PURCHASE OF LATHE

The Director of Public Works reported that he had received four informal bids on a machine lathe and that from the study made of these bids by Councilman M. Adams and the Public Works Department, he recommended that the bid of Montague & Harris Company on a Carroll-Jamieson Lathe, of \$3,771.93, less \$223.92 for a 10 inch three jaw chuck used with the old lathe which could be retained, be accepted. Councilman M. Adams introduced

RESOLUTION NO. 9864-N. S.

which was seconded by Councilman Arata accepting the bid of \$3,548.01 for a Carrol-Jamieson Lathe from Montague & Harris Company as their bid was the lowest and best bid received and was recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

SAND TRAP FOR WELL NO. 14

The Director of Public Works reported that Well #14 on Virginia Avenue was badly in need of a sand trap and he recommended that the Public Works Department be authorized to purchase this sand trap at an expenditure not to exceed \$1,450.00. He stated that this well had never been equipped with a sand trap and that the installation should have been made long ago.

Councilman Merrill introduced

RESOLUTION NO. 9865-N. S.

seconded by Councilman Mellis authorizing the purchase of a sand trap for this well as proposed by the Director of Public Works not to exceed \$1,450.00 in cost from the Water Bond Fund, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ACCEPT CONTRACT FOR SEWER LINE IN CAROLYN AVENUE FROM STANDARD MATERIALS, INC.

Whereas, the Director of Public Works has filed a report on the completion of the construction of a sanitary sewer line in Carolyn Avenue between Griswold and Brady Avenues by the Standard Materials Inc. in accordance with the contract and has recommended progressive payment of \$300.32 be made and notice of completion filed with the Recorder of Stanislaus County.

Councilman M. Adams introduced

RESOLUTION NO. 9866-N. S.

seconded by Councilman Arata accepting the contract as completed from the Standard Materials Inc., authorizing progressive payment of \$300.32 and recording of "Notice of Completion" by the City Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

FINAL READING OF ORDINANCE NO. 1029-N. S. AMEND ORD. NO. 345-N. S. TRAFFIC REGULATION IN ALLEYS

Ordinance No. 1029-N. S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N. S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO', AMENDED, BY AMENDING SECTION 20 (a) and by ADDING SUB-SECTION (c) TO SECTION 31, AND REPEALING ORDINANCES NOS. 362-N. S., 376-N. S., 667-N. S. ^{1010-N.S.} OF THE CITY OF MODESTO", having been heretofore introduced and ordered printed and published at the regular meeting of June 18, 1952, Councilman Merrill moved, seconded by Councilman Arata, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROVE AGREEMENT FOR AUDIT OF RECORDS WITH CHESTER D. NATTINGER, C. P. A.

Councilman Mellis introduced

RESOLUTION NO. 9867-N. S.

which was seconded by Councilman Annan, approving agreement with Chester D. Nattinger, Certified Public Accountant for the auditing of the records of the City of Modesto for the fiscal year ending June 30, 1952, and appointing the City Manager and the City Clerk as signatory officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ACCEPT DEED OF EASEMENT FROM WILLIAM FALGER AND MARY LOUISE FALGER

Councilman Arata introduced

RESOLUTION NO. 9868-N. S.

which was seconded by Councilman M. Adams, accepting deed of easement from William Falger and Mary Louise Falger on the easterly 7.50 feet of the southerly 77.00 feet of Lot 20 of the first addition to the Bonnie Brae Tract and authorizing the recording of the deed with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Attorney drew to the attention of the Council the charges that were incidental to the acceptance of deeds by the city which run approximately from \$20.00 to \$25.00 for each deed. He stated that he did not believe these charges should be assumed by the city and that he would like their consideration of some other means of paying these charges. The matter was held over until the City Attorney could contact some other cities in regard to how they handle charges of this type.

DATE FOR SUBMISSION OF THE 1952-53 BUDGET TO THE CITY COUNCIL

The City Manager requested that the date for presentation of the budget for 1952-53 to the Council be reset for July 15, 1952, as he stated that complete salary survey for recommendations to the Council had not been completed and that the Citizen's Advisory Committee on proposed capital improvements had agreed to give further consideration to financing capital improvements before the budget is finally approved. Councilman Mellis introduced

RESOLUTION NO. 9869-N. S.

which was seconded by Councilman Merrill setting the date of July 15, 1952, as the date for presentation of the proposed 1952-53 budget to the Council for their consideration, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROVAL CONTRACT WITH WILLIAM F. BECKETT ON SEWER AND WATER SERVICE TO CLOVERFIELD TRACT

The City Attorney reported that his investigations revealed that it was not necessary to amend the sewer and water service charge ordinances in order to make the agreement with William F. Beckett Sr. and William F. Beckett, Jr. on the Cloverfield Tract effective and he recommended that Resolution No. 9862-N. S. providing that agreement should be effective upon the effective date of the proposed amendments to the ordinances providing for water and sewer service charges be amended to provide that the agreement become effective immediately upon the execution of the agreement, Councilman M. Adams introduced

RESOLUTION NO. 9870-N. S.

which was seconded by Councilman Arata, amending Resolution No. 9862-N. S. adopted by the Council on June 18, 1952, to provide that the agreement with William F. Beckett, Sr. and William F. Beckett, Jr. become effective immediately upon the execution of the agreement, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROPRIATE \$70,000 FROM THE DOMESTIC SEWER FUND FOR TRUNK LINE AND SEWER EXTENSIONS

Upon the recommendation of the Finance Department Councilman Annan introduced

RESOLUTION NO. 9871-N. S.

which was seconded by Councilman Merrill authorizing the appropriation and encumbering of \$70,000.00 from the Domestic Sewer Fund to the General Fund for the proposed construction of trunk lines and sewer extensions, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

COMMUNICATION FROM CHAMBER OF COMMERCE RE: REQUEST FOR FUNDS IN 1952-53 BUDGET

A communication from John H. Fairweather, Manager of the Chamber of Commerce requesting that the Council include in the projected 1952-53 budget the sum of \$6,750.00 for the advertising and publicity fund of the city was read and referred to the City Manager and Director of Finance for consideration in the 1952-53 budget.

REQUEST FOR APPROPRIATION TRANSFER--SALARIES & WAGES

Upon the recommendation of the City Manager, Councilman M. Adams introduced

RESOLUTION NO. 9872-N. S.

which was seconded by Councilman Arata, authorizing the appropriation transfer of \$20,446.00 to adjust appropriations for salaries and wages required for the year ending June 30, 1952, to cover salary increases, utility crew distribution and supplemental help requirements, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROPRIATION TRANSFER--FOR SEWER EXTENSIONS

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 9873-N. S.

which was seconded by Councilman Merrill authorizing the appropriation transfer of \$16,297.00 from Unanticipated Revenue (Federal Housing Authority) to the Sewer Department for expenditures made for sewer extensions in excess of those allowed in the 1951-52 budget from funds provided for by revenue not anticipated in the current budget, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROPRIATION TRANSFER CAPITAL OUTLAY AT AIRPORT

Upon the recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 9874-N. S.

which was seconded by Councilman Annan, authorizing the appropriation transfer from Unappropriated Surplus (Municipal Airport Gas Tax Funds) to the Municipal Airport Department for capital outlay in the amount of \$1,554.00, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROPRIATION TRANSFER--LIBRARY

Upon the recommendation of the City Manager, Councilman Arata introduced
RESOLUTION NO. 9875-N. S.

which was seconded by Councilman Merrill, authorizing the appropriation transfer from the Library Department (General Reserve) to the Library Department for operating expense, salaries and wages and capital outlay in the amount of \$1,001.00, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Upon the recommendation of the City Manager, Councilman Arata introduced
RESOLUTION NO. 9876-N. S.

which was seconded by Councilman Merrill, authorizing the appropriation transfer from the Estimated Revenue (Property Taxes) to the Library Department for salaries and wages in the amount of \$900.00 which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REQUEST TO BLACK-TOP SIDEWALK AREA IN BLOCK L--PATRICIA PURDY

A request was received from Mrs. Patricia Purdy to black-top the sidewalk area in Block L at 1904 H Street adjoining her store building. The Director of Public Works stated that there were no sidewalks along the sides of this building and that this would be an improvement over the gravel which is now used in the sidewalk area. However, he advised the Council that no city that he is familiar with allowed black-top for sidewalk purposes and that this asphalt construction requires traffic to keep it in good shape. He stated that in this area where the weather becomes hot, he was certain that it would prove unsatisfactory. It was brought out that the cost of cement sidewalks would not be a great deal higher than the black-top material. No action was taken on this request at this time.

Mayor Marks suggested that the Director of Public Works review the sidewalk situation in the city and bring in his recommendation to the City Council.

REPORT ON MEETING IN PORTLAND

Councilman R. Adams reported on the trip he had made with Mayor Marks to Portland at the Fourth National Businessmen's Conference on Urban Problems.

He stated that many urban planning problems were considered at this meeting and Mayor Marks had made one of a number of five minute talks which preceded the discussion period at one section of the meeting. He stated that one of the high lights from this trip was the information he had derived concerned parking and traffic. Many experts on these problems from all over the United States attended the meeting. He explained the down town one-way traffic system being used in Portland and stated he was informed that the system had speeded up traffic tremendously. He also informed the Council that Portland was using the Pigeon Hole parking system on small lots in the down town area and that many local stores were creating their own parking areas and that there were no public parking lots in down town Portland. He stated that it was a very informative convention and he was very happy to have been able to attend.

Mayor Marks remarked that the information he had received concerning parking problems throughout the nation had made the trip worthwhile. He stated that the solving of this problem was not entirely the problem of the municipality but it should be shared alike by the merchants and property owners and that the problem of parking was here to stay.

From the information received it was decided that Modesto was far ahead of other cities in the nation in the solving of their parking problem.

REPORTS ON TRIP TO SACRAMENTO BY CITY MANAGER & COUNCILMAN MELLIS

Councilman Mellis reported on a trip he had made to Sacramento with the City Manager and Clifford E. Plummer, Engineer for the Modesto Irrigation District. He stated that they had visited several large parks in Sacramento which were really an asset to the city and he was convinced that every city should endeavor to create these large parks for their citizens.

The City Manager reported on the discussion with Col. Joe S. Gorlinski of the State of California Regional Water Pollution Control Board on the sewage disposal situation in the City of Modesto and had invited the Board and Col. Gorlinski to come to Modesto on August 6, 1952, to consider with the Council the proposed program the city is developing to assure the necessary improvements to the sewage disposal plant. It was agreed that this would be desirable.

The City Manager stated that the city would present a summary of their plans to the Board and the public at that time and he thought it most urgent that this meeting be held so that the Board and the people would know what the city is doing and plans to do in regard to this problem.

ESTABLISH DIAGONAL PARKING ON 17th STREET BETWEEN G AND H STREETS

Upon the recommendation of the Inter-departmental Traffic Committee, Councilman Merrill introduced

RESOLUTION NO. 9877-N. S.

which was seconded by Councilman M. Adams, establishing 30° angle parking on both sides of 17th Street between G and H Streets and directing the Director of Public Works to install the necessary stripping on the street to provide for parking spaces at the appropriate angle, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

EXTEND PARKING METER ZONE ON H STREET BETWEEN 8th & 9th STREETS

Upon the recommendation of the Inter-departmental Traffic Committee, Councilman Arata introduced

RESOLUTION NO. 9878-N. S.

which was seconded by Councilman Annan, designating the north side of H Street, between 8th and 9th Streets as a parking meter zone provided by Section 1 of Ordinance No. 1021-N. S., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

PARKING ON G STREET

Councilman Mellis brought up the matter of placing parking meters on G Street between 9th and 13th Street. He stated that it had been previously recommended by the Parking Authority that meters be installed on G Street between 9th and 12th Street.

The Director of Planning reported that a study had been made of the parking situation on G Street and adjacent to the parking lot on 11th & G Streets but no report had been made to the Council. He stated that this report would be brought up to date to include the area from 9th to 13th Street and would be presented to the Council for their consideration.

27 PROJECT STATEMENTS ON EXPENDITURE OF GAS TAX FUNDS

The Director of Public Works explained project statements for Streets of Major Importance and Secondary Streets for the fiscal year 1952-53 which are being sent to the State Department of Public Works for approval of expenditures of gas tax funds. Councilman M. Adams moved, seconded by Councilman Arata, approving the submission of the projects to the State.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

28 PARKING ON 18TH STREET--HUDSON POST OFFICE

Upon the recommendation of the Inter-departmental Traffic Committee, Councilman Annan introduced

RESOLUTION NO. 9879-N. S.

which was seconded by Councilman Arata, establishing 30 degree diagonal parking on the south side of 18th Street between G and H Streets and directing the Director of Public Works to install and maintain the proper marking on the oiled street to establish the parking spaces, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

29 CITY EMPLOYEE'S BASEBALL TEAM

The City Manager reported that the City Employees Ball team had been engaged in competitive games and at the present time were on top of the list as they have not lost a game during this season. He thought this was a good record and should be brought to the attention of the City Council.

30 INVITATION TO ATTEND MEETING ON "FAST TEMPO CHEST X-RAY SURVEY"

The City Manager reported that the City Health Officer had extended an invitation to members of the Council to attend a public meeting to be held on June 27 at 8:00 P. M. at Modesto Junior College to determine whether the people of this county wish a Fast Tempo chest x-ray survey.

31 REPORTS BY CITY MANAGER ON IMPROVEMENT OF H STREET AND SAFETY PROGRAM

The City Manager stated that H Street, between 9th and 15th Streets was going to be resurfaced and work would be started on Thursday.

The City Manager reported that the city employees had been engaged in an active safety program and that during the month of May no accidents had been reported by the Department of Public Works, He stated that he thought this was a good record and largely due to the work being carried on in this program.

32 ADJOURNMENT

There being no further business to come before the Council the meeting was duly and regularly adjourned.

ATTEST: 
REX E. GAILFUS, CITY CLERK

July 2, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1020-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

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

PROPOSED LEASE AGREEMENT FOR CITY ATTORNEY'S QUARTERS

Councilman Mellis reported to the Council that he had been making a check of the housing situation for the various City departments, and he recommended that the City Recreation Department be moved to the City Hall leaving more room for the operation of the Police Department which is operating under very unfavorable conditions due to lack of room at the present time.

The City Manager agreed that the Police Department needed more room, and that the Recreation Department should be moved into the main building.

It was suggested that the City Attorney's office be left in the present location for the time being, and that the Recreation Department be MOVED into the City Hall after alterations.

Councilman Mellis moved, seconded by Councilman M. Adams that the City Attorney prepare a lease agreement with the owners of the Scott Building for a one year lease at \$70.00 per month, for acceptance by the Council.

Ayes: Councilmen: M. Adams, Arata, Annan, Merrill, Mellis, R. Adams, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

INTRODUCTION OF THE PUBLIC WORKS SAFETY COMMITTEE

City Manager Miller introduced the members of the Public Works Safety Committee headed by Marvin Ray, Director of Public Works, and composed of the following members: Harry Sivils, F. C. Arnold, Bud Vickery, Don Hicks, Meryl Sayers, George Wheeler, L. A. McFarland.

He stated that this committee played an important part in reducing the accident total in this department for the month of May to zero. He also introduced Bill Junk of the Public Works Department, and Robert Carey a new member of the City Health Department.

PUBLIC HEARING 8:00 P. M. JULY 10, BY THE STANISLAUS COUNTY PLANNING COMMISSION

A card was received informing the Council of a public hearing at 8:00 P. M. on July 10, 1952, in the County Court House at which time an amendment to Ordinance No. 335 will be considered which will rezone a large tract of land bounded on the North by the Paradise, Road, East by the City Limits of Modesto, South by the Tuolumne River and West by a line 330 feet West of and parallel to center line of Illinois Avenue and Illinois Avenue projected Southerly.

REQUEST OF HAYDEN L. LOGAN FOR PUBLIC DANCE PERMIT

A letter from Hayden L. Logan, operator and manager of the Hotel Europa, 602 9th Street, Modesto, California, was received by the Council, in which he requested permission to operate a dance in the Hotel Europa at the above address. He stated that he wished to operate this dance similarly to those that are permitted and allowed in the premises of the Covell Hotel, and that he would comply with all City Ordinances regulating such places.

Councilman M. Adams moved, seconded by Councilman Arata, that the

matter be referred to the various departments for inspection, and report and that a hearing by the Council be held at the meeting of July 9, 1952, at 7:30 P. M.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

USE OF BEARD BROOK PARK FOR GIRL SCOUTS

The Stanislaus Girl Scout Council will hold their day camp program in Beard Brook Park on July 1 to 10 inclusive, from 9:30 A. M. ^{to 3:00 P.M.} each day.

In order to give the area as much seclusion as possible it is suggested that the road through the park be blocked. This request has been approved by the Fire Department, Police Department, and the City Manager.

Councilman Arata moved, seconded by Councilman Mellis that the park be reserved for the Stanislaus Girl Scout Council, and that the road through the park be blocked for the hours as stated during this camping period.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

It was suggested by the City Manager that many of the problems coming before the Council could be handled by the administrative government and thus release the Council of much detail work, This suggestion met with the approval of the Council, and it was decided to proceed with the plan as fast as possible.

ADDITIONAL PREMIUM, COMPREHENSIVE LIABILITY AND PROPERTY DAMAGE INSURANCE, ZURICH INSURANCE COMPANY

Upon the Request of the City Manager, the Director of Finance explained that the additional premiums of \$1,573.12 on the comprehensive, liability, and property damage insurance for the period ending June 27, 1951, was not due to an increased rate but to the annual audit of exposures made by the Company which showed additional equipment and personnel and that this was a legal claim, whereupon Councilman Annan introduced

RESOLUTION NO. 9880-N. S.

which was seconded by Councilman Arata approving the claim of \$1,573.12 to the Zurich Insurance Company, and authorizing the payment which Resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AWARD BID ON CONSTRUCTION OF SEWER TRUNK LINE ON KEARNEY, ROSEBURG AND COLDWELL AVENUES

Bids were opened on this project on June 23, 1952, at 2:00 P. M. Three bids were received and after tabulation the Director of Public Works recommended that the bid of the Stockton Construction Company, in the amount of \$63,975.00 be awarded as it was the lowest responsible bid, whereupon Councilman Mellis introduced

RESOLUTION NO. 9881-N. S.

which was seconded by Councilman M. Adams awarding the bid to the Stockton Construction Company as recommended, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AMENDMENT TO RESOLUTION NO. 9881-N. S.

Councilman M. Adams introduced

RESOLUTION NO. 9882-N. S.

which was seconded by Councilman Arata instructing the City Attorney to prepare a contract with the Stockton Construction Company for the sewer trunk line on Kearney, Roseburg and Coldwell Avenues, and authorizing the City Manager and the City Clerk as signatory officials. The resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

PROPOSED RESOLUTION REGARDING PERIMETER LIGHTS IN NEW SUBDIVISION AND LIGHTING DISTRICTS

City Engineer Fred Lange explained to the Council the problem faced in handling the cost of street lights along the perimeter of new subdivision and lighting districts. The element of inequity in requiring the subdivision or district to pay the full cost of these lights where adjoining pieces of property would share some of the benefits was pointed out. The City Manager reported that this was being presented to the Council to find out if they approved of the procedure of having the City prepay the cost of the installation of those portion of lights which should not be chargeable to the subdivision or district. Later this cost could be added to the cost of lighting in adjoining subdivisions or districts as they develop, and the City would in this way be reimbursed. It was agreed by the Council that this policy was desirable, and the City Attorney was directed to prepare a resolution setting forth this policy for adoption by the City Council.

AN EMERGENCY ORDINANCE APPROPRIATING FUNDS FOR THE USUAL CURRENT EXPENSES OF THE CITY OF MODESTO

Upon the request of the Director of Finance, Councilman Mellis introduced

ORDINANCE NO. 1030-N. S.

which was seconded by Councilman Annan setting forth that the sum of \$250,000.00, or such portion thereof as may be necessary, is hereby appropriated for the payment of the customary and usual current expenses of the City of Modesto for the period commencing July 1, 1952, and continuing until the date of the adoption of the budget for the fiscal year 1952-53. The ordinance was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

INTRODUCTION OF PERSONNEL ORDINANCE

After further study by the Council for one week, City Attorney Grimes presented the final proposed personnel ordinance, and brought up before the Council several changes that had been proposed in the ordinance including:

1. Classified employees against whom disciplinary action is taken would be entitled to request a written statement of the reasons within five working days. Notice would be mailed to them at their last known address.
2. City employees would be allowed to participate in political activities not specifically prohibited in the ordinance.

3. The Personnel Board should be composed of five members.

The Council agreed that these changes should be incorporated in the ordinance, and Councilman Mellis introduced

ORDINANCE NO. 1031-N. S.

which was seconded by Councilman Merrill, which was duly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

RESOLUTION OF POLICY ON ANNEXATION OF THE CROWS LAND/ROAD INDUSTRIAL AREA.

After considerable discussion on the proposed cost of a trunk sewer line across the Tuolumne River to serve the Crows Landing Road Industrial District, it was brought out that the cost of the line would be eventually paid for by sewer service charges to the industries in this area, and that the City would not be obliged to provide lateral sewers on the south side of the river, Whereupon Councilman Merrill introduced

RESOLUTION NO. 9883-N. S.

which was seconded by Councilman M. Adams, setting forth the basis upon which sewage disposal facilities will be made available to the property owners by the City in that area known as the Crows Landing Road Industrial District, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: none

Absent: Councilmen: None

ORDINANCE ANNEXING THE CROWS LANDING INDUSTRIAL AREA

Councilman R. Adams introduced

ORDINANCE NO. 1032-N. S.

entitled "AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS CROWS LANDING ROAD INDUSTRIAL DISTRICT TO THE CITY OF MODESTO", which ordinance was seconded by Councilman Mellis, and was upon roll call carried by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

SUGGESTED ELIMINATION OF PENALTIES FROM THE WATER COLLECTION ORDINANCE

City Manager Miller reported that several changes had been proposed in the ordinance regulating the collection of water payments, and the operation of the water department. It was proposed that the penalty clause requiring penalties to be collected on delinquent water and sewer service charges be eliminated or liberalized. The City Manager requested the opinion of the Council as to whether the penalty should be discontinued or whether certain penalty clauses should be continued, perhaps on the 30 day basis.

It was decided to hold the matter as to what procedure could be worked out which would be satisfactory until a further study could be made of the present penalty setup.

PRESENTATION OF THE PRELIMINARY BUDGET TO THE CITY COUNCIL, AND THE SETTING OF THE DATE FOR PUBLIC HEARING.

The City Manager submitted the preliminary budget for the fiscal year 1952-53 to the City Council, calling for a total expenditure of \$1,758,551 00, and suggested that the public hearing as required in the City Charter be set for July 23, 1952. Whereupon Councilman Merrill introduced

RESOLUTION NO. 9884-N. S.

which was seconded by Councilman Annan accepting the preliminary budget as presented to the Council, and setting July 23, 1952, as the date of public hearing. Which resolution was

regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REPORT ON CITY BUDGET

City Manager Miller reported that the budget as submitted called for a continuance of the present general tax rate of \$1 00 for the City of Modesto, and that a \$.12 rate for the City Library would be necessary. He also stated that the budget included about \$40,000 00 for new equipment which included approximately 20 pieces of equipment.

He reported that in the preliminary study of the budget approximately \$90,000 00 had been cut from the requested total, and that the budget included a new position of full time engineer for sewer improvement program.

Councilman Mellis remarked that the City is badly in need of a new City Hall, and he recommended that a certain amount of money be set aside this year and each year thereafter toward a building fund for this purpose. No action was taken on the recommendation at this time.

AGREEMENT FOR ADVERTISING IN THE MODESTO JOURNAL AND VALLEY CITIZEN

Councilman Mellis introduced

RESOLUTION NO. 9885-N. S.

which was seconded by M. Adams approving the agreement with the Modesto Journal and Valley Citizen for official advertising during the fiscal year 1952-53, and appointing the City Manager and the City Clerk as signatory officials on this agreement.

Which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROVAL OF THE MAP AND ACCEPTANCE OF BOND ON THE HARDIN TRACT SUBDIVISION

The final map of the Hardin Tract having been approved by the Planning Commission and Public Works Department, Councilman M. Adams introduced

RESOLUTION NO. 9886-N. S.

which was seconded by Councilman Annan, accepting the map of said tract and appointing the City Clerk and City Engineer as signatory officials, accepting the streets for public use as indicated thereon, and accepting subdivision bond in the amount of \$4,200 00, which resolution was adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

DOUBLE LANING OF TRAFFIC AT NEEDHAM AND COLLEGE

The City Manager reported that the inter-departmental traffic committee had checked the traffic at the intersection of Needham and College and it was their opinion that two-laning of the incoming traffic would create more inconvenience than convenience, eliminating at least eight parking spaces in an area which is not overly populated with parking spaces at the present time.

It was suggested that at some time when traffic lights are installed the double laning may then be necessary.

No action was taken by the Council on this matter at this time.

PARTICIPATION IN THE FOURTH OF JULY PARADE

The members of the City Council were reminded of their invitation to participate in the Fourth of July Parade, and that they were to convene at 10:00 A. M. Friday morning at the Chamber of Commerce building.

REQUEST FOR EXTENDING THE CLOSING HOURS OF THE MODESTO BOWL

A letter was received by the Council from James G. Santrizos, proprietor of the Modesto Bowl, 1120 13th Street, in which he stated that the annual Modesto Peach Tournament, involving participants from the entire Pacific Coast, would be held between July 1, 1952, and August 10, 1952, and he requested that during this period the closing hours for the Bowl, be set at 3:00 A. M. Whereupon Councilman Annan introduced

RESOLUTION NO. 9887-N. S.

which was seconded by Councilman Merrill authorizing the Modesto Bowl to remain open until 3:00 A. M. during the period of the Peach ^{Bowling} Tournament, involving participants from the entire Pacific Coast, would be held between July 1, 1952, and August 10, 1952, and he requested that during this period the closing hours for the Bowl, be set at 3:00 A. M. Whereupon Councilman Annan introduced

RESOLUTION NO. 9887-N. S.

which was seconded by Councilman Merrill authorizing the Modesto Bowl to remain open until 3:00 A. M. during the period of the Peach Bowling Tournament. This resolution was regularly adopted by the following vote:

- Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- Noes: Councilmen: None
- Absent: Councilmen: None

ADJOURNMENT

There being no further business to come before the Council the meeting was duly and regularly adjourned.

ATTEST: 
REX E. GAILFUG, CITY CLERK

Council Meeting
July 9, 1952

The Council of the City of Modesto met in regular session this date at 7:00 P. M. as provided by Ordinance No. 1020-N. S.

- Present: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- Absent: Councilmen: None

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

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of June 25, 1952, and July 2, 1952, and the same being available for public inspection, and there being no objection, the same were approved.

PROTEST BY AL L. GOLDSCHMIDT AGAINST DISCRIMINATORY CHARGE FOR WATER SERVICE

A letter from A. L. Goldschmidt, 115 Magnolia Avenue, was read in which he protested to being compelled to pay his water bill on a meter basis, because "we have a swimming pool." He stated that others in the neighborhood were on a flat rate, and had unlimited use of the water for domestic and irrigation use at a reasonable monthly charge.

The question was raised by the Council as to why it wasn't possible to put a meter on the swimming pool separate from the main house and grounds. City Manager Miller explained that the City Ordinance required all homes in the City having swimming pools to be metered, for the entire service.

The letter was referred to the City Manager for checking, and the problem as set forth in the letter was to be considered in the study of changes in water billing.

ALLOW CLAIMS FOR THE MONTH OF JUNE, 1952

Upon the recommendation of the City Manager Councilman Annan introduced
RESOLUTION NO. 9888-N. S.

which was seconded by Councilman Arata approving the claims of the City of Modesto for the month of June, 1952, in the amount of \$147,910 38, being check numbers 3814 to 3821 and 3827 to 4018, (3882 to 3826 appeared in the month of May vouchers,) and check numbers 10930 to 10947 for the McHenry Public Library totaling \$470 16, and authorizing issuance of these checks by the auditor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ACCEPTANCE OF DEEDS OF EASEMENT IN THE MAZE COURT AREA

Councilman R. Adams introduced

RESOLUTION NO. 9889-N. S.

which was seconded by Councilman Mellis accepting deeds of easement from the following:

William Poulos and Mary L. Poulos, husband and wife,
J. H. League and L. L. League, husband and wife,
Anna J. Kjer, a widow,
Oscar P. Miller
Rose Vosti,
David L. Martini, and Mary J. Martini, husband and wife,
David M. Martini, a single man,
Harry Goularte and Frances Goularte, husband and wife,
Henry T. Tyler, a widower,
Edward Hellwig and Edith D. Hellwig, husband and wife,
Addie L. Pingree,
Henry S. Bowers, and Frances Rose Bowers, husband and wife,

on portions of lots 22 and 23 of the Maze Ranch Subdivision, to be used for the installation of utility facilities by the City of Modesto, and set aside by grantors to the public at large for alley purpose, and authorizing the City Clerk to record the above named deeds and the partial reconveyance obtained in connection therewith with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

City Manager Miller brought to the attention of the Council the fact that many times in extending sewer lines into such areas there was considerable work involved besides the actual digging and laying the pipe line. He stated that problems similar to those existing in the Maze Court Areas were found also in other areas. He suggested that a good idea would be to address letters to the various people from whom deeds had been received, thanking them for their cooperation.

ACCEPTANCE OF DEED FROM THE CONGREGATION CHURCH FOR ALLEY WIDENING

Councilman R. Adams introduced

RESOLUTION NO. 9890-N. S.

which was seconded by Councilman Mellis accepting the grant deed from the Northern California Congregational Conference on the following property: All that portion of the East half of the Southwest quarter of the Northwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, to be used for alley purposes, and directing the City Clerk to record the deed with the Recorder of Stanislaus County.

The foregoing resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

LEASE OF LAND AT AIRPORT FOR AGRICULTURE PURPOSES

The City Manager asked Harry Sham, manager of the municipal airport, to present to the Council the matter of leasing for agricultural purposes 45 acres just north of the airport belonging to the City. He stated that in order to properly prepare this soil for farming purposes the lessee probably should have a five year lease with the usual cancellation clause. Since it would cost possibly \$2,000 00 to put the land in shape for farming a prorated refund could be provided in case of cancellation.

City Manager Miller reported that an ad had been placed in the paper at the present time requesting offers for use of this farm land. If it was decided by the Council that the bids should be in the hands of the City Manager by July 16, 1952, for consideration of the Council, and that a contract for use of the land could be let at the following meeting of July 23, 1952, or at a special meeting prior to that time if necessary.

Whereupon, Councilman M. Adams moved seconded by Councilman Arata, approving the advertising for bids as set forth above.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REQUEST FOR REMOVAL OF TREE, H. M. COLE

The City Manager reported that H. M. Cole residing at 308 Orange Avenue, had requested the removal of an elm tree located approximately five feet south of the driveway at the above address. The Director of Public Works reported that this tree was in good condition, well trimmed, and that this type of elm tree does not drip sap to the extent of some others. He recommended that the request be denied. Whereupon, Councilman Merrill moved, seconded by Councilman M. Adams, that the request for the removal of this tree be denied.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The Director of Public Works stated that all elm trees in the City had been sprayed early in the year for elm beetles and to reduce the dripping of sap, and stated that he would check to see if additional spraying was necessary.

HEARING ON APPLICATION OF HAYDEN L. LOGAN FOR DANCE PERMIT

A hearing having been set by the Council for July 9, 1952, at 7:30 P. M., to consider the application of Hayden L. Logan, operator of the Hotel Europa, at 602 9th Street, for a dance permit, City Attorney Grimes reported that the attorney for Mr. Logan, Mr. Frank Damrell, verbally had requested that the application be dropped for the time being, and that he would confirm this request by letter. Whereupon Councilman Merrill moved, seconded by Councilman R. Adams that the consideration of this application be dropped.

Ayes: Councilmen: R. Adams, M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

LEASE OF ELVIN YORK, SEWAGE PLANT PERCOLATION BED

The City Manager reported that under the lease with Elvin York for the sewage plant percolation bed, the City would receive approximately \$350 00 as their share of the crop. He recommended that the City accept \$150 00 in cash in lieu of the requirement in the lease that Mr. York plow the area, as it would be necessary to sub-soil the land in order to make it suitable for a percolation bed.

Whereupon, Councilman Arata moved, seconded by Councilman M. Adams approving the recommendation as set forth by the Manager.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REQUEST OF PATRICIA PURDY TO BLACKTOP SIDEWALK AREA IN BLOCK L

After considerable study by the City Council, and the Director of Public Works it was recommended that Mrs. Purdy, the owner of property in Block L be permitted to blacktop the area between the store building and the curb line on 19th Street, on the condition that she construct a concrete walk five feet in width located adjacent to the curb on the H Street side of this property.

Whereupon, Councilman Merrill moved, which was seconded by Councilman Annan authorizing the construction as recommended and directing the City Clerk to notify Mrs. Purdy of this decision.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REPORT ON BUDGET DISCUSSION WITH THE PLANNING COMMISSION AND THE CITIZENS' ADVISORY COMMITTEE

City Manager Miller reported that the Citizens' Committee working on proposed capital improvements for the City were doing a fine job, and would make some constructive recommendations. One of these would probably be that property owners along residential streets (other than major streets) finance improvements to these streets, but that the City assist in financing these improvements to the extent that the City would save on maintenance costs. It was suggested that \$10,000 00 be set aside in this year's budget for financing the City's share of such improvements during 1952-53.

The City Manager explained that the City could save on street maintenance costs as the new paved streets would need very little maintenance for the first few years.

Councilman Mellis also suggested that some money be set aside for a new City Hall, and he stated that the committee had approved this suggestion in principle.

It was brought out in the discussion that the future City Hall be located in a place where other future City buildings could fit into the picture to form a civic center.

The matter of obtaining property for park purposes was discussed. The City Manager stressed the fact that now was the time to obtain land for park purposes while it is vacant, because when it is developed it would be too late.

It was brought out that the community needed several large 20 or 40 acre parks and that the whole community should participate in this program. The City Manager stated that he thought the Citizens' Committee would come up with some good suggestions along this line.

Whereupon, Councilman M. Adams moved, seconded by Councilman R. Adams

requesting the members of the committee to visit the Council in regard to their suggestions for improvements and other matters, and that letters be sent to each member inviting them to be at these meetings.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

SET DATE OF HEARING ON BUS FRANCHISES

On the recommendation of the City Attorney, Councilman Mellis made a motion, which was seconded by Councilman Arata, setting the date of July 16, 1952, at 4:30 P. M., as the date of hearing by the Council on the various bus franchises with the City of Modesto.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REPORT BY CITY MANAGER ON PROPOSED TIDEWATER INDUSTRIAL AREA

The City Manager reported that Rex Kearney, President of the Tidewater Southern Railway Company had reported to him that the Board of Directors of the Railroad Company had approved the plan for using a portion of land south of the Tuolumne River for a proposed industrial area, contingent upon zoning by the County Planning Commission of the area and of property adjacent to this proposed industrial area for further expansion.

Whereupon, Councilman Annan introduced

RESOLUTION NO. 9891-N. S.

entitled "A RESOLUTION URGING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO FAVORABLY CONSIDER THE REQUEST OF THE TIDEWATER SOUTHERN RAILWAY TO ZONE THE PROPOSED INDUSTRIAL AREA AND LAND ADJACENT THERETO FOR HEAVY INDUSTRIAL USE" which resolution was seconded by Councilman M. Adams, and was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Robert Shelton, Assistant to the City Manager, reported that the Modesto City Employees' Baseball Team were continuing with their successful season by having won their latest game played on Tuesday night.

ADJOURNMENT

There being no further business to come before the Council the meeting was duly and regularly adjourned.

ATTEST: 
REX E. GAILFUS, CITY CLERK

Council Meeting
July 16, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1029-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

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

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the meeting of July 9, 1952, and the same being available for public inspection, and there being no objection, the same were approved.

PROPOSED LEASING OF PORTION OF AIRPORT FOR FARMING PURPOSES

John Wynne and Dave Wilson attended the Council meeting in regard to the proposed leasing of 45 acres of land on the northern part of the municipal airport.

The City Manager reported that various persons were interested in farming this land, and that Mr. Sham, manager of the airport, had received several verbal inquiries concerning the leasing of this land.

It was moved by Councilman M. Adams, that these proposals be obtained by the City Manager and tabulated for consideration by the City Council at 7:15 P. M. on Wednesday, July 23, 1952, at which time consideration of all proposals would be made, which motion was seconded by Councilman Arata.

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

Councilman R. Adams arrived at the Council meeting at this time.

PROPOSED MOVING OF HOUSE TO LOCATION BETWEEN MAYNELL AND MORRIS AVENUES ON JOHNSON STREET, EAST SIDE

A letter was read from Mr. and Mrs. James A. Johnston, living at 201 Maynell Avenue, to the City Manager and the City Council in which he protested to the moving of a two story house onto Johnston Street, which would make it necessary to trim several large branches from a tree on his property. Appearing before the Council, Mr. Johnston stated that it would ruin the tree for shade purposes. Donald S. Correll, living at 147 Maynell Avenue, also protested to the proposed moving of this house down Maynell Avenue, stating that in his opinion the trees along this street would be spoiled if they were trimmed to allow this large house to be moved down the street.

John Husband, owner of the building, and H. J. Sorensen, contractor in charge of moving the building, stated that the problems involved in moving this building were being exaggerated, and that they should be allowed to move it over the proposed course, as this was a district into which a duplex such as this building could be moved.

Mr. Ray, Director of Public Works, explained that he had made a survey of this route several months ago, but before he could certify that the route could be used he must survey the route again.

City Manager Miller suggested that the matter of damage to the tree owned by Mr. Johnston was a private matter between Mr. Johnston and the movers, and should be cleared before any further action could be taken by the Council.

The Director of Public Works was instructed to work with Mr. Sorenson in checking the proposed route, and see what problems were involved at the present time, provided that Mr. Sorenson could reach an agreement with Mr. Johnston concerning his privately owned tree.

PROPOSED MEETING WITH REGIONAL WATER POLLUTION CONTROL BOARD, AUGUST 6

City Manager Miller reported that in a communication from Joseph S. Gorlinski, Executive Officer of the Regional Water Pollution Control Board, he stated that the board would be pleased to meet with the City Council at 2:00 P. M. on August 6, 1952,

Whereupon, Councilman Mellis introduced

RESOLUTION NO. 9892-N. S.

which was seconded by Councilman Merrill setting a special Council meeting at 2:00 P. M. on August 6, 1952, for the purpose of meeting with the Regional Water

Pollution Control Board. Which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

PROPOSAL OF FRANK T. ROACH FOR PROVIDING SERVICE TO MINIMIZE INTERFERENCE WITH RADIO AND TELEVISION

A communication from Frank T. Roach, P. O. Box 385, Hayward, California, was received by the Council in which he offered to provide the means and service of minimizing interference to radio and television owners for a minimum fee of \$80 00 per month, charged at the rate of \$10 00 per hour, and additional charges over the minimum of eight hours would be charged at the same rate.

City Manager Miller was instructed to file the request for possible future consideration, and to inform Mr. Roach of the action of the Council.

HEARING ON BUS FRANCHISE

July 16, 1952, at 4:30 P. M. having been set as the time for hearing by the Council on the various bus franchises with the City of Modesto, the following representatives of bus companies in Modesto appeared before the Council:

Modesto Motor Bus Service, Willis M. Kleinenbroich, owner and Edwar M. Lacy, Attorney.

Modesto Transit Company, Mary Maritzen, Co-owner, E. B. Osthues, co-owner and Frank Damrell, Attorney

City Attorney Grimes made an analysis of the present condition of the various franchises under Ordinance No. 306-N. S., which required a fee of 2% based on the entire gross receipts of the company for business done, both inside and outside the city limits. He explained that the Modesto Motor Bus Service had discontinued payment on January 1, 1952, and that the Modesto Transit Company on May 1, 1951. Mr. Grimes stated that in his opinion the 2% fee should apply to all the business done within the city and only to a portion of the business done without the city. His interpretation brought up the problems in regard to a proposed change in the fees. (1) What percentage to use? (2) What proportion of the gross receipts to use? (3) When the payments under the new rate and new proportions of gross receipts should start?

The City Attorney stated that in his opinion it was not the responsibility of the City to repay the fees collected under the present ordinance as these payments were made voluntarily and without written protest.

The following basis of payments were presented to the Council:

1. On all business entirely within the city plus one-half of business in and out of the city.
 2. On all business entirely within the city, plus a percentage of business in and out of the city, based on route miles.
 3. On all business entirely within the City, plus a percentage of business in and out of the city, based on passenger miles.
- The City Manager stated that there was one additional basis not listed which would be a flat rate for operation within the city.

Councilman Annan questioned the right of any business to discontinue payment of fees or licenses as required by the various ordinances of the city.

It was brought out that the payments had been discontinued on the basis that they were illegal collections by the city under the ordinance.

In the discussion by Attorneys Damrell and Lacy, it was pointed out that the companies performed a service for the community, and that their revenue had not been large enough to warrant the payment to the city of such a high fee.

City Manager Miller emphasized the fact that the fee to be paid by the company was the matter for discussion and should not be considered in the light of a subsidy. He stated some of the remarks had put the city in a bad light and he wished to bring out the fact that the companies had started operations with full knowledge of the provisions of the ordinance, that the fees were paid by the companies under the ordinances for a long time and that no formal protest had been made.

It was also brought out by representatives of the Modesto Transit Company that the State of California was collecting on certain revenue which should not be taxed by them, making a double taxation, which he claimed was unfair on the part of the State.

Members of the Council agreed that the bus companies were providing a service for the community and that the Council wished to work out a solution to the matter which would be fair to the bus companies and the City.

Councilman Mellis introduced

RESOLUTION NO. 9893-N. S.

which was seconded by Councilman Arata entitled: "A resolution establishing the basis of payment of fees required by the provisions of Ordinance No. 306-N. S. regulating the operation of motor busses operating on fixed schedules over established routes within the city", which resolution adopted formulae #2 set forth on the analysis of existing and potential motor bus franchise payments. This formulae is based upon the payment by the license of 2% of the gross receipts on all business conducted entirely within the city, plus a percentage of the gross receipts from business conducted both in and out of the city and to be effective from the date of last payment of each license, based on route miles, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

7 MATTER OF DUPLICATION OF BASIS FOR TAX COLLECTION BY THE STATE

At the suggestion of the City Manager, Councilman M. Adams, moved, seconded by Councilman Arata, that the City Attorney and the City Manager work with the bus companies and that the State of California to try and correct the inequalities which exist with respect to the payment of taxes by bus companies to the State of California, causing a duplication of taxation.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

8 RELEASE OF SUBDIVISION BOND, SUNRISE PARK TRACT

The Director of Public Works reported that the improvements covered by the \$500 00 bond for improvements to be made in the subdivision known as Sunrise Park Tract had been completed in a manner satisfactory to the City, and he recommended that the bond be exonerated.

Whereupon, Councilman Mellis moved, seconded by Councilman M. Adams that the bond be exonerated, and instructing the City Clerk to notify the bonding company of this fact.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

RELEASE OF PORTION OF BOND, COLLEGE CENTER SUBDIVISION

The Director of Public Works reported that curbs and gutters and street grades having been completed in that portion of the College Center Subdivision as required under the bond, he recommended that the portion of the cash bond covering those items in the amount of \$4,000 00 be returned to the subdivider.

Whereupon, Councilman M. Adams made a motion, seconded by Councilman Arata authorizing the return of \$4,000 00 to the subdivider as recommended by the Director of Public Works.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

PROPOSED PLANS AND SPECIFICATIONS FOR IMPROVEMENT OF VIRGINIA AVENUE AND 8TH STREETS

The Director of Public Works presented completed plans and specifications for improvement of Virginia Avenue and 8th Streets. He explained the proposed improvements of these streets and stated that the plans and specifications must be submitted to the State for approval.

Whereupon, Councilman Merrill introduced

RESOLUTION NO. 9894-N. S.

which was seconded by Councilman Arata approving the plans and specifications, and authorizing the Director of Public Works to forward them to the State of California for approval. Which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REPORT ON PROPOSED SIGNAL AT 11th AND D STREETS OR 14TH AND D

The matter of a traffic signal at 11th and D Streets was considered. The Interdepartmental Traffic Committee had studied the problem and reported that since the need of a signal at this location is a seasonal one rather than an all year one, and since the traffic volume at this intersection just meets the warrants necessary it was suggested that the matter be held over for future study and information during this coming season if the Division of Highways is willing to do so without prejudice.

The matter of installing a traffic signal at 14th and D Streets was also considered, and as a proposed new bridge is planned across Beard Brook, which would make 15th Street the main arterial street leading into the territory east of Beard Brook, it was recommended that no traffic lights be installed at this intersection at this time. City Manager Miller stated that consideration would be given to the possibility of improvement of traffic flow through this intersection by means of channelizing.

Whereupon, Councilman Annan introduced

RESOLUTION NO. 9895-N. S.

which was seconded by Councilman Merrill requesting the State of California to proceed with the installation of the signal at McHenry and Morris, and to defer the installation of the one at 11th and D Streets, until further studies can be made, if this can be deferred without prejudice, asking the State to work with the City on a study of channelizing traffic at 14th and D Streets, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

PARKING ON G STREET, BETWEEN 9TH AND 12TH STREETS

It was reported that the Parking Authority had proposed that parking meters be installed on G Street between 9th and 12th Street, and there was discussion of the desirabilities of changing to parallel parking on G Street from 11th to 12th Streets,

Whereupon, Councilman Merrill introduced

RESOLUTION NO. 9896-N. S.

which was seconded by Councilman Mellis establishing parking meter zones on both sides of G Street between 9th and 12th Streets, and providing that parallel parking be established on G Street, between 11th and 12th Streets. Which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, E. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

MEETING IN LONG BEACH, JULY 22, 1952, OF THE INTERIM COMMITTEE ON STREETS AND HIGHWAYS

City Manager Miller reported that the Interim Committee on Streets and Highways would meet in Long Beach on July 22, 1952, at which representatives from cities and counties and metropolitan areas would be present. He stated that highway needs of the State, principally those of highways off main highways, and highways feeding into the main highways would be discussed. He also stated that the Stanislaus City-County Committee had designated four representatives from this area to be present: Oliver Change, member of the County Board of Supervisors; Oliver Deatch, County Surveyor; George Macomber, City Engineer of Newman; and City Manager, Ross Miller.

Whereupon Councilman M. Adams moved, seconded by Councilman Arata authorizing the City Manager to attend this meeting as representative of the Committee and of the City of Modesto.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

FURTHER REPORT ON REMOVAL OF TREE AT 308 ORANGE AVENUE

City Manager Miller reported that there should be a further check of the request of H. M. Cole of 308 Orange Avenue, for the removal of an elm tree at this location. He stated that he had investigated the location and condition of the tree, and that if Mr. Cole would get permission from the property owner and would remove this tree at his own expense, that he be permitted to do so.

It was decided that the City Council members would check the location of this tree, and act on the matter at a later meeting.

REQUEST OF MODESTO JUNIOR CHAMBER OF COMMERCE FOR COMMUNITY FAIR

The request of the Modesto Junior Chamber of Commerce to stage a community fair on the dates of September 24 to 28, 1952, inclusive, was considered by the City Council.

Thereupon, Councilman Annan made a motion, seconded by Councilman Merrill recommending that the permit be granted to the applicants to hold the community fair without paying the usual carnival license fee and water connection fee charged by the City of Modesto.

It was also recommended that they be permitted to hold a parade in the business district to advertise the fair, and that the usual amusement tax fee of 3¢ be paid to the City on each adult ticket sold at the gate.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REQUEST OF THE CHURCH OF CHRIST TO ERECT TENT AT WASHINGTON AND L STREETS

A request was received from the Church of Christ, 215 LaLoma Avenue, Modesto, to set up a tent at Washington and L Streets for the purpose of a two weeks gospel meeting among the Negro race, beginning July 28, 1952, and continuing for two weeks with services at 8:00 P. M. each evening.

Whereupon, Councilman Annan made a motion, seconded by Councilman Merrill that the Church of Christ be allowed to erect this tent at Washington and L Streets for the purpose of conducting a two weeks gospel meeting, providing that the tent be fire proof, and all City laws and regulations be complied with.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

FINAL ADOPTION ORDINANCE NO. 1031-N. S. --"AN ORDINANCE OF THE CITY OF MODESTO ESTABLISHING A PERSONNEL SYSTEM"

Ordinance No. 1031-N. S. entitled "AN ORDINANCE OF THE CITY OF MODESTO ESTABLISHING A PERSONNEL SYSTEM", having been heretofore introduced and ordered printed and published at the regular meeting of July 2, 1952, Councilman Annan moved, seconded by Councilman M. Adams, that the ordinance be finally adopted, and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ADVANCE OF FUNDS FROM GENERAL TO LIBRARY FUND

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 9897-N. S.

which was seconded by Councilman Arata authorizing a loan of \$14,000 00 from the General Fund of the City of Modesto to the Library Fund, and the repayment thereof when funds are available in the Library Fund.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

TIME DEPOSITS WITH BANKS

The City Manager reported that it had been recommended by the Director of Finance that the deposits be made in the three local banks as follows:

Bank of America	Demand Deposits	\$25,000 00
	30-day time deposits	\$25,000 00
American Trust Company	Demand Deposits	\$25,000 00
	30-day time deposits	\$25,000 00
Modesto Bank & Trust Co.	Demand Deposits	\$25,000 00
	30-day time deposits	\$25,000 00

Whereupon, Councilman Annan moved, seconded by Councilman Arata that the Director of Finance be authorized to proceed with setting up the deposits as recommended.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

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REPLY TO VETERANS' ADMINISTRATION LETTER IN REGARD TO REAPPRAISAL OF LAND AROUND AIRPORT

City Manager Miller reported that he had received a reply from the Veterans Administration of Washington, D. C., to his letter objecting to the method of appraisal of residential property near airports. He stated that the policy had been changed and that the policy and procedure as set forth in the latest bulletin are far less restricted than the former bulletin.

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ADJOURNMENT

There being no further business to come before the Council the meeting was duly and regularly adjourned.

ATTEST: 
REX E. GAILFUS, CITY CLERK

Council Meeting

July 23, 1952

The Council of the City of Modesto met in regular session this date at 7:00 P. M. as provided by Ordinance No. 1020-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

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

APPROVAL OF MINUTES

Councilman M. Adams moved, seconded by Councilman Annan that page 3, paragraph 2 of the subject "Hearing on Bus Franchise" be corrected in the Council meeting minutes of July 16, 1952, to read as follows:

"City Attorney Grimes made an analysis of the present condition of the various franchises under Ordinance No. 306-N. S., which required a fee of 2% based on the entire gross receipts of the company for business done, both inside and outside the city limits. He explained that the Modesto Motor Bus Service had discontinued payment on January 1, 1952 and the Modesto Transit Company on May 1, 1952. Mr. Grimes stated that in his opinion the 2% fee should apply to all the business done within the city and only to a portion of the business done without the city. His interpretation brought up the problems in regard to a proposed change in the fees"

and that page 5, line 10, the words "and to be effective from the date of last payment of each license" be added after the words "out of the city" and that the clerk be directed to provide corrected copies of this part of the minutes.

Ayes: Councilman: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Hon Adams

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DISCUSSION ON BUS FRANCHISES

City Attorney Grimes informed the Council that the final payments made by the bus companies were made on different dates, the Modesto Transit Company had paid up to April 1, 1951, and the Modesto Motor Bus Company had paid up to December 1, 1951, and that it seemed unfair to require one company to commence their payments under the new formulae which would require the companies to commence their payments on different dates. Attorney Frank Damrell, representing the Modesto Transit Company, stated that it seemed unfair to allow credit to the Modesto Motor Bus Company in this case where no credit was being allowed to his client for payments made over a good many years. If credit is to be given in one case, it should be given in another. The City Manager pointed out that the new reduced franchise rates were recommended to and approved by the Council on the basis that

no refund could be made. It was decided by the Council to leave the matter as it was originally approved.

Councilman R. Adams arrived at this time.

PERSONNEL COMMISSION REQUEST COUNCIL ADOPT SALARY RANGES AND RATES ON POSITIONS IN THE CITY SERVICE

Frank C. Damrell, Chairman of the City of Modesto Personnel Commission, appeared before the Council in support of the proposed "Salary Ranges and Rates of positions in the City Service" and recommended its adoption by the Council. He stated that it was a very acceptable salary range and schedule and that he thought under this set up the jobs would be filled on the basis of merit and ability to do the job and where there were inequities they could be handled as a separate case. Councilman Merrill introduced

RESOLUTION NO. 9904-N. S.

seconded by Councilman Arata commending the Personnel Commission and employee representatives for the fine work done in the preparation of the new personnel ordinance and the salary schedules, classes of positions and fixing the compensation of officers and employees in the city service, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager stated that some employees would probably not be satisfied under this proposed schedule but that they had been most cooperative and fair in working out the problem. He stated that the annual cost of the salary raises as proposed was approximately \$37,000 00, that the total amount in the 1952-53 budget for salaries was over \$900,000 00

APPOINT COMMITTEE HONOR CY YOUNG

Councilman Mellis reported that Cy Young of the City of Modesto had won first place in the Javelin Throw in the Olympic Games being held at Helsinki, Finland and he thought the Council should send congratulations to Mr. Young and that a committee be appointed to plan a reception and celebration upon his return to the city. Mayor Marks recommended that the following seven persons serve on this committee to prepare a "homecoming celebration" honoring Cy Young; Chairman, Tom Mellis, Floyd E. Benson, James H. Corson, Trevor J. Griffith, Thomas H. Moore, Lewis E. Franklin and Councilman David L. Arata, whereupon Councilman Mellis introduced

RESOLUTION NO. 9905-N. S.

which was seconded by Councilman R. Adams approving the appointment of the above named committee to prepare plans for the "homecoming" celebration honoring Cy Young, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

REPORT BY CITY MANAGER ON PROPOSALS FOR LEASING OF LAND AT AIRPORT

The City Manager reported that proposals had been filed by the Dave Wilson Nursery and James C. Sorensen for the leasing of approximately 45 acres of land on the north portion of the municipal airport.

After a discussion of the two proposals submitted, Councilman M. Adams moved, seconded by Councilman Arata that the proposals of The Dave Wilson Nursery be accepted subject to the working out of details and that the City Attorney be directed to prepare an ordinance for the proposed leasing of this land for the consideration of the Council.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

PUBLIC HEARING ON THE CITY OF MODESTO BUDGET FOR YEAR 1952-53

This date having been set for the public hearing of the proposed 1952-53 budget for the City of Modesto as provided by "Section 1303, Article XIII, Fiscal Administration" of the City Charter, the City Manager reported that copies of the proposed budget had been made available in the City Clerk's office, for anyone interested.

Some members of the Citizen's Advisory Committee were present and Sam Moran, in the audience, stated that the Council in the first year that they had been in office had done a good job and it was gratifying to see the items in the budget which he thought would be of great benefit to the city especially on Recreation. He wished to thank the Council for the work that they had done.

The City Manager reported that the budget include a reserve of \$229,740 00 that the salary increases would take approximately \$37,000 00; contingency fund \$12,746 00; that \$10,000 00 could be allocated for the city's share of an improvement program on residential streets; and that if \$25,000 00 were set aside for a new city hall building there would remain a balance of approximately \$45,000 00 in the unallocated reserve fund.

The City Manager stated that in his experience he had never faced a year which seemed so uncertain as this year ahead and that the city should be in condition to meet unfavorable conditions and that at least \$45,000 00 should be left unallocated for any emergency during the year.

Mayor Marks expressed pleasure in being able to consider a good budget. Councilman R. Adams moved, seconded by Councilman Merrill that the tentative budget be revised to include the above recommended changes.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager reported that there was an item in the budget of \$1200 00 for the Stanislaus County Boys' Band and a new item of \$160 00 to cover the Youth for Government Day which was established during the past year. He also reported which was the amount previously approved by the Council at the discussion of the request of the Salvation Army that there was an item of \$300 00 for the Salvation Army for an increase, it was decided that no increase would be made in the allocation for 1952-53. The Council considered that in as much as the city was donating \$1200 00 to the Stanislaus County Boys' Band some additional recognition of the City of Modesto should be given by the band. It was decided that they should investigate the possibility of participation by the band in the Fourth of July celebration without the band charging a fee. It was pointed out that the Boys' Band each year gave a series of free concerts in the city parks. The \$1200 00 appropriation was approved by the Council. Councilman Annan introduced a ordinance being

ORDINANCE NO. 1033-N. S.

entitled: "AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1953 and PROVIDING FOR CERTAIN TRANSFERS OF FUNDS" and moved its adoption and passage to print and which motion being duly seconded by Councilman Arata it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ADOPTION OF SALARY SCHEDULES, CLASSES OF POSITIONS AND FIXING THE COMPENSATION OF OFFICERS AND EMPLOYEES IN THE CITY SERVICE

The City Attorney read and explained a proposed resolution establishing salary schedules, classes of positions and fixing the compensation of officers and employees in the City Service to be effective as of July 1, 1952. Councilman Mellis proposed that those officers who are appointed by the Council, as provided by Section 900 of the Charter, the City Manager, City Attorney, City Clerk and Auditor be deleted from this resolution and be considered in a separate resolution. Councilman Mellis introduced

RESOLUTION NO. 9906-N. S.

which was seconded by Councilman R. Adams, establishing schedule of salary ranges, as set forth in "Exhibit A" and salary ranges and rates of positions in the City Service, "Exhibit B" attached to the resolution, to be effective as of July 1, 1952, and deleting the positions included in these schedules of City Attorney, City Clerk and Auditor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman Mellis expressed his appreciation for the fine job that had been done by City Manager Ross Miller and recommended that his salary be established at \$15,000 00 for the fiscal year of 1952-53 and that the salary of Allen Grimes, City Attorney be set at \$725 00 per month and the offices of City Clerk and Auditor be consolidated and Rex E. Gailfus be appointed at a salary of \$530 00 per month and introduced

RESOLUTION NO. 9907-N. S.

which was seconded by Councilman R. Adams, reappointing Ross Miller as City Manager at a salary of \$15,000 00 for the fiscal year of 1952-53, Allen Grimes City Attorney at a yearly salary of \$8700 00 and combining the offices of City Clerk and Auditor and appointing Rex E. Gailfus, City Clerk and Auditor at a salary of \$6,360 00 per annum, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager and City Attorney expressed appreciation to the Council for the privilege that had been afforded them to work with the Council and the citizens of Modesto and for the splendid cooperation they had received.

SHORTAGE OF TIN PLATE DUE TO STEEL STRIKE

A group appeared before the Council in regard to the serious effect the steel strike is having on the production of tin plate. Charles W. Mitchell of the Flotill Cannery and Stanley F. Triplett of the Pacific Grape Products Company expressed the opinion that if something wasn't done immediately to make tin plate available for the manufacturing of cans that there would be a tremendous loss to the farmers in the local area and the people generally as the canneries would have to curtail their operations in fact they explained, the curtailment in operation is now in effect, due to this shortage.

They requested that the City Council use every means possible to draw attention to this serious situation and requested that they join with other cities in this community getting whatever action is necessary to make tin plate available.

John Fairweather, Manager of the Modesto Chamber of Commerce, stated that wires had been sent by the Chamber of Commerce to various officials in regard to this matter. Councilman Arata introduced

RESOLUTION NO. 9908-N. S.

which was seconded by Councilman Merrill, recommending that the City of Modesto solicit the cooperation of other cities in this area in using every effort possible by contacting various state and federal government officials and other to get whatever action is necessary to make the necessary tin plate available immediately, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

GRANT PERMIT TO CHURCH OF CHRIST TO RELOCATE THEIR TENT TO BE USED FOR GOSPEL MEETINGS

The City Manager reported that the permit granted by the Council to the Church of Christ to erect a tent for religious meetings at Washington and L Streets could not be used as this property had been sold and H. A. Bayley, Elder of the Church of Christ, had requested that the church be permitted to erect a tent at

the corner of 7th and M Streets on lot E as this location met his approval and also the Chief of Police. Councilman R. Adams moved, seconded by Councilman M. Adams that the request for change of location be granted.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

DISCUSSION OF UNIFICATION PROGRAM

J. A. Hamilton, resident of South Modesto and a member of the original committee on unification, appeared before the Council and asked, "What is to be done about the unification program?"

It was brought out that lack of continued strong leadership was the primary reason for the lagging of the program.

Mayor Marks pointed out that paid leadership was needed and that the opposition had used unfair tactics in its campaign against the leaders of the program. He stated that there were good men on the program but that they had not been able to devote enough time to the work to offset the paid help of the opposition.

INDUSTRIAL DISTRICT AREA SOUTH OF MODESTO

It was brought out that the city had achieved a real accomplishment in helping work out the proposed industrial area south of Modesto along the Tidewater Railroad right of way, and that the City was committing itself to supply sewers and water to the area on the basis that it would be annexed to the City. It was pointed out that the cooperation of the Commissioners of the Industrial Fire District would be helpful in such annexation and Councilman R. Adams introduced

RESOLUTION NO. 9909-N. S.

seconded by M. Adams directing the Mayor and City Manager to arrange a meeting with the Commissioners of the Industrial Fire District to ask their co-operation in the eventual annexation of this industrial area to the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

CONSTRUCTION OF SANITARY SEWER LATERALS AND FURNISHING OF STREET LIGHTING MATERIALS SUPPLIES ETC. IN IMPROVEMENT DISTRICT NO. 1

Councilman Annan introduced

RESOLUTION NO. 9898-N. S.

which was seconded by Councilman Arata prescribing steps necessary for conduct of a public hearing and notice thereof on the public convenience and necessity where special assessment proceedings are proposed to be taken for the acquisition and/or improvement of property without compliance with the special assessment investigation limitation and majority pretest act of 1931, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman M. Adams introduced

RESOLUTION NO. 9899-N. S.

which was seconded by Councilman Arata, approving the map designated as "Diagram of Proposed Assessment District Showing Exterior Boundaries of District proposed to be assessed for the Construction of Sanitary Sewer Laterals and for Pendent Street Lighting Standards and Appurtenances, all in the City of Modesto, California" and filed with the City Clerk of the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman M. Adams introduced

RESOLUTION NO. 9900-N. S.

which was seconded by Councilman Arata entitled: "RESOLUTION of Preliminary Determination that 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. 1, City of Modesto, Stanislaus County, California, describing said property improvement and setting a time and place of hearing thereon" and establishing Wednesday, the 13th day of August, 1952, at 7:00 P. M. as the day and hour and the meeting place of the City Council as the place when and where any and all persons interested who have filed a written objection may appear, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

~~Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks~~

~~Noes: Councilmen: None~~

~~Absent: Councilmen: None~~

COUNCILMAN MERRILL introduced

RESOLUTION NO. 9901-N. S.

which was seconded by Councilman R. Adams, directing the City Engineer to prepare plans and specifications for the construction of sanitary sewer laterals and for furnishing street lighting materials, supplies, appliances and appurtenances in Improvement District No. 1, together with careful estimates of the cost thereof and that the work and improvement hereinabove described be designated as "Improvement District No. 1", which resolution was adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman R. Adams introduced

RESOLUTION NO. 9902-N. S.

which was seconded by Councilman Mellis approving the plans and specifications submitted this date by the City Engineer for the improvements to be made in Improvement District No. 1, which are on file in the office of the City Clerk, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman M. Adams, introduced

~~RESOLUTION NO. 9903-N. S.~~

~~which was seconded by Councilman Mellis that it is the intention of the City Council to order the construction of sanitary sewer laterals and appurtenances to be installed in the streets, courts, alleys, lanes, public ways or public places as set forth in the resolution, that the street lighting materials provided for will be installed and constructed by the City of Modesto at its own expense, which resolution was regularly adopted by the following vote:~~

~~Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks~~

~~Noes: Councilmen: None~~

~~Absent: Councilmen: None~~

The City Manager reported that he estimated the cost of this improvement project would be considerably higher now than a year ago. He stated that the property owners in this district actually pay the cost to install the line, the city pays for the cost of installation of the lights. The Director of Public Works reported that it would take approximately 45 days to set up the procedure and in his opinion the job could be done in two or three months after the contract was let, provided materials could be obtained.

13 REQUEST FOR SEWER SERVICE--J. P. BOYKO

J. P. Boyko, 503 Coffee Road, appeared before the Council and requested city sewer service for his property. He was referred to the Director of Public Works.

14 APPROVAL OF LEASE FOR CITY ATTORNEY'S OFFICE

Councilman Arata introduced

RESOLUTION NO. 9910-N. S.

which was seconded by Councilman M. Adams approving a lease for the rental of office space for the City Attorney in the Carlton Building, 925 12th Street, for a term of one year from September 1, 1952, at a rental of \$65 00 per month, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

15 ESTABLISHING 2 HOUR PARKING ON BOTH SIDES OF G STREET, BETWEEN 10TH AND 11TH STREETS

Councilman Mellis introduced

RESOLUTION NO. 9911-N. S.

which was seconded by Councilman R. Adams establishing two hour parking on both sides of G Street between Tenth and Eleventh Streets, which resolution was regularly adopted by the following vote:

(insert)

RESOLUTION NO. 9903-N.S.

which was seconded by Councilman Mellis that it is the intention of the City Council to order the construction of sanitary sewer laterals and appurtenances to be installed in the streets, courts, alleys, lanes, public ways or public places in the City of Modesto as set forth in resolution and the furnishing of street lighting materials, supplies, appliances and appurtenances to be installed on th e streets, courts, alleys, lanes, public ways or public places as set forth in the resolution, that the street lighting materials provided for will be installed and constructed by the City of Modesto at its own expense, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ACCEPT DEEDS FOR THE WIDENING OF RAMONA AVENUE

Councilman Annan introduced

RESOLUTION NO. 9912-N. S.

which was seconded by Councilman Merrill accepting the grant deeds from Arthur C. Hiatt and Josephine C. Hiatt; Benjamin H. and Pauline G. Robinson, Levoy and Margaret A. Wright; Howard Douglas and Thelma F. Seablom and Eric H. and Martha L. Seablom and P. H. Gratz and Ella G. Gratz for the widening of Ramona Avenue and authorizing the City Clerk to record the deeds with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AUTHORIZE PURCHASE OF CHLORINATOR FOR WELL NO. 9

The Director of Public Works reported that the recasing of Well No. 9 had just been completed at a cost of \$1,370 98 to endeavor to eliminate a slightly contaminated condition in this well but even with repeated dosages of chlorine since the installation has failed to remedy the situation and he recommended that the Public Works Department be authorized to purchase a Wallace & Tiernan Type MSV. Chlorinator on an emergency basis without advertising for bids at a cost price of approximately \$2,215 00. The Director of Public Works stated that his Chlorinator could always be used by the city to clear up other wells that might become contaminated should the present condition in well #9 clear up. Councilman Merrill moved, seconded by Councilman R. Adams, authorizing the Public Works Department to negotiate for the purchase of the above recommended chlorinator.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager reported that consideration should be given to the possibility that this contamination was due to the great number of septic tanks surrounding the City of Modesto and the problem should be presented to the Regional Water Pollution Control Board. He stated that this may become a problem not only to the city but to all wells in this vicinity.

Councilman Annan expressed disappointment in having to use chlorinated water by the city as the City of Modesto had a reputation for having very good drinking water and he hated to have a situation arise whereby it would have to be chlorinated. It was explained that the proper use of chlorine should not change the taste of the water.

It was brought out that if this pollution of the well continued it was a very serious problem and that the only solution to the problem would be the success of the unification program. Councilman M. Adams introduced

RESOLUTION NO. 9913-N. S.

which was seconded by Councilman Arata, appointing a temporary committee of the Council to work with the City Manager on this problem, made up of the following members; Councilmen R. Adams, M. Adams, and Dan Mellis and recommended that the City Manager bring it to the attention of the Regional Water Pollution Board and request that it be discussed at the meeting of August 6, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

GRANT PERMIT TO MAYOR MARKS TO LEAVE THE CITY OF MODESTO

Councilman Annan introduced

RESOLUTION NO. 9914-N. S.

which was seconded by Councilman R. Adams, granting permit to Mayor Marks to be absent from the State and to be excused from attending the meetings of the Council, as provided by Section 502 of the Charter, for a period not to exceed ninety days, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

MARKING OF PARKING SPACES ON STREETS

The City Manager reported that the use of the system of marking parallel parking spaces on the street where two stalls were established adjacent to each other, cars parked bumper to bumper, and with six foot space in between, had proven very successful and he requested an opinion of the Council as to whether they approved of the system of marking. The Council expressed their approval of the marking and it was decided that some additional streets would be marked in this manner.

REPORT BY CITY MANAGER ON JOINT FACT-FINDING COMMITTEE ON STATE HIGHWAY SYSTEM AND MAJOR HIGHWAYS IN METROPOLITAN AREA

The City Manager reported on a meeting that he had attended in Long Beach with the Joint Fact-Finding Committee on State Highway System and Major Highways in Metropolitan areas and presented a report to the Council which had been prepared for this meeting. He stated that there was a wide difference in the method of financing road work in the state. He reported that the County of Stanislaus did not maintain a special tax levy for this purpose, using only gas tax money. On the other hand, gas tax money allocated to the city covered only about one-fourth of the amount spent on city street care and improvement, the other three-fourths coming from local city taxes. He stated that studies made by this committee on this subject would be used in the next state legislative session.

CITY MANAGER REPORT ON VISIT TO CITY OF TEHACHAPI

The City Manager reported that he had visited the town of Tehachapi on his return trip from Long Beach and that he was surprised at the amount of destruction. He stated that the Mayor of Tehachapi expressed pleasure for having received a wire from Mayor Marks offering assistance and reported that other help was being prepared by the City of Modesto to be sent to the stricken area.

EXEMPTION OF PUBLIC UTILITY SERVICES FROM FEDERAL PRICE CONTROL

The City Attorney reported that Congress in its recent session amended the Defense Production Act of 1950 so as to exempt city services from price control as requested in recent resolution passed by the City Council and referred to the Congressional representatives.

REFUND OF PORTION OF DEPOSIT TO MARY A SANDERS

The City Manager reported that it was recommended by the Director of Public Works that \$5,000 00 of the \$10,425 00 cash deposit, deposited by Mary A. Sanders, to cover the installation of improvements in the Campus Tract No. 2 be refunded as a portion of the work has been completed to the satisfaction of the

Engineer. Councilman R. Adams introduced

RESOLUTION NO. 9915-N. S.

which was seconded by Councilman Annan, authorizing the refund of \$5,000 00 of the cash deposit to Mary A. Sanders, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

21 REQUEST OF CHIEF OF POLICE TO BE APPOINTED CAPTAIN OF POLICE DEPARTMENT

The City Manager reported that he had a letter from Chief of Police, U. H. Pickering, requesting that the City Manager reassign him as Captain of the Police, following his vacation in August.

25 NO COUNCIL MEETING ON JULY 30--BOARD OF EQUALIZATION MEETINGS--AUGUST 4-8 INC

The City Manager reminded the Council that there would not be a Council meeting on next Wednesday, July 30, 1952, as this was the fifth Wednesday in the month. He also reminded the Council that they would convene as a Board of Equalization at 10:00 A. M. on August 4th and would continue in session for five days.

26 SUMMER PROGRAM AT FREEMONT SCHOOL

The City Manager reported that the Director of Recreation had recommended that the City start a morning program at the Freemont School on a trial basis and see if the need existed for the extension of the program in this area. The City Manager stated that for the balance of the year leadership cost would amount to about \$200 00 and he recommended that the service be extended on a trial basis.

It was pointed out that the Dad's Club had some funds and would probably share the cost. Councilman Mellis moved, seconded by Councilman Merrill approving a morning recreation program on a trial basis for the rest of the summer at the Freemont School, sharing the cost on a 50/50 basis with organizations in the area.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

27 RESIGNATION OF FRED LANGE, ASSISTANT DIRECTOR OF PUBLIC WORKS

Councilman M. Adams introduced

RESOLUTION NO. 9916-N. S.

which was seconded by Councilman Annan, commending Fred E. Lange, Assistant Director of Public Works for the manner in which he has served the City and also that a certificate be presented him in recognition of his service, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Mr. Lange expressed his regrets at leaving the City of Modesto but he stated that he had been offered such a good opportunity in a new position that he did not feel that he could refuse.

28 REPORT BY CITY ATTORNEY ON RECEIPT OF MONEY FOR SALE OF LOTS 21-25 BLOCK 22 GREEK ORTHODOX CHURCH

The City Attorney reported that the City had now received the money for the sale of the Recreation property in Block 22, lots 21-24 to the Greek Orthodox Church and the money was placed in the L. J. Maddux Youth Center Fund.

29
ADJOURNMENT

There being no further business to come before the Council, the meeting was regularly and duly adjourned.

ATTEST: 
REX E. GAILFUS, CITY CLERK

MINUTES OF THE MEETING OF THE CITY
COUNCIL OF THE CITY OF MODESTO
SITTING AS A BOARD OF EQUALIZATION

August 4, 1952

The Council of the City of Modesto met this 4th day of August, 1952, at 10:00 A. M. in the Council Chambers of the City Hall to sit as a Board of Equalization for the purpose of hearing complaints and to correct, modify, strike out or raise any assessment on the Assessment Roll of the City Assessor, pursuant to Ordinance No. 396-N. S. of the City of Modesto.

Present: Councilmen: R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Absent: Mayor Marks, and Councilman M. Adams

There being no complaints filed for the consideration of the Board, upon motion duly made, seconded and unanimously carried the meeting was recessed to be reconvened at the call of the Mayor Pro Tempore.

Council Meeting

August 6, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1020-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Absent: Mayor Marks

Members of the Regional Water Pollution Control Board and Col. J. S. Gorlinski, Executive Officer of the Board were present having met with the Council at a special meeting of the Council at 2:00 P. M. this date.

PROTEST TO ISSUANCE OF PUBLICATION BY STATE WATER POLLUTION CONTROL BOARD

W. J. O'Connell, Consulting Sanitary Engineer, appeared before the Council in protest to a preliminary draft of a proposed report which was to be considered by the State Water Pollution Control Board at their meeting to be held on August 7 in Los Angeles and which was being presented under the name of California State and Regional Water Pollution Control Boards in cooperation with the Public Health Service, Federal Security Agency. He stated that in his opinion there were many untrue and misleading statements in this report which were unfair to cities in the northern part of the state and he asked that the Council and the Central Valley Regional State Water Pollution Control Board go on record as opposing the issuance of this report.

The Pollution Board adopted a resolution objecting to use of their name on this pamphlet on the grounds that they did not wish their names attached to something they had not seen or considered. Councilman Mellis introduced

RESOLUTION NO. 9917-N. S.

which was seconded by Councilman Annan protesting the issuance of this pamphlet and directing that this protest be brought to the attention of the State Water Pollution Control Boards and to the U. S. Public Health Service, Federal Security Agency, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the meeting of July 23, 1952, and the same being available for public inspection, and there being no objections, the same were approved.

REQUEST OF GLEN PRICE TO DUMP WASTES AT CITY SEWAGE PLANT

Glen Price, operating the Stewart's Quality Cleaners, appeared before the Council and requested permission to dump waste at the city sewage disposal plant.

City Manager Miller explained the problem faced by Mr. Price and stated that the city should be helpful if possible but should be careful not to set a precedent as there is no provision of this kind of service. It was brought out that Stewart's Quality Cleaners has a place of business in the city but this plant is located outside the city on Yosemite Blvd., and they have been dumping this sewage in the East Modesto Industrial Sewage disposal plant but Mr. Beard has requested that this be discontinued.

The Director of Public Works stated that Mr. Price had raised the question of being granted permission to dump this waste into the storm drain but he could not recommend this for several reasons: 1) This would have sewage in it. 2) Anyone coming into the city with a truck and trailer onto the city streets and dumping sewage into the storm drains would be observed, which would lead others to do the same thing and this would be hard to police and control. 3) A manhole cover might be improperly replaced and cause an accident.

Councilman M. Adams asked if there was any chemicals in the sewage and Mr. Price informed him that there was approximately 5 gallons of solvent to each 300 gallon tank.

The Council discussed the possibility of dumping at the municipal dumping ground but Mr. Price stated he did not believe a big truck could drive out over the dumping grounds.

Mayor Pro Tempore Merrill suggested that Mr. Price work with the Director of Public Works on this and the decision of the Council would be held over.

F. E. ALFORD RE: POLICE CHIEF PICKERING

F. E. Alford appeared before the Council and stated that he represented the Youth of Modesto and property owners and wished to express their appreciation for the Council refusing to accept the resignation of Police Chief Pickering and stated he was sure if the Council gave the Chief plenty of help he would remain as Police Chief, until he had served his 25 years.

Mr. Alford

The City Manager advised that Chief Pickering had not submitted his resignation but had asked to be reassigned as Captain. Mr. Miller stated that the Council was not responsible for the appointment of the Chief as the charter provides that this appointment is to be made by the City Manager.

COMMUNICATION FROM MAYOR MARKS

A communication from Mayor Marks advised that he had arrived in "Shannon" was read.

REQUEST USE PARKING AREA BY MODESTO JUNIOR CHAMBER OF COMMERCE AT MUNICIPAL BASEBALL PARK

A request from the Modesto Junior Chamber of Commerce to use the parking area at the Municipal Baseball Park during their Community Fair of September 24 to 28, 1952, was referred to the City Attorney to determine if the lease agreement the city now has with the Modesto Community Athletic Association would protect the city if they sublet this property.

1 REPORT BY HEALTH OFFICER LANDQUIST ON MOSQUITO CONTROL

The City Manager presented to the Council a report by Health Officer Mark Landquist on the work being done in the City on Mosquito Control. Mr. Landquist stated that Governor Warren had taken emergency action to supplement the work of local abatement districts and the U. S. Public Health Service were assigning additional personnel to assist in the campaign. He stated that since he had prepared this report the number of Encephalitis cases in Kern County had changed from 26 cases to 102 cases and that there were cases reported in Madera, San Joaquin and Tulare counties and there were 4 suspected cases in Stanislaus County but none in Modesto.

Mr. Landquist assured the Council that the local Mosquito Abatement District was doing a good job and that the city and county health departments were cooperating in the control program; an inspector had been assigned to inspect yards for breeding places, including standing water, pools for fish, etc and that a program for the cleaning of weeds from the banks of the Modesto Treatment Plant had been carried out. He cited a case of a local plant where ^{he} had inspected and found a poor drainage situation which is being corrected by the plant. He stated that many citizens had been putting their grass cuttings in the gutters, causing the water to back up and this was a breeding place for mosquitoes.

The City Manager stated that all of the gutters where there is any standing water are being sprayed frequently. He stated that we had a problem at the sewer plant in the cutting of weeds and that a diesel spray would be used next year.

It was suggested by the Council that the press start an educational program so that the people will stop putting grass cuttings in the street gutters.

COMMUNICATION FROM CITY OF INGLEWOOD RE: SALES TAX

A communication from the City of Inglewood, together with a copy of a resolution adopted by the Council on July 1, 1952, opposing the plan of the County Supervisors' Association for a 4% statewide sales tax was read. Mayor Pro Tempore Merrill commented that some cities would be hurt and ^{some} would gain. No action was taken by the Council.

COMMUNICATION AMERICAN PUBLIC WORKS ASSOCIATION

A communication was read from the American Public Works Association regarding the annual Congress and Equipment Show to be held in Los Angeles from August 24 to 27. The City Manager stated that the Director of Public Works was planning to attend.

COMMUNICATION FROM THE TIDEWATER SOUTHERN RAILWAY COMPANY

A communication to Mayor Marks from the Tidewater Southern Railway Company was read in which they assured the Council that "They did not intend to permit any offensive or objectionable industries to locate on the proposed industrial development south of Modesto." The letter was ordered filed.

CALL FOR BIDS ON 5 TO 8 TON GASOLINE POWERED TANDEM ROLLER

Upon the recommendation of the City Manager, Councilman M. Adams introduced

RESOLUTION NO. 9918-N. S.

which was seconded by Councilman Arata, authorizing the City Clerk to call for bids for one new 5 to 8 ton gasoline powered tandem roller, bids to be received

not later than 2:00 P. M. on Tuesday, August 19, 1952. Any award made or contract entered into shall be by action of the Council meeting in regular session at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

CALL FOR BIDS ON PIPE, VALVES AND FITTINGS

Upon the recommendation of the City Manager, Councilman M. Adams introduced
RESOLUTION NO. 9919-N. S.

which was seconded by Councilman Mellis authorizing the City Clerk to call for bids for the furnishing of pipe, valves and fittings in accordance with specifications on file in the office of the Director of Public Works, said bids to be received not later than 2:00 P. M. Monday, August 18. Any award made or contract entered into shall be by action of the Council, meeting in regular session at subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

The Director of Public Works stated that the cost of this material would be approximately \$70,000 00 and that the proposal specified that the successful bidder would be presented with a delivery schedule which would insure delivery as the material is required by the city during the fiscal year 1952-53.

PROPOSED STREET NAME CHANGE--WELLESLEY WAY--WELLESLEY AVENUE

The Director of Planning reported that Wellesley Avenue runs from College Avenue, curves around and goes as far as Ulrich Avenue and that Wellesley Way runs from Stanford Avenue for one block to Wellesley Avenue and that there was some confusion in the street names and the numbering of houses. The Planning Commission believed that it would be better that the east-west portion of Wellesley Avenue be named Exeter Avenue and Wellesley Way which now runs north from Stanford Avenue for one block to Wellesley Avenue be named Wellesley Avenue.

The Director of Planning reported that a hearing had been held by the Planning Commission and no one appeared to protest and it recommended that this change be made.

Councilman Annan introduced

RESOLUTION NO. 9920-N. S.

which was seconded by Councilman Arata, changing the names of the streets as recommended by the Planning Commission, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

ESTABLISH POLICY OF THE CITY TO FINANCING OF COST OF PERIMETER STREET LIGHTING

Councilman Arata introduced

RESOLUTION NO. 9921-N. S.

which was seconded by Councilman R. Adams establishing the policy that in any subdivision where street lighting is installed by the subdivider, the city will share in the cost of perimeter lighting where the lights are located in a street bordering the subdivision and adjoining lands not included in the subdivision may be benefited by the light. Advances of such cost by the city are to be made on the basis that cost will be recovered by the city from the subdivider of the adjoining land when such land is subdivided or from any district formed cooperating to furnish lights to such adjoining area, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

FINAL PAYMENT TO STANDARD MATERIALS INCL ON CONSTRUCTION OF SEWER LINE IN CAROLYN AVE.

WHEREAS, the Director of Public Works filed a report that the 35 day lien period required by the contract for the construction of the sanitary sewer line in Carolyn Avenue by the Standard Materials Inc. had expired and no claims have been filed against the contractor, he recommended that the remaining 25% of the contract price, \$675 73 be paid. Councilman Mellis introduced

RESOLUTION NO. 9922-N. S.

which was seconded by Councilman M. Adams, authorizing payment to the Standard Materials Inc. of \$675 73 as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

APPOINT THE CITY MANAGER SIGNATORY OFFICIAL ON STATE REPORT

The City Manager reported that under Chapter 47, Statute 1944, the State would reimburse the City of Modesto approximately \$17,000 00 on a 50/50 basis when double that amount had been expended on plans and specifications for the sewer plant and that up to the present date the State had refunded \$7,584 89 and that a claim was being made for \$3,792 50, which is the State's half of work done and it would be necessary to appoint a signatory official for this claim. Councilman Annan introduced

RESOLUTION NO. 9923-N. S.

which was seconded by Councilman Arata, appointing the City Manager as signatory official on all documents sent to the State under Chapter 47, Statute 1944, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: Mayor Marks

REQUEST FOR LOADING ZONE ON BEARD STREET--FLOTILL CANNERY

The City Manager reported that the Flotill Cannery had requested that a loading zone be established on Beard Street in back of the cannery, bordering the Southern Pacific right of way along blocks 46 and 47.

The Director of Public Works reported that Mr. Mitchell, Manager of the cannery, had advised him that the present loading zone was unsatisfactory and he requested that a loading zone be established on Beard Street to prevent automobiles from parking there so that it could be used as a "holding area" for trucks unloading at the cannery. These trucks would then be dispatched, one at a time, from Beard Street around on D and Ninth Streets enter the main gate and travel over the scales. The Director of Public Works commented that this loading zone on Beard Street would be for the benefit of the cannery only and that it would effect the cannery workers who are now parking their cars on Beard Street. He stated that the street could be maintained open for the use of emergency vehicles and if the Council decided to grant this request, it should be done as soon as possible so that the cannery could get the benefit during this year's canning season. Councilman M. Adams introduced

RESOLUTION NO. 9924-N. S.

which was seconded by Councilman Arata, establishing a loading zone on the north side of Beard Street and eliminating the parking of vehicles on the south side of Beard Street and rescinding Resolution No. 4959-N. S. entitled "A RESOLUTION PROVIDING FOR THE LOCATION OF A LOADING ZONE ON NINTH STREET IN THE CITY OF MODESTO" and directing the City Engineer to erect signs properly marking and designating the loading zone and "No Parking " area, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

The City Manager remarked that many cases of this type on traffic could be handled directly by the City Manager without taking it up with the Council if they so desired. He stated a system could be set up and the traffic ordinance could be amended to provide for administrative action on such cases. The Councilmen indicated that they would prefer the suggested procedure.

CONSIDER TAX RATE FOR YEAR 1952-53

The Council considered the tax rate for the year 1952-53 and indicated that the proposed tax rate as called for by the 1952-53 budget would probably be adopted.

DEFINE THE POWERS AND DUTIES OF THE OFFICERS OF THE CITY WHO ARE APPOINTED BY THE CITY COUNCIL

The City Manager stated that copies of a resolution defining the powers and duties of the officers of the city who are appointed by the City Council had been sent to the members of the Council for their study and had been checked by Mr. Nattinger, the Certified Public Accountant of the City and there was one clause to be added, which should be under Section 4 "DUTIES OF AUDITOR" and to be entitled "A" which would read "Verify cash receipts and their distribution to the proper funds." Councilman Mellis introduced

RESOLUTION NO. 9925-N. S.

which was seconded by Councilman Annan approving the adoption of a resolution defining the powers and duties of the officers of the city who are appointed by the city council as prepared by the City Attorney, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

APPOINT THE CITY MANAGER SIGN LEGAL INSTRUMENTS AND TO DELEGATE AUTHORITY TO DEPARTMENT HEADS IN SPECIFIC INSTANCES

The City Manager stated that it would simplify procedure if the City Manager was authorized to sign in the name of and on behalf of the city any and all legal instruments to which the city is a party which have been approved by the Council. Councilman Arata introduced

RESOLUTION NO. 9926-N. S.

which was seconded by Councilman Annan, authorizing the City Manager to sign legal instruments as set forth above and authorizing him to delegate the authority to department heads in specific instances when specified by him in writing and authorizing the City Clerk to attest all legal instruments to which the city is a party, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

AMEND ORDINANCE NO. 345-N. S. (TRAFFIC ORDINANCE) DRIVING OR PARKING ON PARKS

The City Attorney reported that the Police Department reported incidents where there was no city ordinance to cover the issuance of a citation such as 1) driving across city parks, playgrounds and city property. 2) Parking at the ball park and blocking traffic., and an ordinance amending traffic ordinance No. 345-N. S. had been prepared for the consideration of the Council which would take care of these cases. Councilman Mellis introduced an ordinance being

ORDINANCE NO. 1034-N. S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N. S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF THE CITY OF MODESTO" AS AMENDED BY, ADDING SECTION 35A THERETO", And moved its adoption and passage to print which motion being duly seconded by Councilman M. Adams, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

HOLD OVER CONSIDERATION OF ORDINANCE AMENDING ORDINANCE NO. 306-N. S. REGULATING MOTOR BUSES IN CITY

The City Attorney recommended that as a courtesy to those parties who are now licensed to operate motor buses in the city that the consideration of the adoption of an amendment to Ordinance No. 306-N. S. regulating motor buses in the city be held over until next week. The Council agreed to this delay in their action on the ordinance.

CONSIDERATION OF ADOPTION OF ORDINANCE REGULATING THE PARKING OF COMMERCIAL VEHICLES AND BUSES IN RESIDENTIAL DISTRICTS

The City Attorney presented an ordinance which he had prepared to regulate the parking of commercial vehicles and buses in the residential district for the consideration of the Council.

He stated that the ordinance, as prepared, would prohibit the parking of any vehicle which extended more than 8 ft. to the rear of the driver's compartment or any vehicles whose load extended more than 8 ft. to the rear of the driving compartment for any purpose other than to make a pick-up or delivery.

Councilman Annan asked if this ordinance would prevent a driver from going home for lunch and parking his truck on a residential street or parking the truck off the street in a residential area and was advised that it would as the ordinance is now written.

A general discussion was held by the Council on the type of truck to be restricted from the residential area and the City Manager stated that there were three things to be considered; 1) Keeping heavy weight vehicles off light weight streets. 2) Protect residential area from ~~from~~ hazards, noise, etc. 3) Preserve residential streets for residential uses. Councilman Mellis introduced an ordinance being

ORDINANCE NO. 1037-N. S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N. S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO", AS AMENDED BY ADDING SECTION 32A THERETO." and moved its adoption and

passage to print which motion being duly seconded by Councilman M. Adams, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

ORDINANCE AMENDING ORDINANCE NO. 506-N. S. (REGULATE ELECTRIC WIRING ETC. IN CITY)

The City Attorney reported that the Electrical Inspector had requested that Ordinance No. 506-N. S. regulating the installation of electric wiring in the City be amended to provide "all installation whereby electrical energy is to be utilized shall be in conformity with the provisions of the statutes of the State of California, the Electrical Safety Orders issued by the Division of Industrial Safety of the State of California revised February 26, 1951, and the 1951 edition of the National Electrical Code published by the National Board of Fire Underwriters".

The City Manager stated that this is one of the recommendations of the Board of Fire Underwriters. Councilman R. Adams introduced an ordinance being

ORDINANCE NO. 1035-N. S.

entitled: "AN ORDINANCE AMENDING THE SUBSECTION ENTITLED "GENERAL CONSTRUCTION REQUIREMENTS AND REGULATIONS." OF SECTION 7 OF ORDINANCE NO. 506-N. S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE REGULATING THE INSTALLATION, REPAIR, OPERATION AND MAINTENANCE OF ELECTRICAL WIRING AND EQUIPMENT WITHIN THE CITY OF MODESTO PROVIDING FOR LICENSES, REGISTRATIONS, PERMITS, INSPECTIONS AND APPROVAL OF ELECTRICAL WORK, THE PAYMENT OF FEES THEREFORE AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE", AS AMENDED" and moved its adoption and passage to print, which motion being duly seconded by Councilman Arata, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

ADVERTISING BY AIRCRAFT REGULATION

The City Manager reported that recently we received a letter from a Sacramento Company regarding advertising by aircraft over the city and that the city did not at the present time have any ordinance which would prohibit and/or regulate this type of advertising, that other cities in California had ordinances of this type and if the Council wished to consider the adoption of this type of ordinance one would be prepared. No action was taken by the Council on this matter.

INTERIM ORDINANCE ZONING ON NEWLY ANNEXED TERRITORY

The Director of Planning stated that Ordinance No. 927-N. S. provided a time limit for the zoning of newly annexed area and that the time limit on the Northwest area may run out before the new zoning ordinance is adopted and to avoid this possibility the interim zoning provision relating to newly annexed territory should be extended. Councilman M. Adams introduced an ordinance being

ORDINANCE NO. 1036-N. S.

entitled: "AN ORDINANCE CONTINUING IN EFFECT THE INTERIM ZONING OF NEWLY ANNEXED TERRITORY AS PROVIDED IN ORDINANCE NO. 927-N. S. OF THE CITY OF MODESTO" and moved its adoption and passage to print, which motion being duly seconded by Councilman Arata, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Mayor Marks

1 REPORT ON ACTION ON TIN PLATE

The City Manager reported that the city had taken action on the shortage of steel for tin cans and the steel strike had been settled promptly!

1 REPORT ON PROTEST TO WATER RATES ON SWIMMING POOLS

The City Manager reported that a protest which had been filed by A. L. Goldschmidt, 115 Magnolia Avenue on the water rate on his swimming pool, which was on a meter as provided by the City ordinance, had been investigated by him. The Director of Finance had reported that there were only 10 swimming pools in the city. The City Manager felt that it was unfair to penalize a person for building a swimming pool requiring a metering of all water and he felt that we should consider, 1) Encouraging anyone who is willing to build a swimming pool, which in most cases is used by a large number of people. 2) Many people do not use any more water in a pool than is used by some people in watering their grass and trees. 3) Permit a person to have a regular flat water rate on their house and lawn and install a meter on the pool.

The City Attorney cited a case where a property owner had built a pool on a portion of his property and then deeded it to a member of his family to avoid having his house and yard placed on a meter.

Mayor Pro Tempore Merrill stated that some of the pools had filters on them and they would not use as much water as many people who used the water for their yards.

The possibility of establishing a sliding rate scale for water used in swimming pools was also discussed.

No action was taken by the Council at this meeting but it is to be considered at a future date.

1 REPORT BY CITY MANAGER ON MEETING OF CITY MANAGER'S DEPARTMENT OF THE LEAGUE OF CALIFORNIA CITIES

The City Manager reported on a meeting he and Bob Shelton had attended in Berkeley of the City Manager's Department of the League of California Cities on August 1. He stated that many interesting subjects had been discussed and he cited the following: 1) Municipal liability insurance costs which is increasing to a great degree, due to the experience of the companies and the large judgments being handed down by the courts. 2) Perimeter zoning. 3) City and County having a joint staff to work on joint problems. 4) Managers to work out a training program for personnel by using films. He reported that the County Administrator E. W. Hane had accompanied them. He stated that many counties are failing to take advantage of a city-county committee, which he thought was a very fine thing.

1 ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

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

Special Council Meeting
August 6, 1952

The Council of the City of Modesto met in special session this date with the Central Valley Regional Water Pollution Control Board in the City Hall, 717 Tenth Street. The meeting was called to order at 2:00 P. M. by Mayor Pro Tempore Merrill.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Pro Tempore Merrill

Absent: Mayor Marks

Carl M. Hoskinson, Chairman, C. E. Plummer and A. M. Paul members of the Regional Board, J. S. Gorlinski, Executive Officer and Charles T. Carnahan, Secretary of the Board were present.

Also present were representatives from the Stanislaus County Board of Supervisors and county officials, as well as representatives of various industries and organizations in the Modesto vicinity.

Mayor Pro Tempore Merrill turned the meeting over to the City Manager who stated that the city had invited the Board to come to Modesto and discuss the problems of sewage disposal and water pollution with which the community is faced, and that a report entitled "Report on Sewage Disposal Program" had been prepared for the Board information. He suggested that it might be well to go through this report.

The problem of pollution of wells was raised first. The City Manager read a letter which had been sent to Col. Gorlinski (and which was included in the report) citing examples of pollution and contamination in wells in this area. He stated that although consideration of pollution in wells was not the reason for asking the Board to meet with the Council, this problem had come to the front since the meeting had been arranged and that there is increasing awareness of pollution in wells in this area, and that we believe that underground pollution should be of concern to the Board.

The City Manager stated that the city's largest well had become contaminated and that measures had been taken to clear it, but the city had been unable to determine just what was causing the pollution and indications were that sewage is getting into the well. He requested that the Board give the city and the area any assistance it could on the problem of underground water pollution. He stated that he had asked Mr. M. F. Osterberg, who had been drilling wells in this area for a long time to come to this meeting and give examples of pollution of this sort.

Mr. Osterberg stated that this water pollution problem is hard to trace down. To start with we know that there are a lot of big wells in this vicinity, using a lot of water, which is going down the sewers. This leaves a depression in the water table in the area and outside water is brought in by the use of irrigation. We know there is pollution but just how it is getting down there is not known, whether it is going through the ground or going through old wells, that is the problem that will have to be solved, just how it travels through the ground.

Mr. Osterberg cited cases where wells had been opened up and the ground around them was saturated and smelled just like a septic tank. He described the work which had been done by the city to clear up the contamination in well No. 9 and stated that he had run into similar cases. He also cited the difficulties of the city in drilling a well at the airport. He stated that water had been struck at 85 feet at the airport which was pure but this did not supply enough water and when the well was dug deeper, the water was polluted and unfit for human use.

The Board asked whether all the wells were polluted and Mr. Osterberg stated that there were a great many suspicious ones in this vicinity.

The City Manager stated that historically the underground water supply in this area has been excellent but that recently pollution has been creeping in, and that we can't afford to guess but must find out what is actually causing this pollution.

Members of the Board suggested that the city contact the State Health Department as pollution of this type should be under the jurisdiction of state health laws.

The City Attorney stated that what the city is trying to find out is what is the primary cause of this pollution, if it is inside the city, we can adopt ordinances and enforce them, but we have no jurisdiction outside the city.

The Director of Public Works stated there have been cases where pollution has travelled for several miles. He said it had been reported to him that there were sewage wells in this area, where people having more than a single family dwelling had dug a sewage well or used an existing well for sewage disposal.

Members of the Board stated that the city and county health offices could adopt ordinances and regulations governing these cases which would be more strict than any state regulation and would be easier to enforce, and that they would be glad to cooperate with the county and city health departments to run this thing down but if this pollution is caused by a bacterial content, it would be a problem of the State Health Department. A survey could be planned by local agencies to determine the cause of this pollution and the state could work with the local agencies in this survey.

The City Manager stated that this was not only a health matter but was a problem of possible contamination of the whole underground water supply and requested that the Board work with the city to solve the problem. If the problem was simply a city problem, the city could handle it but if it is a general area problem we would need help in defining the problem. Oliver Chance stated that this pollution would be a sanitary problem and that this would be the time for the solution by the establishment of a remote disposal area. A sanitation district could be formed which would include not only Modesto, but Ceres, Empire, and Hughson and this would stop all the pollution problem.

The City Manager issued an invitation to the people attending the meeting to go down to the City Sewer Disposal plant for an inspection tour after the meeting.

The City Manager read the section of the report entitled "Report on Sewage Disposal Program" (pages 7 to 14). He stated that a special engineer had been employed by the city and had been assigned full time to this sewage problem and he would take economic and technical studies on the operation and improvements of the plant.

The Director of Public Works explained a map which had been prepared for the meeting showing the sewer trunk lines already constructed those now under construction and proposed main trunk lines which would eventually serve the Greater Modesto Area. He stated that these recently constructed had been built with the idea in mind of serving not only the city at the present time but the area around Modesto.

The City Manager stated that the Council had always proceeded on the basis that the city would serve the entire area and not just the territory in the city and that the sewers had been designed to serve this area, and that the Council had approved the additional expenditures necessary to accomplish this. Contracts had been let and the construction was under way to build large enough trunk lines not only to serve the Northwest Addition and Mage Court Addition, recently annexed, but the area outside the city adjacent to these additions. The Council had made this decision on the basis that they believed it was for the the best interests of the community and they believed in the future expansion of the community.

The City Manager stated that copies of the "Report on Sewage Disposal Program" would be on file at the City Clerk's Office and City Library so that they would be available for the public.

The City Manager outlined the work program on which the City is proceeding as rapidly as possible to provide a more adequate means of treating wastes before discharging into the river. He stated that it is difficult at this time to establish a rigid time table for such improvements but the following work schedule is proposed:

1. Complete the studies of alternatives now underway.
2. Present to the voters at the City election in April, 1953, a proposal for the necessary Revenue Bonds for financing.
3. Construct an additional Vacuator, as shown on Exhibit "j" in the report which is identical in size to the present Vacuator. Plans for this unit have already been prepared. This would double the capacity of the industrial clarification units.
4. Construct a Clarifier and a Spiriovortex Mixing Tank adjacent to the existing Deck Aeration System, as shown in Exhibit "H" of the report. These units would be used for the treatment of industrial waste in an activated sludge process. Their construction would eliminate the use of the present primary oxidation ponds.
5. As an alternate, in the event that remote disposal is decided upon the City would proceed with purchase of land for remote disposal and the construction of a trunk line from the present Plant to the proposed site. This alternative could eliminate No. 4, listed above.
6. The construction of a third and larger Digester, to be utilized for the digestion of industrial wastes.
7. A clarifier and Biofilter for treatment of domestic wastes as shown on Exhibit "G" in the report. These will be in addition to the existing facilities.
8. As a second alternative to No. 4 construct an additional Clarifier Biofilter for the treatment of industrial wastes.

Members of the Board asked how soon the city could start with the additional units required in the program.

They were informed that plans and specifications for the units proposed were far enough advanced that they could be ready to go to bid within 60-90 days.

The City Manager stated that special consulting engineering service and additional city engineering personnel have been obtained to make an intensive study of the various possibilities which may be open to it. Those studies include

- (a) The complete design of a proposed plant by Mr. Jenks with alternative plans.
- (b) A complete study, now being undertaken, on the various economic aspects of sewage collection and disposal as it pertains to Modesto.
- (c) A determination as to the most desirable location for such disposal.

The City must decide on which alternative they will proceed within a few months in order to place revenue bond issues on the ballot for the next General Municipal election which will be held in April, 1953. Costs have not been included as this is a preliminary report and it is understood that the estimate of costs is not of primary concern to the Board.

Mayor Pro Tempore Merrill asked the Board to consider this report on our problems and to appreciate the fact that the city has been aware of and making progress on these problems for a long time.

Harry N. Jenks, Consulting Sanitary Engineer who has been employed by the city to draw up the plans for units of the sewer plant reported that the future plans in the development of the industrial waste disposal plant include:

- (1) Construction of the second vacuator. The appurtenant structures for this evacuator have already been built.
- (2) Construction of a sludge digestion system for the vacuator sludge. Both the vacuator and digester have been designed.
- (3) The elimination of the oxidation ponds by constructing mixing holding tanks and final clarifier, to operate in conjunction with the existing deck aerators.

Mr. Jenks stated that when evaluating the industrial waste problem at Modesto, certain considerations should be recognized:

- (1) Because of the very large volume and strength of the industrial wastes at Modesto compared to the domestic wastes, Modesto has a unique disposal problem which cannot be thought of as being comparable to any other city in California

2. Because of the seasonal nature of the wastes (about 3 months out of the year) it is basically unsound to make heavy capital investments for disposal facilities; but rather it is better to keep the capital costs as low as possible and spend more on operation during the short period of time when required.
3. This policy has been followed in the development of the existing and the proposed future industrial wastes treatment facilities at Modesto and an absolute minimum amount of capital investment has been made.
4. The ponds which are the source of odor complaint were only installed as an expedient and their elimination was and is contemplated. The settling ponds have already been eliminated with consequent reduction of the odor problem.
5. The odor problem which has occurred in the past should not overshadow the fact that Modesto has been able to accomplish more by way of purification per dollar of investment than has ever been accomplished by any community before.
6. Much of the public dissatisfaction with the policies of the City in respect to the wastes disposal problem has been greatly exaggerated and stimulated by reason of other local issues.
7. Regardless of the ultimate solution of the wastes disposal problem, whether at the existing site or at some remote site, the facilities which have been constructed can be almost entirely utilized. If remote disposal is indicated, the existing facilities will be used as a pre-treatment works. If local disposal is decided upon, the existing facilities then will become a part of a comprehensive complete treatment works.
- ~~8. Regardless of the ultimate solution of the wastes disposal problem, whether at the existing site or at some remote site, the facilities which have been constructed can be almost entirely utilized. If remote disposal is indicated, the existing facilities will~~
8. The existing and contemplated facilities are all part of a well-considered and devised plan designed to satisfy fully the State authorities in relation to water pollution, the local citizens in regard to air pollution and the taxpayers of the community in respect to the least possible expenditures to achieve the desired results.

The Board inquired if this program is to proceed regardless of annexation, and the City Manager stated "That is right".

The Board asked how soon could the city have their plans ready and call for bids. They were informed that when the alternative had been decided on bids could be called for almost immediately on any units for which financing had been provided. The City Manager stated that we already have our plans for a large number of units.

Mr. Jenks referred the Board to diagram G of the report setting forth the units in operation now, the proposed sewage treatment works and proposed industrial wastes treatment works.

Mr. Plummer stated that the most critical period that the city has is during the canning season and that the construction of an additional vacuator would help a great deal to alleviate conditions and he questioned if it would be sufficient to temporarily get the city through the season.

Mr. Jenks stated that it would be difficult to give a definite answer. The purpose of the vacuator is to remove suspended solids. He described the difficulties which occurred last year when the vacuator was shut down because of sand and the city did not have another unit to fall back on. The proposed new vacuator would help a great deal.

Col. Gorklinsky stated that the Board was interested in knowing 1) what is going to be done and 2) when it is going to be done. Mr. Miller stated that within about six months we would have to know what we were going to do in order to present a definite proposal to the people in April.

The Board questioned if the city has a bond election whether it proposed to construct all at once or "is it a step by step proposition" and Mr. Miller stated that the bond issue would cover whatever improvement program is proposed for the present, and that if the bond proposal was not approved by the voters then the city would proceed on a "pay-as-you-go" basis as rapidly as possible.

August 13, 1952

Minutes of the Meeting
of the City Council of the City of Modesto
sitting as a Board of Equalization

Pursuant to recess of August 4, 1952, and pursuant to request of Mayor Pro Tempore Merrill, the Board of Equalization was reconvened at 9:45 P.M., August 13, 1952.

Present: Councilmen: M. Adams, R. Adams, Annan, Mellis, Arata, and Mayor Pro Tempore Merrill

Absent: Mayor Marks

There being no complaints filed for the consideration of the Board since its date of recess August 4, by motion duly made it was adjourned.

APPROVED: Lyndall O. Merrill
Mayor Pro Tempore

Attest: Rex E. Gailfus
City Clerk

The City Manager stated that the city was concerned about the requirement of the Regional Pollution Board that "The dissolved oxygen content shall not be less than 5 p.p.m., except that during any one continuous period, not to exceed 30 hours in any 10 day period, the dissolved oxygen shall not be below 3 p.p.m. However the total period of time that the river contains less than 5 p.p.m. but more than 3 p.p.m. shall not exceed 10% of the period from September 15 to July 15, and 20% of the period from July 16 to September 14". He reported that recent tests showed that the minimum oxygen content of the river was only 5.2 p.p.m. at a time when no city sewage had entered the river for three full days. A general discussion was held on this matter by the Board and the Council. The City Manager pointed out that pollution of the river reached the city it had already been polluted by users above the city and asked "why should we be expected to meet high standards unless the stream is cleaned up above us".

The Board stated they appreciated the fact there was pollution in the river caused by other sources than Modesto but "you have to take the most important one's first" was their contention.

Mr. Miller informed the Board that the city had placed \$10,000 in the 1952-53 budget for the city's contribution in the rebuilding of the Lake Modesto Dam and the balance of the cost for rebuilding was to be contributed from other sources and the City of Modesto would like this upper part of the river cleaned up so it could be used for recreational purposes.

The Board stated that "we want the City of Modesto to clean up then we will go to work on the other people, once you get the big fellow out ~~out~~ of the way that is the first job."

The City Manager and members of the City Council took the position that all those polluting the river should be required to take action concurrently, otherwise when the city had done its part the river would still be polluted.

Herbert Ramont presented a pamphlet on the Tuolumne River Park and stated he was glad to hear that the Board was going to be vigilant in "cleaning up the river".

The City Manager, Acting Mayor and members of the Council thanked the Board and the audience for the interest in the city's problems and assured the Board of the full cooperation of the city in solving the problems of cleaning up the Tuolumne River.

There being no further business before the Council for the purpose for which the meeting was called the meeting was duly adjourned.

ATTEST:  REX E. GAILFOS, CITY CLERK

Council Meeting

August 13, 1952

The Council of the City of Modesto met in regular session this date at 7:00 P. M. as provided by Ordinance No. 1020-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Absent: Mayor Marks

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

APPROVAL OF MINUTES

Councilman Mellis moved, seconded by Councilman M. Adams that the minutes of the Council meeting held on August 6, 1952, be approved.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

HEARING OF PROTESTS ON IMPROVEMENT DISTRICT #1

The City Manager briefly outlined the background of the proposed Improvement District #1, which is for the construction of sanitary sewer laterals and for the furnishing of street lighting materials to be installed by the City of Modesto, in the Northwest area and Maze court Addition.

City Attorney Grimes stated there were two hearing to be held tonight, 1) Hearing to determine that the public convenience and necessity require these improvements without compliance with the Special Assessment Investigation Limitation and Majority Protest Act of 1931 2) Hearing on the proposed construction of the sewer laterals and furnishing of street lighting materials as set forth in Resolution No. 9903-N. S.

Mayor Pro Tempore Merrill declared the first hearing open.

William Stensaas, 1121 College Avenue stated he had appeared before the meeting to obtain additional information as the letter he received had stated that the estimated cost to him for lighting would be \$88.70 but the thing he was interested in was the sewers and there was nothing on the letter regarding sewer assessment.

Director of Planning, Cyril Henderson, stated that Mr. Stensaas's property would be served by an existing sewer line on College Avenue and his cost would be for connecting to the existing line. Therefore, his property was not included under this improvement district for sewers.

Neil M. Cecil, 1011 Tully Road, stated there were approximately 100 lots in the College Garden Tract and about 70 septic tanks and there was no argument that they are in need of improvements. He stated he was not here to file a protest but to express his approval of this improvement district and he wished to go on record accordingly.

Royal Hogg, 1312 Del Vista, stated that the City Manager had stated in his letter to the property owners in this district that a large majority of those replying on the post cards sent out expressed themselves as being in favor of the installation of these improvements, and he inquired as to the number of cards sent out and how many were returned.

The Director of Planning informed him that cards had been sent out to everyone in the proposed improvement district, owning property as of October, 1951. There were approximately 185 property owners in the College Garden Tracts and response had been received from at least 83; 63 of these were in favor of sewers and 20 opposed, 56 were in favor of lights and 24 opposed, 56 were in favor of oiling alleys and 23 opposed, 9 had indicated they would pay cash and 63 wanted credit, 3 people no preference in street lights and 7 no indication.

Mr. Hogg replied that this was not representative of the whole College Garden area if only 83 cards were returned.

The City Manager replied that a post card canvas did not constitute a legal canvas but these cards had been sent out to determine the general interest, and that the cards returned did show that 3 to 1 were in favor of the improvements and it did obligate the city to get something started. The final decision would be determined at this hearing tonight and that was the purpose of the hearing.

Robert S. Phillips, 544 Locust Street stated that the card sent him asked for a preference on the method of payment, either cash or yearly installments over a period of 10 years and he wanted to know what it was going to cost him before he answered this question. He stated that he was not protesting to the improvements but to the procedure on figuring assessments.

The City Manager repeated that the cards were only sent out to determine if the property owners were interested and had no legal bearing, and that the city did not know the cost of these improvements at the time the cards were sent out but the plans were now complete and we know what the estimated cost will be and everyone has been notified of the estimated cost. He stated that the sewers can be approved without the lights or the lights can be approved without the sewers.

Mr. Stensaas asked the location of the light near his property and whether College Avenue would be widened before the lights were put in.

He was informed that this improvement district did not involve the widening of any streets and that the light was to be placed on the northeast corner of College and Roseburg Avenues.

The City Manager stated that some people were concerned because a light was to be placed in front of their house and would shine in their windows but in his opinion these lights would be a deterrent to burglars and prowlers.

Mr. Cecil questioned whether in the proposed widening of College Avenue, the lights as proposed, would be installed in the proper location and was assured that the lights would be installed to take into consideration the contemplated widening of streets.

The City Manager stated that if a property owner wanted to protest the improvements, now is the time to speak and he stated that specific properties would be considered separately, later on.

Mr. Cecil stated that there were approximately 175 property owners in this improvement district and only 25 people were present at this meeting and he asked if it would be possible that the 25 people at the meeting could protest and hold up the proceedings. He was informed that it would take written protests from 50% of the property owners in the district to stop proceedings.

Councilman Mellis introduced

RESOLUTION NO. 9927-N. S.

which was seconded by Councilman Annan finding and determining that the public convenience and necessity require the construction of improvements in Improvement District No. 1, City of Modesto, County of Stanislaus, State of 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, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Annan, Mellis, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

Mayor Pro Tempore Merrill declared the second hearing open on the proposed work itself and the City Attorney stated that it would be in order to read the protests that have been filed.

Mr. Hogg stated that there was no sense in reading the protests since there was not a majority but it was the decision of the Council that it would be desirable to consider the written protests.

A written protest from Corbin F. Fairfield, owner of property at 915 West Roseburg Avenue on the north side of Roseburg, 425' west of Virginia Avenue, on the lighting improvement was read. He protested that he did not receive any notice and he thought the street lighting project was an unnecessary expense at this time. Mr. Fairfield was present and he stated that he believed that some of the other property owners should be assessed who would get the benefit of this light. The Director of Planning explained the system of assessment on these lights to Mr. Fairfield's satisfaction.

A written protest from Jack C. Nielsen, owner of property in Block 6011, Chapin Tract, lots 6, 7, 8, and N. 20' of Lot 9 was read. Mr. A. B. Downing, father of Mr. Nielsen, appeared in his behalf and stated that he believed his son had not been informed of all the facts regarding the proposed improvement district and that when he knew that a majority of the property owners were in favor of the district, he would go along. He inquired as to the location of the sewer line and was informed that it would be in the alley in the rear of these lots. Mr. Downing stated that these improvements were for the benefit of everyone concerned and he was sure it would be alright with Mr. Nielsen.

A written protest from Ruby D. Berry, 1215 West Roseburg Avenue, was read objecting to both the lights and sewers as "we have been getting along beautifully for a number of years without street lights and sewers."

A written protest from Royal and Hazel Hogg, 1321 Del Vista was read protesting on both the sewers and lights as they stated that their septic tank had plenty of years of service left and that the addition of lights would not help in any way. Mr. Hogg was present and he questioned what the cost of one light standard would be, and he stated that he believed the amount proposed to be charged him was excessive.

The Director of Public Works stated that the cost of a standard was approximately \$122.50, pendant, \$37.50, cable 17¢ a foot, conduit 30¢ a foot, conduit, large size, 48¢ a foot and that the transformers required would be an extra heavy type and would cost approximately \$600.00 and controllers approximately \$200.00 each. Mr. Hogg laughed and stated his inquiry had been satisfied.

Mr. Hogg stated that he understood there was to be a sewer charge even if the sewer is not used and was informed that the ordinance provided that after laterals are constructed in a district and there were buildings on the property, a charge would be made after a 90 day period, even if the buildings were not connected.

A written protest from Helen D. Havlen, 1429 Del Mar Avenue, was read protesting the lights as "her property was located on the corner, the light would probably be installed on a corner, and she was not interested in street lights but she was interested in sewerage."

A letter was read from Thomas L. Motter, expressing his interest in any proposed city improvements in his district. He requested that he be notified of the final cost so he could decide whether to pay the full amount when the work was completed or have the amount extended over a period of years. He inquired why he was only being assessed for lights and not sewers. It was pointed out that a sewer line was already available to his property.

The City Manager stated that Mr. Motter had been notified that there was a sewer line in the alley in back of his property at the present time which he could use whenever he decided to and that the charge would be for connecting to the line.

A written protest from A. L. Marshall, 1317 Del Vista, was read protesting "on the grounds that the assessment so far exceeds the estimated cost when the question of annexation came up for vote." Mr. Marshall was present and asked for information as to the interest charge of 6% on the improvement bonds since the rate of interest on school bonds was only 2% to 3%. He was informed

that on the special assessment type of bonds, the interest was higher. Mr. Marshall stated that he had recently had his septic tank repaired and he had a number of years of service left in the tank and he was not interested in sewers.

A written protest filed by James H. Corson, Superintendent of Schools on behalf of the Board of Education on the old Franklin School property at Franklin and Locust Streets was read. He stated "that legal advise had reached him too late to chear the matter with the Board of Education and because the Board is the only body with authority to authorize expenditure of district funds, I must file a technical and perhaps temporary objection to this property being included in the proposed district. This matter will be cleared by the Board of Education on Monday, August 18, 1952. The issue involved is a decision regarding the eventual disposal of a portion of the school site. If this is to be done, inclusion in the district at this time may be most desirable, if not, it is possible that expense of installation of sewers will be reduced and subsequent reduction or elimination of assessment." Mr. Corson was present at the meeting also and apolögized for the necessity of having to file this technical and temporary protest to the inclusion of the school property in the district but since the assessment law had been clarified and school property could be included in an improvement district and be assessed for improvement it was necessary to protect the interest of the Board. If their decision was to sell off a portion of this schobl property for residential property, it would be to their advantage to have it included in the district and he expressed his hope that it would not cause any inconvenience.

A communication from Brown, Brown, and Bacon, Attorneys for guardian of R. O. Becker, owner of property in the proposed improvement district was read. Mr. Becker had been declared as incompetent and was in the State Hospital for the insane and the property had been advertised for sale and the letter stated "we will not for that reason indicate any choice in this matter, so it will have to depend on what the majority of owners do".

A Communication signed by Mrs. Jessie Rogers, John Velthoen, N. M. Cecil, together with a map, showing the locations of portions of blocks 915, 916, and 936 of College Gardens owned by them was presented to the Council and the letter was read. They stated, "Since the proposed sewer program provides for sewer service at the rear of all lots of College Gardens Tract, with the possible exception of lots 1 and 2, Block 915, the undersigned, petition the Modesto City Council to provide similar sewer facilities in the rear of our respective properties to be located as shown on the attached sketch."

Malvi Hass, 1517 Maze Court, and Robert S. Phillips, 544 Locust Street, filed written protests to the proposed assessments made on their irregular lots in the Maze Court Addition and the City Attorney informed them we did not have the matter of the method of assessments before us tonight but the doing of the work.

Mrs. Francella Ryan, 1123 Tully Road, from the audience, questioned as to how the assessments were figured, as she believed that her proposed assessment seemed to be too high. She also inquired as to the location of the proposed sewer laterals. She was advised that the proposed assessments were arrived at by the estimated cost of the whole project and the assessment was based on the area of the lots except in a few cases of very large lots. She was informed that the lateral would be constructed in the alley in the rear of her property.

Mrs. Aileen Kelly, 1328 Del Vista, from the audience stated she owned a large lot, with an orchard on it and questioned the location of the sewer lateral to serve her property and was informed that an easement had been granted for an alley on this property but not developed and that the line would be in this alley.

Mr. Harry Mundt, 1109 College Avenue, from the audience asked if there wasn't a sewer line up College Avenue which served the Fremont School and whether the proposed sewer lines would serve his property and was informed that he could arrange for a connection to the College Avenue sewer line when he wanted sewer service, as his property would be served from that line

Mr. Marshall brought up the subject of oiling of alleys and street improvements and questioned as to what had been done to improve Cecil Way. The Director of Public Works stated that the alley oiling was up to the property owners to get together, collect the money, and petition the city to oil the alleys. The charge for oiling is 8¢ per foot. The city would clean up the alleys and grade them for oiling and a single block could be done at a time if desired. It was brought out that it would be well to wait until the laterals were installed in the alleys as they would be torn up.

The City Manager explained to Mr. Marshall that he had gone out today and checked on Cecil Way and that this street was a tough one as people would drive up and put on their brakes suddenly before they drove onto Tully Road and the surface would be torn up constantly.

The problem of assessing irregular lots was discussed informally with the Council by Mrs. Malvi Hass and Mr. Robert S. Phillips who owned property in the Maze Court Addition.

The other problem raised was the extension of sewer laterals in blocks 936 and 915 so that the property of J. Roberts, N. M. Cecil and J. Velthoen could be served from the rear.

Mr. Cecil filed a signed statement that he would grant to the City, easements for sewer purposes of 7.5' in Block 936 and 10' in Block 915, along the west side of his properties.

A discussion was held as to whether the necessary changes should be made in the improvement district to include this change before the bids were called for and it was decided that this change could be made at any time, if desired, and that protests could be filed by property owners on the inclusion of the sewer laterals as requested by Mr. Cecil at the time of hearing on the assessments.

Mr. Cecil stated that if it would give his request more favorable consideration by the Council, he would be willing to give a 10 foot easement all the way through instead of a 7.5 foot easement as set forth in his signed statement.

The problem of the irregular shaped lots in the Maze Court Area and the problem of the extension of sewer laterals as requested by N. M. Cecil, J. Rogers and J. Velthoen were referred to the Director of Public Works to work out and report to the Council at a future date rather than to delay the proceedings.

Mr. A. Heersink and E. L. Morrison, owners of property in the Maze Court Addition also discussed the assessment procedure informally with the Council.

Councilman M. Adams introduced

RESOLUTION NO. 9928-N. S.

which was seconded by Councilman Arata, overruling all protests and objections of every kind or nature on Improvement District #1 and declaring that all protests and objections were made by owners of less than one-half of the area of the property to be assessed for said improvements, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks
Councilman R. Adams introduced

RESOLUTION NO. 9929-N. S.

which was seconded by Councilman Mellis, adopting the scale of prevailing wage rates for each type or craft or workmen needed to execute or perform the necessary work or improvement in accordance with the schedule appended to the resolution and described as "Schedule of Per Diem Wage Rates" and that said schedule be embodied in the Notice inviting sealed bids and all contract documents in connection with said work and improvement, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

Councilman Annan introduced

RESOLUTION NO. 9930-N. S.

which was seconded by Councilman M. Adams, resolving that that the public interest and convenience require the improvement and the City Council hereby orders that the work and improvement as set forth in Resolution of Intention No. 9903-N. S. and in the plans and specifications be done and made and that the boundaries of the improvement district shall be those set forth in said Resolution No. 9903-N. S., and in the plans and specifications and that the time for receiving of bids shall be at 10:00 A. M. September 2, 1952, and the Clerk is hereby ordered to give notice inviting sealed bids in the time, form, and manner provided by law, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

The City Attorney stated that if the Council, after hearing from the Board of Education, wishes to take some action regarding the exclusion of the school property in the district, it will be possible to adopt an amendment to the Resolution of Intention to make any change required and that the Cecil problem could be worked out by a resolution amending the plans specifications to conform with change required.

The City Manager said that these hearings seemed like a lot of work but he thought it was a fine thing to do to prevent arbitrary assessments against property since everybody has a chance to be heard. He stated that he had never before attended a hearing on an improvement district as big as this one with such a friendly discussion and so few protests and he been through a lot of them.

Mayor Pro Tempore Merrill commented that this improvement district was really an action of the people rather an action of the Council.

REPORT ON REQUEST OF GLEN PRICE TO DUMP WASTE AT CITY SEWAGE PLANT

Mr. Glen Price operating Stewart's Quality Cleaners on Yosemite Blvd., appeared before the Council again in regard to his request for permission to dump waste at the city sewage disposal plant and he stated that he had talked to Mr. Dovichi, operating the Modesto Garbage Company, regarding dumping this waste from his plant at the municipal dumping grounds and he had expressed himself in favor of granting him permission and that sand had been placed on the dumping grounds. and he believed he would not have any trouble driving onto the grounds. The Council recommended that he continue dumping the waste material at the dumps until something could be worked out.

3 VACATION OF THE CITY CLERK AND THE CITY MANAGER

The City Manager stated that Rex E. Gailfus, City Clerk, had requested permission to start his vacation on Monday, August 18, for a two weeks period and he recommended that someone be appointed to serve in his absence.

Councilman Mellis introduced

RESOLUTION NO. 9931-N. S.

which was seconded by Councilman Arata that Anne M. Collins be appointed acting City Clerk and Auditor during the absence or disability of the City Clerk and Auditor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

Councilman M. Adams moved, seconded by Councilman Annan authorizing Rex E. Gailfus, City Clerk, to take two weeks' vacation starting Monday, August 18, 1952.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

The City Manager stated that he would like the approval of the Council to take his vacation beginning sometime next week. Councilman Annan moved, seconded by Councilman M. Adams, that City Manager Ross Miller be granted permission to take a vacation for a two week period and the day the vacation begins will be decided by Mr. Miller at a later date.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

4 REQUEST FOR ONE WAY ALLEY IN BLOCK 66--SEARS ROEBUCK COMPANY

The City Attorney reported that the Manager of Sears, Roebuck and Company had requested him to recommend to the Council that the alley in Block 66, between 10th and 11th Streets and between K and L Streets be designated for one way traffic, south only, with parking limited to the right side. At the present time the alley is being used in both directions and it results in considerable confusion in blocking and impeding traffic. The City Attorney stated that part of the problem is created by the Santa Fe Trailways and the designation of the traffic south only would coincide with the traffic pattern of Santa Fe Trailways. The City Attorney stated that Sears had requested that the alley be posted to indicate the direction of traffic and that parking not be allowed except for loading/unloading. This matter was referred to the Inter-departmental Traffic Committee for study and report to the Council.

5 LETTER FROM FRED E. LANGE--EXPRESS APPRECIATION FOR RESOLUTION ADOPTED BY COUNCIL COMMENDING HIM FOR WORK AS ASSISTANT DIRECTOR OF PUBLIC WORKS

A letter received from Fred E. Lange, former Assistant Director of Public Works, expressing appreciation to the Council for the adoption of Resolution No. 9916-N. S. commending him for his work while he was Assistant Director of Public Works, was read and the City Manager stated that this was the finest letter he had ever read. Councilman M. Adams, wondered if the employees wouldn't be interested in reading it and the City Manager stated he believed it should go into the employees' paper.

Mr. Lange was present and stated that he had not come down to hear his letter read but to be at the hearing on the improvement district and he expressed his sincere appreciation and stated he felt very proud of the action taken by the Council and considered it a great honor.

LETTER FROM ROBERT R. RADCLIFF RE: PENALTY ON WATER BILLS

A letter from Robert R. Radcliff, M. D., 1029 16th Street, expressing objection to the penalty date of the 10th of the month on water bills and recommending that this be changed to the 20th or 15th of the month. It was the decision of the Council to consider the penalty provision on the Water Ordinance along with the change in billing procedure and the metering of swimming pools at a later date.

LETTER FROM MODESTO CITY SCHOOL REQUEST EXEMPTION FROM CITY OF MODESTO AMUSEMENT TAX

A communication from J. H. Corson, Superintendent of Schools on behalf of the student body of Modesto High School and Downey High School requesting that the Council consider exempting the secondary schools from payment of the City Amusement Tax was read and the City Attorney stated that there was a legal question involved and recommended that the Council take it under consideration and he would make a study of this request and report back to the Council at a later meeting.

LETTER FROM CITY OF TEHACHAPI--EXPRESS APPRECIATION

A letter from Gus Koutroulis, Mayor of the City of Tehachapi, expressing appreciation for the money sent to their city by the City of Modesto to be used in relief work for people who had suffered in their earthquake disaster of July 21st was read and ordered filed.

LETTER FROM INDUSTRIAL FIRE DISTRICT

A letter, together with a copy of a resolution, adopted by the Industrial Fire District, was read in which they stated that they would not "enter into or take part in any religious or political activities of any nature." This letter was in answer to an invitation of the Council to meet with them to discuss the eventual annexation of the Tidewater Southern Railway industrial area to the City. The communication was ordered filed.

LETTER SAM SECRETO RE: APPOINTMENT OF CAPTAIN COULSON AS POLICE CHIEF

A letter from Sam Secreto recommending that Captain W. J. Coulson of the Modesto Police Department be appointed as Police Chief since Chief Pickering has asked to be demoted and to Captain, was read/ordered filed.

The City Manager reported that he had sent out announcements of the opening for the position of Chief of Police in Modesto and that he had discussed this with Chief Pickering before he went away on his vacation and they agreed that it would be best for the new Chief to be here during the organizational study. He stated that announcements had been sent to the California State Peace Officer's Association which is meeting now in Long Beach and it would get into the publication of this organization which comes out immediately following that meeting.

LETTER FROM FRANK ANDREWS RE: ELECTRIC SERVICE IN CITY

A communication from Frank Andrews, President of the Power and Water Users Association of Stanislaus County regarding "Power Outage", together with a copy of a letter which he had directed to the Board of Directors of the Modesto Irrigation District was ordered filed.

ALLOW CLAIMS FOR THE MONTH OF JULY, 1952

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 9932-N. S.

which was seconded by Councilman M. Adams, approving the claims of the City of Modesto for the month of July, 1952, in the amount of \$174,360 63, being check numbers 4019 to 4222 inc. excluding check number 4086 and check numbers 10948 to 10967 inc. in the amount of \$465 35, and authorizing issuance of these checks by the Auditor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

13 RESIGNATION OF FRED W. KIDDER, COUNTY LIBRARIAN

The City Manager reported for the record that County Librarian Fred W. Kidder who had been arrested on a morals charge had resigned as well as the other personnel involved in this case. He stated that we had a fine staff at the Library and wanted to keep it that way.

14 COUNCIL CONSIDER THE REARRANGEMENT OF COUNCIL CHAMBERS

The City Manager presented a sketch of a suggested plan to remodel the seating arrangements of the Council Chambers and he drew attention to a chalk mark on the floor which had been drawn to give an idea of how the arrangements would look. He reported that the suggested changes would cost approximately \$400 00. A discussion was held on the plan, and it was agreed that it would be desirable to build a raised platform for the Council area. Mr. Miller stated that additional plans called for the building of a small machine room in the back of the Council Chambers but this would not lessen the number of seats for the public.

15 LEASE OF PORTION OF AIRPORT TO DAVE WILSON NURSERY

The City Attorney reported that, as requested by the Council, he had prepared an ordinance and lease agreement for the rental of a portion of the airport property to the Dave Wilson Nursery. He stated that the lease called for a term of 5 years beginning August 15, 1952, at a total rental of \$8,000 00, payable \$400,00 on or before November 1, 1952, and the sum of \$400 00 payable on or before the 1st day of February, 1953, and each succeeding 3 months thereafter during the entire term of this lease. He outlined the improvements to be made by the lessees to the property, which could be in the amount of approximately \$2500 00. The agreement provided that in the event of the termination of the lease by the city, lessees would be entitled to a credit of \$500 00 for each full year of the term of the lease. Councilman R. Adams stated that the normal procedure in this type of lease is to require one year's rental in advance, which would be \$1600 00 and it was agreed that this would be desirable. A general discussion was held by the Council on the provision of refund allowed on the improvements made if the lease would be terminated. This matter was held over for one week for revision.

RECESS

A short recess was declared at 9:40 P. M. and the Council reconvened at 9:50 P. M.

16 ORDINANCE SETTING TAX RATE FOR YEAR 1952-53

The City Attorney stated that since the Board of Equalization had met and adjourned, it would be in order to adopt an ordinance setting the tax rate for the fiscal year 1952-53. Councilman Arata introduced an ordinance being

ORDINANCE NO. 1038-N. S.

entitled: "AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1952-53", and moved its adoption and passage to print, which motion being duly seconded by Councilman Annan, it was upon roll call carried and the ordinance ordered published as above by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

ORDINANCE REGULATING MOTOR BUSES IN CITY

The City Attorney reported that this ordinance was mailed out several weeks ago to the Council members for their consideration and that he had requested delay of its adoption until the attorney representing one of the operators in the city could contract his client. Councilman Annan introduced an ordinance being

ORDINANCE NO. 1039-N. S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 306-N. S. OF THE CITY OF MODESTO, "AN ORDINANCE PROVIDING FOR THE SUPERVISION AND REGULATION OF MOTOR BUSES OPERATING ON FIXED SCHEDULES AND OVER ESTABLISHED ROUTES WITHIN THE CITY OF MODESTO, PROVIDING FOR THE ISSUANCE OF PERMITS AND LICENSES FOR SUCH OPERATION OF MOTOR BUSES AND PROVIDING FOR THE PUNISHMENT OF VIOLATIONS OF THIS ORDINANCE" AS AMENDED, BY AMENDING SUBSECTION(b) OF SECTION 1 and SECTION 4 THEREOF" and moved its adoption and passage to print which motion being duly seconded by Councilman M. Adams, it was upon roll call carried and the ordinance ordered published as above by the following vote:

- Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill
- Noes: Councilmen: None
- Absent: Mayor Marks

18 ERRORS IN PUBLICATIONS OF LEGAL ADVERTISEMENT IN OFFICIAL PAPER

The City Attorney called attention to the fact that a number of errors had appeared in the legal advertisements of the City and while this could not be considered critical, he believed that this matter should be called to the attention of the Modesto Journal so that they would be more careful in their proof reading. The City Manager stated that this would be taken care of at once by the City Clerk.

19 ACCEPT DEED FROM ELVAN OVERHOLTZER, ET UX ON PORTION OF EVERGREEN ACRES TRACT

The City Attorney presented an executed grant deed on a portion of Evergreen Acres Tract and deed of partial reconveyance from Elvan and Gwendolyn Overholtzer which is to be used in the extension of Leonard Avenue to Kearney Avenue and to widen Kearney Avenue for consideration of the Council. Councilman Mellis introduced

RESOLUTION no. 9933-N. S.

which was seconded by Councilman Annan, accepting the deed and deed of partial reconveyance and authorizing the City Clerk to record the same with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill
- Noes: Councilmen: None
- Absent: Mayor Marks

20 GRANT PERMIT TO MODESTO JUNIOR CHAMBER OF COMMERCE TO USE PARKING LOT ADJACENT TO THE MUNICIPAL BALL PARK

Pursuant to referring the request of the Modesto Junior Chamber of Commerce for permission to use the parking lot adjacent to the Municipal Ball Park for the location of the 2nd annual Community Fair, September 24-28 inc., to the City Attorney for study, he reported that the lease between the City and Modesto Community Athletic Association on the Municipal Baseball Field and adjacent premises would permit the use of the Field by other organizations at such times as the field is not in use by the Athletic Association. He suggested that if the Council decided to grant permit that it be granted with the provision that the Junior Chamber return the parking lot to the Athletic Association in the same condition as received and that they hold the city harmless from any damages for injuries to property or persons resulting from the use of the premises. Councilman M. Adams introduced

RESOLUTION NO. 9934-N. S.

which was seconded by Councilman R. Adams approving the use of the parking area of the Municipal Baseball Park by the Modesto Junior Chamber of Commerce as set forth above, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

21
APPROVE AGREEMENT WITH STATE PERSONNEL BOARD FOR GIVING EXAMINATIONS

Robert H. Shelton, Assistant to City Manager, outlined the proposed agreement between the City of Modesto and the State Personnel Board for the giving of examinations for city employees. He stated that it was much cheaper for the city to have the State give certain examinations. The new agreement, he stated was essentially the same as the existing agreement except for a few minor changes which he explained. Mr. Shelton estimated that this agreement would cost the city approximately \$1000 00 per year. He stated that last year the cost had been \$1500 00 and that the reduced cost was due to 1) lower cost per class. 2) fewer classes. 3) the City will give fewer tests this year 4) continuing test program. He stated that this agreement, while it does not involve over \$1500 00 expenditure and it would normally not come to the attention of the Council, he wanted to call to the attention of the Council that this agreement would save one-third of the cost and if the City decided to avail itself of consulting services, possibly Council approval would be in order. Councilman Arata introduced

RESOLUTION NO. 9935-N. S.

which was seconded by Councilman Annan, approving agreement as presented with the State Personnel Board for personnel services, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Mellis, Arata, Annan, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

22
APPROVE ATTENDANCE OF CITY ATTORNEY GRIMES TO CONVENTION

Councilman Annan moved, seconded by Councilman M. Adams authorizing the attendance of City Attorney Allen Grimes to the National Institute Municipal Law Officer Conference in Louisville, Kentucky, December 1-3, 1952, with expenses paid.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

23
APPROVE ATTENDANCE OF CITY MANAGER ROSS MILLER TO CONFERENCE

Councilman R. Adams moved, seconded by Councilman Mellis authorizing the attendance of Ross Miller, City Manager, to the International City Manager's Association conference at Kansas City, starting late in September, with expenses paid.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

24
POLL TAKEN OF COUNCIL ON THOSE PLANNING TO ATTEND THE LEAUGE OF CALIFORNIA CITIES CONFERENCE

A poll was taken of the Council of those planning to attend the annual League of California Cities convention in San Diego, October 12-15, 1952, and all signified their intention of attending.

25
ESTABLISH TRUST FUND FOR CITY

The City Manager explained a proposed trust fund, which would be used to account for deposits made for business licenses, bid deposits, private funds for the city's use in making improvements, advance payments of metered water service, over-payments and/or duplicate payments of taxes, fees or licenses subject to refund and any other monies received and held by the city pending final disposition. He stated that previously such monies had been deposited in the general fund of the city, but it was not money belonging to the City and should not be entered on the regular city accounts and that this trust fund would take care of these monies. Councilman Arata introduced

RESOLUTION NO. 9936-N. S.

which was seconded by Councilman Annan, establishing a trust fund for the City of Modesto to account for the above listed types of trust receipts, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill
Noes: Councilmen: None
Absent: Mayor Marks

26
REPORT BY CITY MANAGER ON MUNICIPAL DUMPING GROUNDS

The City Manager reported that the City of Modesto has a five year lease on the Municipal dumping grounds and that the area is filling up rapidly and we will soon have to make different arrangements. He stated he would have a more detailed report later but wanted to bring it to the attention of the Council.

27
FINANCIAL REPORT OF THE PARKING AUTHORITY

A financial report was filed by Allen Grimes, Attorney for the Off-Street Parking Authority, together with a copy of the budget for the fiscal year 1952-53, showing a total available for appropriation of \$108,965 01, which had been allocated as follows: Salaries & Wages (Attorney) \$900 00, operating expenses, \$500 00 and reserve Capital Projects and Improvements \$107,565 61.

Councilman Mellis stated that he thought one of the best investments that the city had made was their parking lots.

It was brought out that the interest on the investment amounted to approximately 4 1/2%. The City Manager stated that the income is going to get better as use of the lots builds up and also that the value of the lots should increase.

The City Attorney stated that the Parking Authority had adopted a resolution employing Gordon Whitnall, Consultant Planning Engineer, to make a detailed report on parking problems in the city and to bring up to date the report that he had prepared for the City sometime ago.

28
REQUEST OF MODESTO CITY SCHOOLS RE: SEWER FACILITIES FOR ELVISTA SCHOOL

A letter was read from the Modesto City Schools requesting information as to whether the City planned to extend sewer facilities to serve the new County buildings on Scenic Drive and Oakdale Road and if so whether these facilities could be extended on the south side of Dry Creek and in the vicinity of the El Vista School project.

A general discussion was held on the question of the size of the sewer lines to be built, if they were to serve only these two buildings or be constructed to serve the La Loma area if and when this territory is annexed to the City, as has been the policy of the Council in other areas.

Councilman Mellis stated that he believed these lines should be built large enough to serve the area instead of just large enough to serve these two buildings. This matter was taken under advisement by the Council.

LETTER FROM JAMES H. CORLEY

A letter to the City Manager from James H. Corley, Vice President of the University of California, was read to the Council, commending the Council on the friendly relations between the Council and the City Personnel.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILFOS, CITY CLERK

Council Meeting
August 20, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1020-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Absent: Mayor Marks

The pledge of allegiance was given by all those present.

APPROVAL OF MINUTES

Councilman Mellis moved, seconded by Councilman M. Adams, approving the minutes of the special meeting of the Council held on August 6, 1952:

Ayes: Councilmen: M. Adams, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Annan and Mayor Marks
Councilmen R. Adams and Annan arrived at this time.

LETTER FROM MODESTO JAYCEE-ETTS RE: USE BILLBOARD OF RED CROSS

A letter was read from the Modesto Jaycee-Etts requesting that the Council grant permission for its organization to use the billboard owned by the American Red Cross at the corner of La Loma and James Streets to advertise its campaign for a queen for the Modesto Community Fair from this date until September 19, 1952.

Director of Planning, Cyril Henderson, reported that the Council had granted a temporary permit to the Red Cross last March to advertise its drive for funds, and the Junior Chamber of Commerce had used the billboard to advertise its Relays without obtaining a permit from the Council. This permit had been granted on the understanding that the Red Cross would remove the billboard after its drive for funds was over.

City Manager Miller remarked that the Council had granted permission to the Red Cross to install this billboard because their drive was of community interest and that the billboard was to be removed by them and he stated that the Council should consider whether it wishes to permit others to use the billboard. He called attention to the strict requirements of the ordinance on the structure of billboards. Councilman M. Adams stated that this billboard was a temporary structure and did not meet these requirements. Councilman Arata moved, seconded by Councilman Annan denying request of the Modesto Jaycee-Etts to use the billboard erected by the Red Cross and directing the City Clerk to notify the Red Cross to remove the billboard.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

2
LETTER FROM CENTRAL DIVISION LEAGUE OF CALIFORNIA CITIES

A letter from Michael Damrosio, Secretary of the Central Division, League of California Cities was read and ordered filed, advising that Lawrence L. Ventre had been elected member of Board of Directors of the League of California Cities.

3
LETTER FEDERAL DEPARTMENT STORES--REQUEST LOADING ZONE

A letter from the Federal Department Store was read in which they requested a loading zone be established opposite their sidewalk elevator on the west side of K Street between Ninth and Tenth Streets since they carry a large stock of furniture and their elevator is the only means of receiving and shipping large deliveries. They stated in their request that previously there had been no meters at this location and that the Losher's Furniture Store had used this space as a loading zone for the past several years. It was brought out in the discussion that it had been the policy of the Council to deny all requests of this kind for loading zones and if this request was granted it would be necessary to grant other similar requests. Director of Public Works Marvin Ray stated that the records had been searched and it could not be found where a permit had been granted to establish this loading zone in the beginning. It was the decision of the Council to hold over this request for a week until the City Manager could make a further investigation.

4
LETTER ROBERT E. OLSON--FLAT RATE ON WATER

A letter was read from Robert E. Olson, 1307 Sycamore Avenue, requesting that his property be placed on a flat rate basis for water instead of on a meter basis. He stated that he lived about 4 blocks from the city limits and desired to have his property annexed to the city but due to the unification program this could not be done at the present time. This request was held over to be considered with various other problems on the water rate ordinance.

5
CALL FOR BIDS ON INCANDESCENT, FLUORESCENT & MERCURY VAPOR LAMPS

The City Manager stated that a notice calling for bids for incandescent, fluorescent and mercury vapor lamps for municipal lighting for the period of one year, beginning July 1, 1952, in the amount of approximately \$2500 00 had been prepared for the consideration of the Council. He pointed out that the City Charter provided that bids calling for "public works" involving an expenditure of public monies of more than \$1500 00 be let by contract to the lowest responsible bidder after notice of publication in the official newspaper but that equipment and items such as lights could be purchased without calling for formal bids even if the expenditure would exceed \$1500 00 but he felt in many cases it is desirable procedure for the Council to consider the purchase of equipment and materials. Councilman M. Adams introduced

RESOLUTION NO. 9937-N. S.

which was seconded by Councilman Arata authorizing the City Clerk to call for bids for lamps as set forth above, said bids to be opened at 2:00 P. M. on Tuesday, September 2, in the office of the City Clerk. Any award made or contract entered into shall be by action of the Council, meeting in regular session at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Pro Tempore Merrill
Noes: Councilmen: None
Absent: Mayor Marks

6
AWARD BID ON PIPE, VALVES AND FITTINGS

The Director of Public Works filed a report with the Council on bids received for water, pipe, valves, and fittings, which had been opened on August 18 at 2:00 P. M. and tabulated for their consideration. He reported that the low bid on water pipe was submitted

by the United States Pipe & Foundry Company, being \$56,506 60 and that this bid was the only firm bid received for water pipe under this bid call and recommended its acceptance.

Svend Pedersen, representative of Johns-Manville Sales Corp., was present and stated that his company had bid on items 3A through 5A which was an alternate bid on items 3 through 5, for 8", 10" and 12" Asbestos Cement Pipe and he wanted to call the Council's attention to the cost of leadite which would be used in installing of cast iron pipe. He stated that his company's bid on these items was approximately \$200 00 higher than the United States Pipe & Foundry Company's bid but that the extra cost to install cast iron pipe would be approximately \$500 00 which would make a saving of approximately \$300 00 on these three items. He stated his company's bid called for the starting of delivery of this pipe within 30 days after receipt of order and completion within 90 days and in the event it was unable to make shipment within 90 days, the city would be invoiced at prices in effect at the time of shipment. He stated his company had always protected its customers by advising them of the increase in the price approximately 30 days in advance and while he could not speak for his company, he did not expect a raise in price of pipe. He asked for some expression from the Council before they awarded the bid.

The City Manager stated that the bid of the U. S. Pipe & Foundry Company was the only firm bid received for water pipe as called for in our notice to bidders which called for "delivery of materials as needed through the fiscal year 1952-53" and that Johns-Manville Corp. did not guarantee a firm price and delivery would have to be made within 90 days and that the Council should consider 1) we can schedule delivery to fit our program 2) we can get the pipe we want when we want it.

Councilman Mellis stated that he felt that the city would be ^{justified in giving the bid to a company who would be} willing to guarantee the price for a year.

Mayor Pro Tempore stated he did not think it would be good business to gamble on the chance that the price of pipe would not go up and that we had a good firm bid and he thought we should accept this bid.

Councilman M. Adams stated that he thought we should accept the recommendation of the Director of Public Works and award this bid to the United States Pipe & Foundry Company and introduced

RESOLUTION NO. 9938-N. S.

which was seconded by Councilman Mellis, accepting the bid of the United States Pipe & Foundry Company on cast iron water pipe, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

The Director of Public Works reported that the low bid on cast iron pipe fittings was submitted by the Water Works Supply Company, being \$2,490 29, which also provided for a discount of 1% upon payment within 30 days and herecommended that its bid be accepted. Councilman R. Adams introduced

RESOLUTION NO. 9939-N. S.

which was seconded by Councilman Annan, accepting the bid of the Water Works Supply Company for cast iron pipe fittings, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill
Noes: Councilmen: None
Absent: Mayor Marks

The Director of Public Works reported that the bid of Grinnel Company of Fresno on water valves was the lowest bid received, being \$4,787 33, and he recommended that this bid be accepted. Councilman Annan introduced

RESOLUTION NO. 9940-N. S.

which was seconded by Councilman Arata, accepting the bid of Grinnell Company of Fresno on water valves, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill
Noes: Councilmen: None
Absent: Mayor Marks

ACCEPT BID ON 5 to 8 TON TANDEM ROLLER

The Director of Public Works filed a report on the two bids received for a new 5 to 8 ton Tandem Roller, one being from the Contractors Equipment & Supply Company on a Galion Roller at a price of \$5,860 70 and the other from the Coast Equipment Company on a Huber Roller at a price of \$5,731 95, with an alternate bid on a Huber without fluid coupling of \$5,562 00, which had been opened on August 19th at 2:00 P. M. and tabulated for the consideration of the Council.

It was the recommendation of the Director of Public Works that the bid of the Contractors Equipment & Supply Company on the Galion Roller be accepted since this roller created greater compaction and was faster and, therefore, would be a better roller for the work contemplated. Councilman Mellis stated that he believed the city should purchase the Galion Roller if it would perform the work better than the other types bid on. Councilman Arata introduced

RESOLUTION NO. 9941-N. S.

which was seconded by Councilman M. Adams accepting the bid of the Contractors Equipment & Supply Company of \$5,860 70 on a Galion 5 to 8 ton Tandem Roller, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill
Noes: Councilmen: None
Absent: Mayor Marks

APPROVE AGREEMENT WITH STATE ON EXPENDITURES OF GASOLINE TAX ALLOCATION ON CITY STREETS

The City Manager reported on a Memorandum of Agreement for expenditure of gasoline tax allocation on city streets for fiscal year 1953, which had been sent by the State to be approved by the Council, which covered the improvement of Tuolumne Boulevard from Paradise Avenue to Merced Avenue; maintenance of major city streets and secondary city streets; Sunrise Avenue from Morris Avenue to Lucern Avenue; and Tully Avenue from State Highway Route 4 to Coldwell Avenue. Councilmen: Mellis introduced

RESOLUTION NO. 9942-N. S.

which was seconded by Councilman Annan, approving the Memorandum of Agreement for expenditure of gasoline tax allocation for fiscal year 1953 on City Streets and authorizing the Mayor Pro Tempore and Acting City Clerk to sign the same on behalf of the City, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

7 AUTHORIZE RELEASE OF SUBDIVISION BOND OF MRS. ELIZABETH ZIMMERMAN

The City Manager reported that Mrs. Elizabeth Zimmerman had requested the release of a subdivision bond which she had furnished to cover the estimated costs of improvements, including street lighting in the Ramona Park Addition and that the Director of Public Works had reported that all the work had been completed under this bond with the exception of providing materials for two half lights and that Mrs. Zimmerman had deposited the sum of \$300 00 as a cash deposit to cover the costs of the materials required. Councilman Annan introduced

RESOLUTION NO. 9943-N. S.

which was seconded by Councilman M. Adams authorizing the release of the subdivision bond to Mrs. Elizabeth Zimmerman, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

10 ORDINANCE PROVIDING FOR LEASING OF PORTION OF AIRPORT PROPERTY TO DAVE WILSON ET AL

Pursuant to referring the proposed lease agreement for the rental of a portion of the airport property to the Dave Wilson Nursery to the City Attorney for certain changes, he reported that the agreement had been changed to provide for the payment of \$1,600 00 upon execution of the lease, with annual payments of \$1600 00 each and item 14, entitled "Termination" had been changed to provide that the refund shall not exceed the amount of the cost of the leveling and in no event not to exceed \$2,500 00.

At the suggestion of the City Manager the words "to be based on an expenditure" were added in line 4, page 5, of the proposed agreement to make it clear that the expenditure upon which any credit or refund was to be based should not exceed the total sum of \$2,500 00.

The City Attorney stated that it would be necessary to adopt an ordinance approving this lease since the Charter provided that the leasing of city property for more than one year would require an ordinance. Councilman Arata introduced

ORDINANCE NO. 1040-N. S.

entitled: "AN ORDINANCE PROVIDING FOR THE LEASE OF CERTAIN CITY OWNED PROPERTY TO THE DAVE WILSON NURSERY AND AUTHORIZING THE EXECUTION OF AN AGREEMENT IN CONNECTION THEREWITH" and moved its adoption and passage to print, which motion being duly seconded by Councilman Annan, it was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

11 APPROVE FINAL MAP OF CAMPUS TRACT NO. 3 SUBDIVISION

A letter from the Modesto City Planning Commission was read recommending that the Council approve the map of Campus Tract No. 3, which is bound on the west

by Tully Road, east by Notre Dame, south by the alley in Block 810 and on the north by the extension of Cecil Way. The City Manager stated that an estimated cost of subdivision improvements including street lighting materials, in the amount of \$13,500 00 had been filed by the Department of Public Works and it would be necessary for the subdividers, Robert P. Bomberger, Muriel F. Bomberger and Ethel M. Ouderkirk, to file a bond in this amount with the City Clerk guaranteeing the construction of the improvements required by the subdivision regulations of the city.

The Director of Public Works questioned the allowance of a 1' strip reserved for planting purposes on the north side of this subdivision as it may involve difficulties when an additional 30 ft. is dedicated on the other side for street purposes. It was the decision of the Council to add the words "until balance of street is dedicated" to the map, which was agreeable with Mr. Bomberger. Councilman Annan introduced

RESOLUTION NO. 9944-N. S.

which was seconded by Councilman R. Adams, approving the final map of the Campus Tract No. 3 and accepting the streets, alleys and easements for public use, subject to the condition that subdividers furnish to the city a surety bond in the amount of \$13,500 00 guaranteeing the construction of the improvements required by the subdivision regulations of the city and the City Clerk be and he is hereby authorized to certify the map of said subdivision on behalf of the city upon receipt of said bond, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

12 FINAL ADOPTION ORDINANCE NO. 1034-N. S. AMEND ORD. NO. 345-N. S. REGULATE DRIVING OR PARKING ON CITY PROPERTY

Ordinance No. 1034-N. S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N. S. OF THE CITY OF MODESTO ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO", AS AMENDED BY ADDING SECTION 35A THERETO," having been heretofore introduced and ordered printed and published at the regular meetinf of August 6, 1952, Councilman R. Adams moved, seconded by Councilman Mellis, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

13 FINAL ADOPTION ORDINANCE NO. 1035-N. S. AMENDING ORD. NO. 506-N. S. ELECTRIC CODE

Ordinance No. 1035-N. S. entitled: "AN ORDINANCE AMENDING THE SUBSECTION ENTITLED, "GENERAL CONSTRUCTION REQUIREMENTS AND REGULATIONS" OF SECTION 7 OF ORDINANCE NO. 506-N. S. OF THE CITY OF MODESTO ENTITLED "AN ORDINANCE REGULATING THE INSTALLATION, REPAIR, OPERATION, AND MAINTENANCE OF ELECTRICAL WIRING AND EQUIPMENT WITHIN THE CITY OF MODESTO, PROVIDING FOR LICENSES, REGISTRATIONS, PERMITS, INSPECTIONS AND APPROVAL OF ELECTRICAL WORK, THE PAYMENT OF FEES THEREFORE AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE", AS AMENDED, having been heretofore introduced and ordered printed and published at the regular meeting of August 6, 1952, Councilman M. Adams moved, seconded by Councilman Annan that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

14 FINAL ADOPTION ORDINANCE NO. 1036-N. S. INTERIM ZONING ORDINANCE

Ordinance No. 1036-N. S. entitled: "AN ORDINANCE CONTINUING IN EFFECT THE INTERIM ZONING OF NEWLY ANNEXED TERRITORY AS PROVIDED IN ORDINANCE NO. 927-N. S. OF THE CITY OF MODESTO", having been heretofore introduced and ordered printed and published at the regular meeting of August 6, 1952, Councilman Mellis moved, seconded by Councilman Arata, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

15 FINAL ADOPTION ORDINANCE NO. 1037-N. S. AMEND ORD. NO. 345-N. S. REGULATING PARKING OF TRUCKS IN RESIDENTIAL AREA

Councilman M. Adams stated that he had checked with Attorney Grimes on whether this ordinance would prohibit the parking of Public Utility trucks in the residential areas while they are doing work and the City Attorney had advised him that the ordinance was broad enough in scope to take care of this situation, whereupon Ordinance No. 1037-N. S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N. S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO", AS AMENDED BY ADDING SECTION 32A THERETO," having been heretofore introduced and ordered printed at the regular meeting of August 6, 1952, Councilman R. Adams moved seconded by Councilman Mellis that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

16 REPORT ON REQUEST OF ROBERT H. BUTLER TO OPERATE MINIATURE RAILROAD IN CITY

The City Manager reported on the request filed by Robert H. Butler of Santa Rosa to operate a miniature railroad in one of the city parks. He stated that he had checked carefully and was unable to locate a proper place to establish this railroad at the present time and was notifying Mr. Butler to this effect.

17 CITY MANAGER CALLS ATTENTION OF COUNCIL TO ARTICLE IN LOOK MAGAZINE RE: "PRISONERS ARE PEOPLE"

The City manager presented a copy of Look Magazine, issue of August 26, 1952, to each Councilman and drew their attention to the article "Prisoners are People--Let's Treat them that way", written by Albert Deutsch regarding the rehabilitation program being conducted at the California Institution for Men at Chino and at the Federal Correctional Institution at Seagoville, Texas.

18 CITY EMPLOYEES' SOFTBALL TEAM

The City Manager called the attention of the Council to the fact that the City Employees' Softball team had won the Industrial League Softball championship this season. He suggested that some of the Councilmen be present at a proposed luncheon when the trophy is presented to the team.

19 LITTLE LEAGUE TOURNAMENT

The City Manager called the attention of the Council to the Little League Tournament which is being conducted under the supervision of the Modesto Recreation Department and invited the Council to attend some of the games.

20 REPORT BY DIRECTOR OF PUBLIC WORKS ON PRISONERS WORKING AT SEWER PLANT

The City Manager asked the Director of Public Works to give a report on the work being done at the sewer plant by the prisoners from the Stanislaus County jail. Mr. Ray stated a group of 27 prisoners with supervisors had been working at the sewer plant for the past week in weed control and they had done a marvelous job at no expense to the city. He suggested that the Council go down to the plant and see what had been done. Mr. Ray stated that the work had been done under the supervision of Chester Robinson of the East Mosquito Abatement District and that this work had not only been beneficial to the City but to the men themselves and that they had not been required to do the work but had done it of their own free will. Ditches had been cleaned out, as well as ponds, banks and the bottom of percolation beds.

21 REPORT ON COMMITTEE FOR COMPLETION OF YOUTH CENTER IN WEST SIDE PARK

The City Manager reported on a luncheon meeting held today to discuss the plans for the completion of the Youth Center in the West Side Park at which representatives from the Labor Unions, contractors and construction equipment firms and city employees were present. He stated that a committee had been appointed to carry through on the plans for completion of the center and that Marvin Ray, Director of Public Works, would serve as representative from the city.

The City Manager stated we would need two other groups, to work with the city--1- on the furnishings of the center--2-on the type of program in the building after it is completed.

Councilman Mellis stated he had attended the meeting and was very impressed. He felt that the center would be finished in a short time.

22 REQUEST FOR WATER SERVICE TO 1008 11TH S STREET J. H. THIEL

The City Manager reported that J. H. Thiel, owner of a portion of lots 20 and 21 in Block 85 had requested that the city construct a water service line up 11th Street from J Street to serve his property. As it had been the policy of the City that such services be installed at the property owners expense from the curb line of the street upon which such water main exists and Ordinance No. 859-N. S. provides "The city will furnish the service complete from its main to the property line in case of an alley and to the curb line if the service is from a street main", the City Manager considered it would be best to bring this request to the attention of the Council for their information.

The City Manager reported that both the water and sewer lines now serving this property ran across the American Trust Company property and they had refused to permit Mr. Thiel to run in another service line from the alley.

It was the decision of the Council to continue its policy of requiring the property owners to pay the expense of installing sewer and water lines from the curb line of the street upon which water and sewer mains exist.

23 ATTORNEY TO PREPARE ORDINANCE TO CHANGE HOUR OF COUNCIL MEETINGS

Councilman Mellis moved, seconded by Councilman R. Adams authorizing the City Attorney to prepare the necessary ordinance for the consideration of the Council to change the time for meeting of the Council from 7:00 P. M. to 7:30 P. M. on the second and fourth Wednesdays.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

ADJOURNMENT

There being no further business to come before the Council the meeting was duly and regularly adjourned.

Anne M. Collins
ANNE M. COLLINS, ACTING CITY CLERK

August 27, 1952

The Council of the City of Modesto met in regular session this date at 7:00 P. M. as provided by Ordinance No. 1020-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Absent: Mayor Marks

The pledge of allegiance was given by all those present.

APPROVAL OF MINUTES

Councilman M. Adams moved, seconded by Councilman Annan, that the minutes of the meetings wherein the Council sat as a Board of Equalization August 4-8 and the minutes of the Council meetings of August 13 and 20 be approved.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

REPORT ON REQUEST OF MODESTO CITY SCHOOLS FOR EXEMPTION ON CITY AMUSEMENT TAX

City Attorney Grimes reported on the request of the Modesto City Schools for exemption from the City amusement tax for secondary schools. He stated the schools had based its request on the action of the United States Congress last fall to permit certain exemptions to schools from payment of the federal amusement tax. He stated the federal amendment applied only to admissions from places providing facilities for physical exercise. He stated that it is a policy matter for the Council to decide whether to eliminate all activities of the schools.

Acting City Manager Shelton stated that the Internal Revenue Bureau had apparently ruled that all activities of the school were exempt but that the federal law, strictly interpreted, provided no precedent for exemption of all school activities.

The City Attorney stated it would be more difficult to administer the exemption if only athletic contests were exempted.

Superintendent of Schools James H. Corson, who was present at the meeting, stated that any consideration the Council could give to this request would be appreciated. All High School student body activities are subsidized by tax funds, he stated since they are not self supporting and a number of student body associations throughout the state are bringing pressure for relief from amusement taxes. The local student bodies have been absorbing amusement taxes in the price of tickets, he said, and if the exemption were granted, the price of tickets would probably remain the same.

Councilman Mellis stated his view that the city should not make any money from children.

Councilman Annan said that other groups sponsoring amusements would be as deserving of exemption and would request it, if the Council should grant this request to the schools. He further objected to the granting of the exemption on the basis that it would simply take money out of the city funds and put it into the school funds. He recommended that that this request be held over for one week for further consideration.

The City Attorney stated the Fire and Police Departments have asked if they could be exempted. The ordinance could be amended, he stated, to allow exemption the schools and follow the pattern of the federal law requiring the benefit to inure to the political subdivision.

Mayor Pro Tempore Merrill stated that school activities should not be compared to others and that he would like to see this request granted.

Councilman Annan commented that we have burdensome taxes, everybody is confronted with them and we should not try to relieve the children from knowing about them as they will have to learn some day.

Attorney Grimes stated that there were a number of things to consider such as 1) whether to grant the exemption at all 2) how far to extend it 3) whether to exempt all activities or only athletic contests 4) should all benefits be required to inure to political subdivisions.

Councilman R. Adams moved, seconded by Councilman Annan that this request be held over for further consideration.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

REPORT ON REQUEST OF FEDERAL DEPARTMENT STORE FOR LOADING ZONE ON K STREET

H. D. Shafer, Manager of the Federal Department Store appeared regarding his request for a loading zone for his store on the north side of K Street, between 9th and 10th Streets. He stated the building is being remodeled and that it will be necessary to load and unload large merchandise by means of the sidewalk elevator located on K Street, since there is no alley entrance. Double parking on K Street to handle this merchandise, he stated, would cause a traffic hazard and therefore requested that one parking space be marked as a loading zone for large trucks to unload at the elevator.

The Director of Planning reported that he had made a spot check of sidewalk elevators on 9th and 10th Streets and found only one with a loading zone.

Mayor Pro Tempore Merrill stated that the Council had previously denied a request for a loading zone in the same area and that the Council did not wish to establish a precedent which would require granting requests of this kind.

The Acting City Manager commented that one parking space would not provide sufficient space for large trucks to load and unload without extending into the street, which would be unsatisfactory.

It was the decision of the Council to visit the store building and to make a decision on this request at a later date.

REPORT ON REQUEST OF SEARS-ROEBUCK COMPANY FOR ONE-WAY ALLEY IN BLOCK 66

V. H. Ellis, Assistant Manager of Sears-Roebuck Company, appeared to discuss a request for the establishment of a one-way alley in Block 66 with traffic travelling south only and parking limited to the right side. He protested to the Police Department's activities in issuing parking tickets to customers who were picking up merchandise at Sears' loading platform. He commented that customers had been parking in this alley since 1940 to pick up goods and he felt that the city had a responsibility to notify the public regarding the regulation of parking in alleys and that parking restrictions in the alley should be posted.

A report was read from the Inter-departmental Traffic Committee on its investigation of this request in which four alternatives were proposed 1) To retain the status quo. 2) To limit the traffic in the alley to one-way north bound. 3) To limit the direction of traffic to south bound traffic only in the alley, as a temporary measure until such time as the Santa Fe Trailway operation may be removed. 4) Two way traffic in alley be continued, signs limiting loading and unloading to the southwest side of the alley be installed and "No Parking at any time" signs be installed on the northeast side of the alley.

Mayor Pro Tempore Merrill pointed out that the City must keep the alleys open so that emergency vehicles can go through, and that this is a prime reason for uniform parking regulation in alleys. He stated that this alley would be signed and asked the press to help publicize parking regulations as much as possible to educate people.

Mr. Ellis stated that if alternative No. 4 was approved he was certain it could be worked out with the other business concerns using the alley.

Councilman Annan stated he believed Sears was making a mistake in paying parking fines for its customers because "you are encouraging people to break the law when you do it."

The Director of Planning pointed out the difference between parking, and loading and/or unloading in the alley.

Mr. Ellis stated that another problem confronting Sears was vehicles parking in front of its loading platforms at the warehouse on Tenth and C Streets. He stated he realized that workers at nearby warehouses and canneries had to have some place to park their cars, but it was difficult for large trucks to pull up to these platforms and unload equipment or for customers to load merchandise. Mr. Henderson stated that the Inter-Departmental Committee had previously recommended loading zones at these platforms.

Councilman M. Adams introduced

RESOLUTION NO. 9945-N. S.

which was seconded by Councilman Arata authorizing the signing of the alley in Block 66 as recommended by the Inter-departmental Traffic Committee in its alternate No. 4, limiting loading and unloading to the southwest side of the alley and that "No Parking at any time" signs be installed on the northeast side of the alley, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

REQUEST INSTALL BILLBOARD--LAMON WRIGHT

K. A. Wallach, operating the Pix Sign Company, appeared representing Lamon Wright, Real Estate operator, and requested permission to erect an oversize sign for a period of 90 days on lot 204 at the corner of Burney Street and La Loma to advertise the sale of the property. Councilman Mellis moved, seconded by Councilman Arata that the request of the applicant to erect an oversize sign at this location be denied.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

Councilman M. Adams stated that this would not prohibit Mrs Wright from posting a sign on this property which would conform with city regulations.

M. M. SHELLY REQUESTS INFORMATION ON ANNEXATION PROGRAM

W. D. Shelly appeared at the meeting and inquired as the legal action necessary to start separate proceedings to annex territory to the city since the unification program appeared to be inactive. He stated that approximately 95% of the property owners in the section from Santa Cruz Avenue to the city limits are anxious to be annexed to the city without delay.

The City Attorney advised Mr. Shelly that it would be necessary for a majority of the signers of the original request for consent to annex, to sign a request for the termination of existing proceedings before any new annexation proceedings could be started. As long as the other proceedings are pending, he stated, no action could be taken to start new proceedings.

Mr. Shelly inquired if it would be possible to circulate request for consent to annex separately along with a petition requesting the termination of the original annexation petition. Attorney Grimes stated that the first step should be to terminate the original

proceedings and after that was done, request the Council for consent to circulate a new petition. It would not be advisable to do both at the same time, he said.

SCHOOL BOARD WITHDRAW LEGAL PROTEST FILED ON IMPROVEMENT DISTRICT #1

Superintendent of Schools James H. Corson stated that the School Board wished to withdraw its written protest to the inclusion of the Franklin School property in Improvement District #1.

1 LETTER FROM OFFICE OF CIVIL DEFENSE RE: "ALERT AMERICA" CONVOY'S VISIT TO MODESTO

The Acting City Manager reported that General Leonard Boyd, Acting Coordinator of Civil Defense, Region 4, had requested permission to exhibit four "Alert America" convoy trucks in Modesto, Sept. 2, from 11:30 A. M. to 1:00 P. M. Councilman Annan moved, seconded by Councilman M. Adams that the matter of the parking of the trucks be referred to the Acting City Manager and Police Department.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

8 LETTER FROM FEDERAL SECURITY AGENCY--PUBLIC HEALTH SERVICE RE: "CLEAN WATER FOR CALIFORNIA" LEAFLET

A letter was read from the Federal Security Agency, Public Health Service, advising that a revision of the leaflet "Clean Water for California" which the City of Modesto had protested, would be made prior to its reconsideration by the State Water Pollution Control Board in November, 1952.

9 LETTER INVITING COUNCIL INSPECT ADDITION TO STANISLAUS COUNTY HOSPITAL

A letter was read from Ken Ables, Chairman, Stanislaus County Board of Supervisors, inviting the Council to inspect the new addition to the Stanislaus County Hospital. An open house will be held at the hospital, August 28 through August 31, 1952.

10 LETTER FROM SAM SECRETO REQUESTING ESTABLISHMENT OF LOADING ZONE IN FRONT OF GREYHOUND BUS DEPOT ON TENTH STREET

A letter from Sam Secreto requesting the establishment of a loading zone in front of the Pacific Greyhound Bus Depot on Tenth Street and G Street was held over for investigation by the City Manager.

11 LETTER FROM TEHACHAPI--MONOLITH LIONS CLUB RE: CONTRIBUTION OF CITY OF MODESTO FOR EARTHQUAKE RELIEF

A letter from the Tehachapi-Monolith Lions Club was read advising that the contribution sent by the City of Modesto for earthquake relief had been turned over to the Lions Club by Mayor Gus Koutroulis. They expressed appreciation for the donation and outlined the program for its use.

12 CARD FROM MAYOR HARRY MARKS

A card was read from Mayor Harry Marks which had been sent from Noordwijk aan Zee, Holland.

13 CLAIM FOR PAYMENT TO STANISLAUS COUNTY BAND

The Acting City Manager stated that a claim had been filed by the Stanislaus County Band for \$600 00 for the 1952 summer concerts. Councilman Mellis introduced

RESOLUTION NO. 9946-N. S.

which was seconded by Councilman M. Adams authorizing the payment of the \$600 00 claim, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

14 CALL FOR BIDS FOR IMPROVEMENT OF VIRGINIA AVENUE AND EIGHTH STREET

The Acting City Manager reported that telephone confirmation of approval of plans and specifications for the improvement of Virginia Avenue and Eighth Street had been received from the State Department of Public Works, Division of Highways and that if the Council approved, it would be in order to call for bids. Councilman R. Adams introduced

RESOLUTION NO. 9947-N. S.

which was seconded by Councilman Arata, authorizing the City Clerk to call for bids for furnishing all labor, equipment, and materials for the improvement of Virginia Avenue between Morris and Giswold Avenues and Eighth Street between Kansas Avenue and Washington Street. Said bids to be received not later than 2:00 P. M. Monday, September 15, 1952. All bids received will be opened and read and any award made or contract entered into shall be by action of the Council, meeting in regular session at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

15 TESTS WITH THE USE OF PENT-A-VATE AT SEWAGE DISPOSAL PLANT

The Acting City Manager reported that the Department of Public Works had scheduled a test of Pent-A-Vate, a bacterial organism product, at the Sewage Disposal Plant, beginning August 28th and suggested that the Council might be interested in going to the plant to watch the test. Councilman M. Adams stated that this bacterial organism product had worked well at a number of industrial plants.

16 HARRY N. JENKS COMMEND OPERATION OF SEWER PLANT

The Acting City Manager stated that Harry N. Jenks, Consulting Sanitary Engineer, had visited the Sewage Disposal plant today and commented the operators of the plant for doing a good job during the peak season. There had been relatively few odor complaints, he stated.

17 REPORT BY CITY ATTORNEY ON BOND ISSUE

The City Attorney reported that at the suggestion of the City Manager he had contacted bond counsel in San Francisco to determine how soon they would have to have information on the proposed sewer bond issue in order to get it on the ballot for the April election and had been advised that February 1st would be the deadline for the City to determine the facilities to be built at the sewer plant.

18 INTRODUCTION OF SUBDIVISION ORDINANCE

The Director of Planning reported that copies of the Subdivision Ordinance to be considered had been sent out to the Council several months ago and that copies had also been sent to the Modesto Irrigation District, Pacific Telephone & Telegraph Company, Pacific Gas & Electric Company, The Modesto Board of Realtors, Society of Professional Engineers, and the Modesto Builders Exchange for their suggestions and recommendations and that certain minor changes were proposed. A meeting was held to which the various groups were invited and the draft submitted is revised slightly. Subsection 8.14 of Section 8-Improvements, which provides for the installation of utilities in alleys and section 3.25 (c), dedication of easements, had been revised and a new section 6.45 had been added.

The City Attorney pointed out that the provisions for parks and playgrounds was still in the ordinance, which required at the time of approval of the final map of a subdivision of more than 4 parcels that there shall be paid to the City of Modesto as a fee for such approval, the sum of \$100 00 per acre of subdivided land, and this fee shall be placed in a special fund to be known as the Park and Recreation facilities fund.

Attorney Grimes stated that this was one of the best drafted subdivision ordinances he had ever seen and thought Director of Planning Dyril M. Henderson should be complimented. Councilman Mellis introduced

ORDINANCE NO. 1041-N. S.

entitled: "AN ORDINANCE PROVIDING REGULATIONS FOR THE SUBDIVISION OF LAND IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, FOR THE PREPARATION AND PRESENTATION OF SUBDIVISION MAPS THEREOF, PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS THEREOF AND REPEALING ORDINANCE NO. 720-N. S. OF THE CITY OF MODESTO AS AMENDED" and moved its adoption and passage to print, which motion was duly seconded by Councilman R. Adams and it was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

ORDINANCE CHANGE TIME OF MEETING OF COUNCIL

Councilman R. Adams introduced

ORDINANCE NO. 1042-N. S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 959-N. S. AS AMENDED ENTITLED: 'AN ORDINANCE FIXING THE TIME AND PLACE OF HOLDING REGULAR MEETINGS OF THE COUNCIL OF THE CITY OF MODESTO PRESCRIBING THE MANNER IN WHICH SPECIAL MEETINGS MAY BE CALLED AND REPEALING ORDINANCE NO. 24-N. S. AND ORDINANCE NO. 604-N. S.' BY AMENDING SECTION 1 THEREOF AND REPEALING ORDINANCE NO. 1020-N. S." and moved its adoption and passage to print, which motion was duly seconded by Councilman Mellis and it was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

FINAL ADOPTION ORDINANCE NO. 1039-N. S. REGULATE MOTOR BUSES

Ordinance No. 1039-N. S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 306-N. S. OF THE CITY OF MODESTO ENTITLED: 'AN ORDINANCE PROVIDING FOR THE SUPERVISION AND REGULATIONS OF MOTOR BUSES OPERATING ON FIXED SCHEDULES AND OVER ESTABLISHED ROUTES WITHIN THE CITY OF MODESTO, PROVIDING FOR THE ISSUANCE OF PERMITS AND LICENSES FOR SUCH OPERATION OF MOTOR BUSES AND PROVIDING FOR THE PUNISHMENT OF VIOLATIONS OF THIS ORDINANCE' AS AMENDED, BY AMENDING SUBSECTION (b) OF SECTION 1 AND SECTION 4 THEREOF" having been heretofore introduced and ordered printed and published at the regular meeting of August 13, 1952, Councilman M. Adams moved, seconded by Councilman Annan that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

REQUEST FOR APPROPRIATION TRANSFER--SALARY ADJUSTMENTS

Upon the recommendation of the City Manager, Councilman Mellis introduced
RESOLUTION NO. 9948-N. S.

which was seconded by Councilman Annan authorizing the appropriation transfer of \$33,402 00 from the general reserve and \$2,281 00 from the library reserve for salary adjustments as authorized by the Council upon adoption of the budget, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

✓
PROPOSE FRANCHISE PROCEDURAL ORDINANCE

The City Attorney presented to the Council for study, copies of a proposed ordinance establishing the procedure for the granting of franchises.

Copies had been sent to the public utilities operating in the City he stated, to give them an opportunity to comment upon its provisions.

✓3
CANCELLATION OF FIRE, THEFT AND COLLISION COVERAGE ON CITY AUTOMOTIVE EQUIPMENT

The Director of Finance filed a report with the Council on the cost of the \$250 00 deductible collision insurance carried on city automotive equipment and the amount collected from the insurance company for repairs to city equipment involved in collisions over a period of years. He had been advised, he stated, that other governmental agencies in the county do not carry this type of insurance on its equipment, and, on the basis of the city's cost experience, recommended that the existing policy be cancelled as of this date. Councilman R. Adams recommended that the City also cancel fire and theft coverage on automotive equipment. Councilman Mellis introduced

RESOLUTION NO. 9949-N. S.

which was seconded by Councilman M. Adams authorizing the cancellation of the fire, theft and collision insurance on the City fleet of automotive equipment as of this date, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

✓4
REPORT BY ACTING CITY MANAGER ON "BLANKETING IN" OF CERTAIN CITY EMPLOYEES

The Acting City Manager reported on the action taken during the month of August to "blanket in" those employees who had been employed by the city for more than six months prior to August 1st, effective date of the new Personnel Ordinance, and who had not taken a qualifying civil service examination. He stated that approximately 40 employees, upon the recommendation of their department heads and the approval of the City Manager, were "blanketed in" leaving approximately 10 employees who would have to take the necessary civil service test to achieve regular status. As a result of the blanketing in action, an important aspect of city personnel administration had been brought up to date, he said.

✓5
REQUEST OF MODESTO STATE HOSPITAL PROCLAIM SOFTBALL TOURNAMENT WEEK

A request was filed by the Modesto State Hospital that the Council proclaim the first week of September, Softball Tournament Week in recognition of the outstanding matches to be played, September 6 and 7 in the City of Modesto. It was the decision of the Council that the Mayor should issue a proclamation to cover the two days only.

✓6
RESOLUTION OF COMMENDATION TO PLANNING DIRECTOR CYRIL McC HENDERSON

Cyril McC Henderson, Director of Planning, reported that he had accepted a position with the Aluminum Company of Canada and would be stationed in Kitimat, British Columbia. He stated he had been very happy in Modesto and that he could not expect to find a finer group

of men to work with than the Council and the department heads in the city. He said the opportunity offered him in his new job was "an opportunity that came once in a life time" and offered unusual promise for advancement in his profession. Councilman M. Adams introduced

RESOLUTION NO. 9950-N. S.

seconded by Councilman Mellis commending Cyril McC Henderson for service rendered to the City of Modesto in his capacity of Director of Planning and the outstanding manner in which he has served the City and directing that he be given a certificate of service by the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

27
REPORT ON ARRIVAL OF TANDEM ROAD ROLLER

The Acting City Manager reported that the 5-8 ton tandem road roller which the City had recently purchased had arrived and was ready for operation.

28
REPORT ON ROOM RESERVATION FOR THE LEAGUE CONVENTION

The Acting City Manager reported that reservations had been made at Hotel El Cordova for the members of the Council who were planning to attend the League of California Cities convention in San Diego, October 13-17-1952.

ADJOURNMENT

There being no further business to come before the Council, the meeting was regularly and duly adjourned.

Anne M. Collins
ATTEST: ANNE M. COLLINS, ACTING CITY CLERK

Council Meeting

September 3, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1020-N. S.

Present: Councilmen: W. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Absent: Councilmen: M. Adams, and Mayor Marks

REPORT ON REQUEST OF MODESTO CITY SCHOOLS FOR EXEMPTION FROM CITY AMUSEMENT TAX

The request of the Modesto City Schools for exemption from the city amusement tax for secondary schools having been held over for further study by the Council, Acting City Manager Shelton stated that this was a policy matter to be decided by the Council and that J. E. Berry, Principal of the Modesto High School was present to answer Councilmen's questions.

Mr. Beery reviewed the financing of the athletic program in the high schools, stating that admission prices had remained the same despite increased operating costs and that after a reserve fund of approximately \$2000 00 was used, it would be necessary for the schools either to curtail extra curricular activities or for the school board to subsidize the program. He stated that the \$1 00 admission tax would be maintained since it was "all the traffic would bear." The basis on which schools had requested the exemption, he stated was the action of the federal government to exempt all school activities from the federal amusement tax.

City Attorney Allen Grimes stated that the amusement tax is technically not a tax on the schools but is a tax paid by the patrons who attend the event. The schools are merely the collection agency for the city.

After further discussion, Councilman Mellis stated that he though the city should help the children, that the schools should be encouraged to continue their athletic program, but that the amusement tax exemption should not be extended to any other group or organization. He moved that the City Attorney be directed to prepare an amendment to the ordinance to provide that events only for elementary and secondary schools be exempted from the City amusement tax, which was seconded by Councilman Arata.

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Mayor Marks

RAMONA AVENUE PROPERTY OWNERS REQUEST STREET IMPROVEMENT

A group of property owners on Ramona Avenue appeared and stated that they had deeded a portion of their property to the City with the understanding that the street was be improved, and they wanted to know how soon the City was going to do this work since the rainy season would be starting soon and the street was in a poor condition. They said they had put in curbs and gutters and the street needed grading to bring it to the level of the curbs and gutters.

The City Attorney advised that deeds had been received from all the property owners except one, Glen H. Eagon and that he had written to him in Alaska urging him to sign the deed since all the other property owners had dedicated the necessary land for this street.

The Director of Public Works stated that until the City had the deed from Mr. Eagon, it could not grade the street without trespassing on private property.

H. D. Seablom stated that he had received a communication from Mr. Eagon who indicated that he was "willing to go along with the other property owners" and deed the necessary land.

The City Attorney stated that even if this property was outside the City, condemnation proceedings could be brought by either the city or county but it did not seem fair that Mr. Eagon would receive payment for his property when the other property owners had deeded their property without any payment.

Mayor Pro Tempore Merrill assured the group that the City would grade and oil this street as soon as it could legally. He recommended that neighboring property owners write to Mr. Eagon urging him to sign the deed. Meantime the city would continue to try to clear the matter with Mr. Eagon, he said.

REQUEST EXTEND DRIVEWAY--502 Tenth STREET--WALTER E. BARBOUR--STAN BOYETTE

Walter E. Barbour and Stan Boyette filed a request to increase the width of the driveway at 502 10th Street from 16 ft. to 25 ft. They stated they wished to make this alteration at the same time as the reconstruction of the sidewalk, which had been requested by the Director of Public Works.

The Director of Public Works reported that this request could be granted without any loss in parking space and recommended that the request be granted. Councilman Mellis moved, seconded by R. Adams, that the request be granted as recommended by the Director of Public Works

Ayes; Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: M. Adams, And Mayor Marks

REQUEST TO REMOVE TREE--501 L STREET--K. H. HANSEN

K. H. Hansen appeared and requested permission to remove a China Locust tree in front of the store building being constructed at 501 L Street in Block D. This tree is

located partly on city property and one of its branches is too close to the building to permit construction. Councilman R. Adams stated that he had investigated the situation and moved that Mr. Hansen be granted permission to remove the tree at his own expense. Councilman Arata seconded the motion.

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

5
REPORT ON REQUEST OF SAM SECRETO FOR ESTABLISHING ³LOADING ZONE IN FRONT OF ⁴GREYHOUND BUS DEPOT ON TENTH STREET

The request of Sam Secreto that the City establish a loading zone in front of the Pacific Greyhound Bus Depot on Tenth Street near G Street having been held over for investigation, the Acting City Manager read a report filed by the Director of Planning and Police Chief.

They recommended that the taxicab stand at this location remain the same since it would only be possible to provide for two car spaces if it were changed to a loading zone. With a single unified operation such as Joe's Taxi, it is possible to provide for three cars. By designating this area as a taxicab stand, they state in their report, parking in it of vehicles other than the taxicabs allocated to this space is prohibited. However, loading and unloading of passengers and merchandise is permitted, and that would include the use of this space by other taxicabs so long as they do not park there in anticipation of a potential customer.

They recommended that the wording on the limited parking spaces on G Street, adjacent to the depot, be changed to read "Parking 10 minutes day and night" to reduce congestion created by nighttime parkers. They also recommended that one or both of the spaces closest to the alley be changed from one hour parking to ten minute parking for loading and unloading purposes, if after the resigning of the existing ten minute parking spaces it is found that congestion still exists in the vicinity of the depot.

Councilman Annan questioned whether the public would know that it was entitled to load or unload as long as the curb in front of the depot is painted for a taxi zone. Instances were cited of discourteous treatment by taxicab drivers of Joe's Taxi when this space had been used for loading and unloading.

Mayor Pro Tempore Merrill suggested to Joe Sequiera, who was present, that he instruct his taxicab drivers that the public is entitled to use this space to load or unload.

After a general discussion of suggested methods for improving the parking situation at this location, Councilman Mellis introduced:

RESOLUTION NO. 9951-N. S.

which was seconded by Councilman Arata denying the request of Sam Secreto for the establishment of a loading zone in front of the Greyhound Bus Depot on Tenth Street and approving the recommendations of the Director of Planning and Police Chief for the resigning of the 10 minute parking spaces on G Street to read "Parking 10 minutes, day and night", and authorizing the City Manager to so designate and sign the two adjacent one-hour spaces if the congestion warrants, which resolution was adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilmen: M. Adams, and Mayor Marks

6
LEASE FOR HANGAR AT AIRPORT--NATHAN J. PROVINCE

The City Attorney presented for approval a lease agreement between the city and Nathan J. Province for the rental of a hangar at the municipal airport at a monthly rate of \$100 00. He stated that the terms of the lease were customary except the lessee agreed during the absence or disability of the Airport Manager to act as Airport Manager. The lease is effective July 1, 1952, and ending June 30, 1953. Councilman Annan introduced

RESOLUTION NO. 9952-N. S.

seconded by Councilman R. Adams approving the lease for the rental of a hangar at the Municipal Airport as set forth above, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

Airport Manager Sham stated that this lease would produce approximately \$360 00 additional revenue per year, since Mr. Province had been paying approximately \$70 00 per month, based on a percentage of business.

7
DISCUSS CONSTRUCTION OF NEW AIRPORT HANGARS

The Acting City Manager stated that the Council at its last meeting had discussed informally the plans and financing for additional hangars at the municipal airport and that if the Council wished to expedite action in the matter before the rainy season, it would be desirable to direct the Public Works Department to complete plans and specifications. He stated that the precise means of financing, the necessary appropriation transfers and the call for bids could be acted upon at the next Council meeting. Councilman Annan moved, seconded by Councilman Arata that the Department of Public Works be directed to complete the plans and specifications for additional hangars.

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

The Airport Manager stated that he had received nine checks from owners of airplanes to cover two years' hangar rental in advance, which money could be used in the building of additional hangars.

Councilman R. Adams reported that the City has leased a portion of the airport property for the planting of alfalfa and that this lease will expire on November 1. He stated that the lessee has indicated his desire to re-lease this property and is willing to pay \$850 00 per year, instead of \$740 00 which he presently pays.

8
LETTERS FROM CITIES OF SAN FERNANDO AND NEEDLES: RE: OPPOSING 4% STATE-WIDE SALES TAX

Letters from the City of San Fernando and City of Needles opposing the plan of the County Supervisors Association of 4% state-wide sales tax were read and ordered filed.

Councilman Mellis stated that cities from the northern part of California generally favor the 4% state-wide sales tax while those in the south are opposed. He said he felt the City of Modesto should support the program of the County Supervisors Association, since it would give the City more money and would equalize the tax inside the City with that outside, besides making it easier for the business man to keep records and make reports. The cities will have to face this question at the League of Cities convention, he stated.

9
LETTER FROM L. L. VENTRE, MAYOR, CITY OF STOCKTON RE: SUPPORT IN ELECTION TO LEAGUE OF CALIFORNIA CITIES BOARD OF DIRECTORS

A letter from L. L. Ventre, Mayor, City of Stockton, expressing appreciation for support in electing him as member of Board of Directors of the League of California Cities was read and ordered filed.

10 REQUEST FOR SEWER SERVICE--SAUERWEIN & THOMPSON--SEYBOLD AVENUE

A request was filed by Sauerwein & Thompson for permission to connect to an existing sewer line running down Seybold Avenue from the Mark Twain School because their existing sewage facilities will have to be replaced in the near future. In accordance with the present policy of the Council to deny requests for sewer service outside the city, unless the property is adjacent to the City limits and the property owner indicates in writing his intention to annex when possible, Councilman Mellis moved, seconded by Councilman R. Adams, that the request of Sauerwein & Thompson for sewer service on their property located outside the City limits be denied, and the City Manager be directed to notify the applicants.

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

11 LETTER FROM STATE WATER POLLUTION CONTROL BOARD RE: BROCHURE "CLEAN WATER FOR CALIFORNIA"

A letter from the State Water Pollution Control Board regarding the brochure entitled "Clean Water for California" and stating that publication is being held up pending revision at the next meeting of the Board in November was read and ordered filed.

12 REQUEST FOR DANCE PERMIT--HAYDEN L. LOGAN AT 602 NINTH STREET

A letter from Hayden L. & Rebecca M. Logan, operating Europa Hotel Bar at 602 Ninth Street, requesting that they be granted a dance permit, was read.

The City Attorney stated that an investigation had been made when the applicants had previously requested a dance permit and if it would be agreeable with the Council a motion could be made setting the time for hearing at the next Council meeting, Councilman Annan moved, seconded by Councilman R. Adams that the time of 7:30 P. M. September 10, 1952, in the Council Chambers be set as the time and place for hearing on the request for a dance permit by Hayden L. and Rebecca M. Logan.

Ayes: Councilmen: H. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

13 AWARD BID ON IMPROVEMENT DISTRICT NO. 1--STANDARD MATERIALS INC.

The Director of Public Works filed a tabulation on the bids received for the construction of sanitary sewers and the furnishing of street lighting materials in Improvement District No. 1. Five bids had been received, he stated, which had been opened on September 2nd at 10:00 A. M. The low bid in the amount of \$60,038.23 was submitted by Standard Materials, Inc.

Councilman R. Adams commented that a request had been filed by Mrs. Jessie Rogers, John Velthoen and N. M. Cecil for the extension of the sewer laterals to their properties and Mr. Cecil had agreed to give an easement to the City. Now is the time for the Council to decide whether they want to extend the sewer laterals, he stated.

The City Attorney stated that it would be possible to amend the contract in order to incorporate this extra work and the resolution of intention could be amended to provide for this extension, thus it would not be necessary to delay in awarding of the bid.

The Director of Public Works remarked that a work order could be issued for any additional work, since the bid was submitted on a unit price basis.

Councilman Mellis suggested that the applicants be notified that it is the intention of the Council to extend the sewer laterals as they requested but awarding the contract and proceeding with the work, should not be delayed.

The Director of Public Works stated that he would have a report on this matter for the next Council meeting. Councilman Arata introduced

RESOLUTION NO. 9953-N. S.

seconded by Councilman Annan awarding the contract for the construction of sanitary sewers and the furnishing of street lighting materials in Improvement District No. 1. to Standard Materials Inc., as the lowest responsible bidder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams, and Mayor Marks

AWARD BID ON LAMPS TO O. A. SULLIVAN ELECTRIC COMPANY AS AGENT FOR WESTINGHOUSE ELECTRIC CORP.

The Director of Public Works filed a tabulation of the two bids received for the furnishing of lamps for the year ending June 30, 1953. These bids, he stated, had been opened on Tuesday, September 2nd, at 2:00 P. M. and the lowest bid was submitted by O. A. Sullivan Electric Company, as agent for Westinghouse Electric Corporation. This bid offered list price, less 39½% with an additional 2% discount if payment is made for an order by the tenth of the month. Councilman Mellis introduced

RESOLUTION NO. 9954-N. S.

which was seconded by Councilman Arata, accepting the bid of the O. A. Sullivan Electric Company, as agent for Westinghouse Electric Company as the lowest responsible bidder on lamps, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

PROGRESSIVE PAYMENT TO STOCKTON CONSTRUCTION COMPANY FOR SANITARY SEWER TRUNK LINE ON KEARNEY, ROSEBURG AND COLDWELL AVENUES

A report was filed by the Director of Public Works on the construction of a sanitary sewer trunk line on Kearney, Roseburg and Coldwell Avenues by the Stockton Construction Company, Inc., showing an estimate of work completed to August 29th, with a total amount due of \$8,483, 74. Councilman Arata introduced

RESOLUTION NO. 9955-N. S.

which was seconded by Councilman Annan, authorizing progressive payment of \$8,483,74 to the Stockton Construction Company, Inc. which resolution was adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

DISCUSS LOADING ZONE ON TENTH STREET BETWEEN B AND C STREETS

The Director of Planning reported that the problem of establishing loading zones on Tenth Street between B and C Streets had been previously investigated by the Inter-departmental Traffic Committee. It had been the original recommendation of the committee, he stated, to prohibit parking on the entire block because of the warehouse type of operation. He stated the committee had checked this block today and there was some question whether to

include the whole block. A discussion was held on the desirability of diagonal vs. parallel loading zones. Councilman Arata stated that some of the trucks would continue to block the whole street if diagonal parking were not prohibited.

Councilman Annan recommended that the committee make a further investigation and report at the next meeting.

17 FINAL ADOPTION⁵ ORDINANCE NO. 1040-N. S. LEASE OF PORTION OF AIRPORT TO DAVE WILSON NURSERY²

Ordinance No. 1040-N. S. entitled: "AN ORDINANCE PROVIDING FOR THE LEASE OF CERTAIN CITY OWNED PROPERTY TO THE DAVE WILSON NURSERY AND AUTHORIZING THE EXECUTION OF AN AGREEMENT IN CONNECTION THEREWITH", having been heretofore introduced and ordered printed and published at the regular meeting of August 20, 1952, Councilman R. Adams moved, seconded by Councilman Annan, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

18 REPORT ON WELL #9--DIRECTOR OF PUBLIC WORKS

The Director of Public Works stated that the State had notified the City August 29th, that well #9 at Tenth and Needham Streets, could be used again if it was chlorinated. The State's action was based on a negative test of August 22nd. The cause of pollution is still unknown although it is believed that the blocking off of an abandoned well adjacent to well #9 may have helped, he said. This well was blocked off on August 1 and for 22 days water was pumped from well #9 into the storm drain before a negative test resulted. He stated he could not say how long the water would have to be chlorinated but that the State Health Department had advised that they would send a representative to check the well.

The Director of Public Works stated that due to the closing down of well #9, it had been impossible to cut off well #14 to put in the sand trap which was ready to be installed.

19 DENY REQUEST OF FEDERAL DEPARTMENT STORE FOR LOADING ZONE

The request of the Federal Department Store for the establishment of a loading zone on K Street, between 10th and 11th Streets, which had been held over for investigation, was again considered by the Council.

Mayor Pro Tempore Merrill reported that he had made an inspection of the proposed location of this loading zone, and he believed that the zone would not solve the problem since large trucks would still extend onto the street. Moreover the granting of this loading zone would be contrary to the policy of the Council, he said. Councilman R. Adams moved, seconded by Councilman Mellis that the request of the Federal Department Store for a loading zone on the northwest side of K Street, between 10th and 11th Street be denied, and the City Manager be directed to so notify the applicant.

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams, and Mayor Marks

20 CY YOUNG DAY CELEBRATION

Mayor Pro Tempore Merrill reported that the Chamber of Commerce had donated \$25 00 to be used for a plaque to be presented to Cy Young, Modesto

Olympic star, at the "Cy Young Day" celebration to be held on September 9th. He stated that a luncheon was to be held at the Fable Room in Hotel Covell on that date and a number of former Olympic athletes would be present, as well as James H. Corley, Vice President of the University of California.

21 REPORT BY DIRECTOR OF PUBLIC WORKS ON CONVENTION

The Director of Public Works reported on the American Public Works Association held in Los Angeles, August 25-28th. He described some of the machinery displayed and the types of meetings and discussions held.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILFUSS, CITY CLERK

Council Meeting

September 10, 1952

The Council of the City of Modesto met in regular session this date at 7:00 P. M. as provided by Ordinance No. 1020-N. S.

Present: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Absent: Councilman: M. Adams and Mayor Marks

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

APPROVAL OF MINUTES

Councilman R. Adams moved, seconded by Councilman Annan that the minutes of the Council meeting of August 27th be approved.

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor ~~Mayor~~ Marks

1 REQUEST TO CONDUCT RELIGIOUS SERVICES IN LEGION PARK--CHURCH OF GOD

J. L. Charles and Eddie Satterwhite, representing the Church of God Church in Salida, appeared and requested permission to hold religious services in Legion Park on Saturday and Sunday afternoons for a period of one hour beginning at 1:00 P. M., starting as soon as possible and continuing until the rainy season.

City Manager Miller stated it had not been the policy of the City to grant requests to hold religious services in some of the park facilities particularly Mancini Bowl.

City Attorney Grimes stated that the Supreme Court had ruled that religious services could be held in parks or on City streets if it did not create a disturbance, since the refusal would hinder the right of free speech and unless the deeds or terms of donations prohibited the use of the parks for political or religious meetings, the city could not legally refuse permission to hold meetings.

Mayor Pro Tempore Merrill recommended that this request be held over for one week so that the City Manager could make an investigation and report to the Council.

2 REQUEST OF H. I. LAWRENCE FOR PERMIT OPERATE ADDITIONAL TAXICAB

The application of H. I. Lawrence, d.b.a. Smitty's Taxi to increase the number of his taxicabs from two to three cabs was held over for investigation by the City Manager and City Attorney.

3 REQUEST FOR HEARING FROM ATTORNEY NATHAN B. McVAY RELATIVE TO SEWAGE DISCHARGE INTO THE MODESTO SEWAGE SYSTEM BY THE PACIFIC GRAPE PRODUCTS COMPANY

A letter from Nathan B. McVay, Attorney for the Pacific Grape Products Company asking that a date be set for a hearing on the ruling by the City of Modesto, Department

of Public Works, requiring the cannery to remove a grinder used in connection with the discharge of industrial waste, was read.

The City Manager reviewed the background on this request for a hearing, by reading a copy of a letter, date August 15th, 1952, from Marvin Ray, Director of Public Works, which notified the cannery that in accordance with the provisions of Ordinance No. 803-N. S. "it should discontinue the use of the grinder installed immediately ahead of its rotary screen since it increased the amount of fine suspended solids and soluble solids in the waste effluent from the cannery."

The City Attorney stated that it would be in order to set a time and place for the hearing, since the ordinance provided that an appeal should be made within 30 days after notification and the appellant should be notified.

The Director of Public Works stated that the cannery had discontinued using this garbage grinder. He explained that all the canneries are required to install screens but the Pacific Grape Products had proceeded without any check with the City authorities to put in a grinder ahead of the rotary screen, which caused a large volume of solids to come out and go through the screen in suspended solids. This was putting an extra load on the sewage plant. If one plant was permitted to do this, other plants would do likewise, he stated, and the City "really would have an injunction then."

Councilman Mellis moved, seconded by Councilman Annan that September 17, at 4:30 P. M. in the Council Chambers be set as the time and place for the hearing on the appeal from the provisions set forth in the letter of August 15th to the Pacific Grape Products Company from the Director of Public Works.

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

4 ALLOW CLAIMS FOR MONTH OF AUGUST, 1952

Upon the recommendation of the City Manager, Councilman Annan introduced
RESOLUTION NO. 9956-N. S.

which was seconded by Councilman Arata, approving the payment of claims against the City of Modesto for the month of August, 1952, in the amount of \$165,442 53, being check numbers 4086 and 4224 to 4433 inc. and check numbers 10968 to 10988 inc. in the amount of \$1,028 72, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

5 REPORT BY CITY ATTORNEY ON DEED FROM GLEN H. EAGON--WIDEN RAMONA AVENUE

The City Attorney reported that he had not yet received the deed from Glen H. Eagon on land to be used in the widening of Ramona Street.

6 REPORT ON "NO PARKING" ZONE ON TENTH STREET BETWEEN B AND C STREETS ADJACENT TO SEARS WAREHOUSE

The City Manager read a report from the Inter-departmental Traffic Committee on the establishing of "No Parking" zones on Tenth Street between B and C Streets, adjacent to the Sears warehouse. The Committee recommended that a part of the street in front of the warehouse be utilized for parking of private automobiles and that the parking area be painted red, eliminating parking beginning at the south line of C Street and proceeding southeast for a distance of 70 feet." The report stated that the door used for receiving merchandise may require a portion of the area zoned out for "no parking."

The City Manager pointed out that such areas should not be painted red as this indicated prohibition of parking.

Councilman Arata recommended that some provision be made to prohibit large trucks from backing into the loading platform and blocking traffic on 10th Street.

Councilman Mellis recommended that the Chief of Police work with the manager of Sears-Rosebuck store and report at a later meeting.

DISCUSSION ON BUILDING OF ADDITIONAL HANGARS AT MUNICIPAL AIRPORT

The City Manager raised the question whether the City should consider the building of steel hangars at the airport which could be salvaged if the airport was discontinued at this location, instead of building a block structure which could not be moved. He stated that it would be necessary to consider the period of time that it would take to amortize the City funds expended. He reviewed the report on available funds which could be used in the construction of the hangars and pointed out that the gas tax funds which would amount to approximately \$8,000 00 must be used for airport improvement and not for operating expenses.

The Airport Manager stated that the estimated cost to build each unit would be between \$1600 and \$1800 for a block structure or approximately \$16,000 for 10 units and approximately \$22,750 for steel hangars.

The Director of Finance stated that the revenue received from the airport at the present time does not cover the cost of operation but with the new leases on the land and the rental from the proposed hangars, the revenue would about match the operating expenditures as set up in the budget.

The Director of Public Works stated it would be necessary to draw up a different set of specifications for the construction of steel hangars.

It was the decision of the Council to delay action until specifications could be completed for steel hangars so that alternate bids could be called for on both the steel hangar which could be salvaged if the airport was moved and for a block structure type of hangar.

APPROVAL OF LEASE WITH JAMES C. SORENSEN ON PORTION OF AIRPORT FOR FARMING PURPOSES

The City Attorney presented for approval lease agreement between the City and James C. Sorensen for the rental of approximately 17 acres of the municipal airport property to be used for farming purposes at an annual rental of \$850 00. The term of the lease is for one year beginning December 1, 1952.

The Airport Manager explained that the terms of the lease were the same as last year except the rental which is \$850 00 instead of \$420 00. Councilman Arata introduced

RESOLUTION NO. 9957-N. S.

which was seconded by Councilman R. Adams, approving the lease as set forth above, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis, and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

FINAL ADOPTION ORDINANCE NO. 1041-N. S. SUBDIVISION ORDINANCE

Ordinance No. 1041-N. S. entitled: "AN ORDINANCE PROVIDING REGULATIONS FOR THE SUBDIVISION OF LAND IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, FOR THE PREPARATION AND PRESENTATION OF SUBDIVISION MAP THEREOF, PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS THEREOF, AND REPEALING ORDINANCE NO. 720 N. S. OF THE CITY OF MODESTO AS AMENDED", having been heretofore introduced and ordered printed and published at the regular meeting of August 27, 1952, Councilman R. Adams moved, seconded by Councilman Mellis, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill
Noes: Councilmen: None
Absent: Councilmen: M. Adams and Mayor Marks

10 FINAL ADOPTION ORDINANCE NO. 1042-N. S. CHANGING MEETING TIME OF COUNCIL

Ordinance No. 1042-N. S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 959-N. S. AS AMENDED, ENTITLED, "AN ORDINANCE FIXING THE TIME AND PLACE OF HOLDING REGULAR MEETINGS OF THE COUNCIL OF THE CITY OF MODESTO PRESCRIBING THE MANNER IN WHICH SPECIAL MEETINGS MAY BE CALLED AND REPEALING ORDINANCE NO. 2-N. S. AND ORDINANCE NO. 604-N. S. BY AMENDING SECTION 1 THEREOF AND REPEALING ORDINANCE NO. 1020 N. S." having been heretofore introduced and ordered printed and published at the regular meeting of August 27, 1952, Councilman Mellis moved, seconded by Councilman R. Adams, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill
Noes: Councilmen: None
Absent: Councilman: M. Adams and Mayor Marks

11 ORDINANCE AMEND ORD. NO. 772-N. S. AMUSEMENT TAX (EXEMPTING SECONDARY AND ELEMENTARY SCHOOLS ON ATHLETIC EVENTS)

The City Attorney presented for consideration an ordinance amending Ord. No. 772-N. S. which provided for exemption of secondary and elementary schools from paying City amusement taxes on athletic events. He read an opinion from the office of the Commissioner of Internal Revenue which read as follows:

"It has been held the exemption provided by section 1701 (d) of the Code applies only in respect of amounts paid for admission which give the admittee the privilege of using the facilities for physical exercise operated by the State, Municipality, etc., if the proceeds from such admission inure exclusively to the State, Municipality, etc. Any admission charges to facilities of this kind which afford admittees the privileges of a spectator only, are subject to the tax on admissions."

It was the decision of the Council that the ruling of the federal government would have no bearing on the adoption of an ordinance by the City exempting the schools on athletic events.

Councilman Annan stated that he had prepared a written statement giving his reasons for opposing the adoption of this ordinance, which he read. He requested that a copy of this statement be filed with the minutes as a part of the official record to constitute the explanation of his vote on this matter.

Councilman Mellis stated that the City would not suffer by assisting the students in exempting athletic events only and believed that athletic events would "keep the children out of mischief and build better bodies and health" and introduced an ordinance being

ORDINANCE NO. 1043-N. S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 772-N. S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE LICENSING THE CARRYING ON OF CERTAIN BUSINESS TRADES, CALLINGS, AND OCCUPATIONS IN THE CITY OF MODESTO, CALIFORNIA, FOR THE PURPOSE OF RAISING MUNICIPAL REVENUES AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF' BY ADDING A NEW SECTION ENTITLED 22A THERETO" and moved its adoption and passage to print, which motion being duly seconded by Councilman Arata, it was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, and Mayor Pro Tempore Merrill
Noes: Councilmen: Annan
Absent: Councilman: M. Adams and Mayor Marks

12 ORDINANCE RELATING TO OFFICIAL BONDS AND DETERMINING THE CHARACTER AND AMOUNT OF SAID BONDS

The City Manager stated that a committee had been working on a program for the bonding of City employees and asked the Director of Finance to present its recommendations for the consideration of the Council. The recommendations were:

1. All officers and employees of the Police Department be covered under a faithful performance blanket position bond in the penal sum of \$10,000 per officer or employee.
2. All other officers and employees of the City except the City Clerk and Auditor, and Director of Finance be covered under an honesty blanket position bond in the penal sum of \$10,000 per officer or employee.
3. The Director of Finance be covered by a corporate surety bond in the penal sum of \$50,000.
4. The City Clerk and City Auditor be covered by a corporate surety bond in the penal sum of \$25,000.

The Director of Finance pointed out the savings to the City if the bonds were written for a three year term instead of a one year term. The City Attorney stated that it would be legally possible to have these bonds written on a three year term if the Council approved.

Councilman R. Adams stated that a reduction in the premium would be allowed due to the fact an independent audit of the City accounts is made by a certified public accountant.

The Director of Finance stated that the insurance company now bonding City employees was anxious that the City make a decision as soon as possible since the new charter and the ordinance are in conflict and there is a question whether the City is covered under the existing bonds.

Councilman Mellis recommended that the program for bonding the City employees as submitted by the committee be approved and that the bonds be written for a term of three years and introduced an emergency ordinance, being

ORDINANCE NO. 1044-N. S.

entitled: "AN ORDINANCE RELATING TO OFFICIAL BONDS AND DETERMINING THE CHARACTER AND AMOUNT OF SAID BONDS" and moved its adoption and passage to print, which motion being duly seconded by Councilman R. Adams, it was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

13 HEARING ON REQUEST OF HAYDEN L. LOGAN ET UX FOR DANCE PERMIT

The City Attorney requested that the hearing set for this date on the request of Hayden L. and Rebecca M. Logan for a dance permit at the Europa Hotel and Bar, 602 Ninth Street, be postponed for one week since the attorney representing Mr. Logan was out of town and had asked for the delay.

Councilman R. Adams moved, seconded by Councilman Annan that the hearing be postponed until 4:05 P. M., September 17.

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

14 SIGNING IN ALLEY IN BLOCK 71

The City Manager reported that the Inter-department Traffic Committee had recommended that the alley in Block 71, between F and G Streets and 10th and 11th Streets be signed "No Parking, loading this side only" on the northeast side and "No Parking at any time" on the southwest side and that traffic be one-wayed in a northerly direction so as to fit in

with the one-way alley system now being developed in the downtown area. The City Manager recommended that the signing regarding parking and loading be installed but that the designation as a one-way alley be deferred for further study. Councilman Annan introduced

RESOLUTION NO. 9958-N. S.

which was seconded by Councilman Arata authorizing the signing of the alley recommended by the Manager and directing the Director of Public Works to install the necessary signs, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

15 REQUEST FOR REMOVAL OF TREE AT EIGHTH AND I STREETS

The City Manager reported that E. G. Williams, operating the R. B. MacBride Garage had requested the removal of a Maple tree located on the north corner of 8th and I Streets on the basis that the leaves fall over the used truck lot and the tree drips on the vehicles. This request was referred to the City Manager for investigation.

16 REMIND COUNCIL OF MEETING OF LEAGUE OF CALIFORNIA CITIES

The City Manager reminded the Council of the meeting of the Central Valley Division of League of California Cities at Tracy, September 18, 1952, at 6:30 P. M.

17 NOTIFICATION NOTICES OF ALCOHOLIC BEVERAGE LICENSE APPLICATION

The City Manager stated that notices were mailed to the Council by the State Board of Equalization for alcoholic beverage licenses so that they could file objections to the issuance of a license if they desire. He inquired if the Council wished to consider these notices. It was the decision of the Council that these notices not be presented to the Council unless they required special attention by the Council.

18 INSTALLATION OF TRAFFIC SIGNALS AT McHENRY & MORRIS AVENUES

In answer to a question by Councilman Mellis, the Director of Public Works stated that the plans had been completed by the state and that the matter of who was to make the installation was still pending. The City Manager said he would check the status of the project and report further at a later meeting.

19 TERMINATE COMMITTEE ON STUDY OF POLLUTION OF WELLS

The City Manager stated that the Director of Public Works considered the matter closed on the contamination of wells since Well #9 had been returned to use. If further questions arise to be considered by the committee, it could be reactivated. Councilman Annan moved, seconded by Councilman Arata that the committee be terminated.

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Councilman: M. Adams and Mayor Marks

20 REPORT BY CITY MANAGER ON LEAGUE OF CALIFORNIA CITIES COMMITTEE ON FIRE GRADING OF CITIES

The City Manager reported on the final meeting of the League of California Cities committee on fire grading of cities which he and Fire Chief Jack Wemyss had attended in Berkeley on September 10. He stated he had been asked to attend a meeting with the National Board of Fire Underwriters in New York during the month of October, 1952.

21
REPORT OF COUNCILMAN ANNAN ON VISIT TO SEWAGE DISPOSAL PLANT

Councilman Annan stated that he had taken a friend to inspect the sewage disposal plant and that he wished to commend Bill Junk, Acting Sewage Disposal Plant Superintendent, for the efficient and courteous manner in which he explained the operation of the plant and for the appearance of the plant.

22
REPORT BY DIRECTOR OF FINANCE ON CLASS TO BE HELD IN ACCOUNTING

The Director of Finance reported that he would be conducting a class in municipal and governmental accounting for the Adult Education classes at the Modesto Junior College, beginning September 23.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILFUS, CITY CLERK

Council Meeting
September 17, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P. M.
Present: Councilman: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Absent: Councilmen: None

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

APPROVAL OF MINUTES

Councilman Merrill moved, seconded by Councilman Mellis, that the minutes of the regular meeting of September 3, 1952, be approved.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

1
HEARING ON REQUEST FOR DANCE PERMIT--HAYDEN L. AND REBECCA M. LOGAN

The hearing on the request of Hayden and Rebecca M. Logan for a permit to operate a public dance hall in the Europa Hotel at 602 Ninth street was considered.

The City Manager reviewed the provisions of Ordinance No. 1011-N. S. which requires that the application for a dance permit be referred to the Chief of Police for investigation and if he finds that the premises meet the specified requirements and the applicant is of good moral character, a permit ^{may} be issued. If a permit is denied an applicant, he may appeal in writing to the Council for a hearing and the Council may grant or may refuse a permit, "if in its discretion it finds that the applicant or the premises in which it is proposed to hold said dance, do not comply with the ordinance."

The City Manager stated that a request had been filed previously by Hayden L. Logan only and he reviewed the recommendations made by the Building Inspector, Fire Chief, and Health Officer. He also read the report filed by the Chief of Police which stated that Mr. Logan had been arrested and charged with violation of No. 311, section 2 of the Penal Code, operating a lewd show, and that he had plead guilty and had been fined. The report also stated that the Police Department had been requested to dispatch officers ^{to rooms} of the Europa Hotel a great number of times. It was the recommendation of the Chief of Police that "after making careful investigation of the premises of this hotel and viewing the numerous reports and arrests, that the premises for which a dance permit is sought does not comply or conform with the requirements of Ordinance No. 1011-N. S."

Attorney Arthur R. Friedman, representing Mr. and Mrs. Logan, stated that his clients were willing to comply with the recommendation to improve the building to meet the ordinance requirements. He stated that his clients were good moral citizens and that Mr. Logan had plead guilty to the lewd show charge on the advise of his attorney to "save trouble" and that the Logans had called the Police Department to the hotel themselves. If you deny a dance permit to the Logans, he stated, you are actually depriving them of their fundamental rights since you consider them guilty before they are even started. You are prejudging the applicants, he stated. He informed the Council that the Logans had had a state liquor license for a number of years and that the state was strict in issuing these licenses.

A general discussion was held by the Council on the specific charge of operation of a lewd show by the applicants.

Councilman Annan brought up the question of handling the traffic since the location was on Highway 99 and Mrs. Logan pointed out that this would ^{not} present a problem since the cars could be parked on F Street.

Councilman Mellis questioned whether the Logans would be willing to close the door leading from the dance hall to the upstairs rooms permanently. Mrs. Logan replied that this was not feasible but that the door would be barred during the dances.

Rev. Allan R. Goozee, representing the Modesto Ministerial Association, stated that the association had protested to the granting of the original application to Mr. Logan "on the grounds that the applicant was not of good moral character and that nothing had been brought out today to change his mind." He stated that the Council "did not need to grant a permit to everyone who applied." The people who will patronize this dance are weak and should be protected, he stated, and once a permit is granted it is difficult to revoke it.

Attorney Grimes stated that Ordinance No. 1011-N. S. Does not limit the number of permits. "Anyone who meets the requirements must be issued a permit", he stated. In this instance, he stated a permit could be granted to both or to one and not the other applicant.

Councilman Annan stated this application should be granted since "we have no proof that the applicants are not going to abide by the city requirements." They are planning on spending considerable money to remodel their building and will not want to gamble on losing their investment, he stated.

The City Manager stated that it should be clearly understood that anyone obtaining such a permit would be required to meet the conditions on which the permit was granted and to comply with all pertinent ordinances.

Councilman Annan introduced

RESOLUTION NO. 9959-N. S.

seconded by Councilman R. Adams, approving the issuance of a dance hall permit to the said applicants at 602 Ninth Street, subject to compliance with the recommendations of the Fire chief, Health Officer, and Building Inspector, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks
Noes: Councilmen: Merrill
Absent: Councilmen: None

2 POSTPONE HEARING ON USE OF GRINDER BY THE PACIFIC GRAPE PRODUCTS COMPANY

At the request of Attorney Nathan B. McVay, representing the Pacific Grape Products Co., the hearing on a ruling by the City of Modesto requiring the cannery to remove a grinder used in connection with the discharge of industrial waste, was postponed until 7:35 P.M., September 24, 1952.

3 PROTEST TO REVOKING OF TAXICAB DRIVER'S LICENSE--ALFRED PONTE

Attorney John C. Higgins, Jr., appeared and inquired as to the correct procedure to follow in filing a protest to the revoking of a taxicab driver's license by the Police Department. He stated his client, Alfred Ponte, 1011 4th St., who had been driving a taxicab recently had for a number of years, had/his license revoked.

The City Attorney advised him to write a letter setting forth the circumstances and file it with the Council for their consideration.

4 DISCUSS IMPROVEMENT OF FRANKLIN STREET FROM ELM STREET TO KANSAS AVENUE

C. B. Bradford Jr. and F. M. Christiansen appeared in regard to improving Franklin Street. The City Manager asked the Director of Public Works to explain the proposed improvements. The Director of Public Works stated that this improvement had been pending for a number of years and called for paving of approximately 1000 feet of Franklin Street from Elm Street to Kansas Avenue. He stated that the property owners were to install curbs and gutters on the east side and to pay for the paving of an 8 foot strip on each side. Since the city limits is in the center of Franklin Street, the county and city were to jointly pay for the paving of a 12foot strip on each side, making a total of 40 feet.

At the time the original estimate of cost was made for the improvements, he stated, the total cost was \$5,186 00 and a revised estimate made recently showed the total cost to be \$5,810 00, which has been apportioned as follows: \$2,324 00 to be paid by the property owners, \$1,743 00 to be paid by the County, and \$1,743 00 to be paid by the City. If it is the decision of the Council to proceed with the improvements, he stated, it would be necessary to start as soon as possible due to the weather. He recommended that the Council require a 100% participation by the property owners.

The City Manager pointed out that apparently some informal commitment had been arranged before the present Council was in office, even though technically it was doubtful that such a commitment would be binding. However, both the county and city were involved and the county is willing to proceed.

Councilman Merrill recommended that this commitment be cleared and the city proceed with the improving of this street.

Councilman Mellis moved, seconded by Councilman Merrill that the city proceed with the proposed program for the improvement of Franklin Street from Elm Street to Kansas Avenue

Ayes: Councilmen: M. Adams, R. Adams, Arata, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

5 APPROVE AGREEMENT WITH SCHOOLS FOR AFTER-SCHOOL RECREATION

The City Attorney presented for consideration an agreement with the Modesto City Board of Education for the operating of a recreation program on the playgrounds of the schools by the City of Modesto on an after-school basis. He stated that the agreement was essentially the same as the agreement last year, the only change being that the board agreed to pay \$4500 instead of \$2200. The term of the agreement is from September 15, 1952, to June 15, 1953, inc. Councilman Arata introduced

RESOLUTION NO. 9960-N. S.

which was seconded by Councilman M. Adams, Approving the agreement as set forth, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

6 REQUEST MOVE HOUSE AT 1201 11th STREET--MR. AND MRS. HENRY WILLIAMS

Mr. and Mrs. Henry Williams, 1205 6th Street, appeared and requested permission to move a two story house from 1201 11th Street to 909 Fourth Street.

The City Manager read a report from the Director of Public Works which stated that the house was 36' x 50', with a loading height of 27'. One tree would have to be removed on 11th St., one on Fourth Street and trees on M Street, 11th Street, and 8th Street would require severe trimming.

The Director of Public Works stated that the eaves could be cut down, which would correspondingly reduce the damage to the trees.

Harold D. Stevenson of the Jamison House Movers stated that stop signs and railroad signs at 8th Street could be moved which would lessen the damage to the trees on 8th and M Streets.

Mrs. Williams agreed to cut the eaves if permit would be granted to move the house.

Councilman Merrill moved, seconded by Councilman Arata that permit be granted to Mr. and Mrs. Henry Williams to move the house from 1201 11th Street to 909 Fourth Street providing that the present house is first removed from 909 Fourth Street, that the eaves on the dwelling at 1201 11th Street are cut to not more than 6", that the stop signs and railroad signs be moved, and that all expenses incurred for the moving and replacing of the signs and the removing and trimming of trees be assumed by the mover.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

7 REPORT ON REQUEST CONDUCT RELIGIOUS SERVICES IN LEGION PARK

The City Manager stated that a report had been prepared on the request of J. L. Charles and Eddie Satterwhite, representing the Church of God, Salida, to conduct services in Legion Park. It was the decision of the Council to consider this report at a later meeting since the applicants were not present.

8 OFFER PURCHASE CITY PROPERTY--ANDREW BILLE

An offer from Andrew Bille, Route 5, Box 717, Modesto, to purchase lots 21 to 24 inc., Block 36, owned by the City of Modesto, was referred to a committee appointed by the Mayor of Councilman R. Adams (Chairman), Mellis, and Arata.

9 COMMITTEE APPOINTED TO INVESTIGATE DUMP GROUNDS

The Mayor appointed a committee to investigate the problem of the dumping grounds and contract with the Modesto Garbage Company of Councilmen M. Adams, (Chairman), Merrill and Annan.

10 COMMEND COUNCILMAN MERRILL ON JOB DONE WHILE MAYOR ABSENT

Councilman Annan commended Councilman Lyndall O. Merrill for the splendid job he had done as Mayor Pro Tempore during the absence of Mayor Marks

11 GRANT PERMIT OPERATE USED CAR LOT--SEARS AND SANDERS

Upon the recommendation of the City Manager, Councilman M. Adams moved, seconded by Councilman Annan, that permit be granted to W. Hurst Sears and A. W. Sanders to operate a used car lot at 1111 Tenth Street.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

It was the recommendation of the Council that the City Manager check into the matter of amending the ordinance regulating used car lots so that permits could be granted without being considered by the Council.

12 COMMUNICATION PLACER COUNTY CHAMBER OF COMMERCE, INC.

A communication from the Placer County Chamber of Commerce, inc. regarding the construction of a 4 lane Trans-Sierra military highway was read. Councilman Merrill Adams stated that he would like to check this matter to secure more information on the subject.

13 REQUEST FOR HEARING ON VICIOUS DOG--MRS. MINNIE AMER

A request for a hearing to determine whether the license of a dog be revoked was filed by Mrs. Minnie Amer, 508 14th Street, She stated that this dog, which she believed was owned by Ora Kinchen, residing at 119 Groveland St., was vicious and had bitten and attacked her and that the dog was allowed to run at large. Councilman Merrill moved, seconded by Councilman Annan that the date of 7:45 P. M., September 24th, in the Council Chamber be set as the time and place for the hearing.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

14 COMMUNICATION FROM OAKLAND CITY COUNCIL--OPPOSING PROPOSED 4% SALES TAX

A communication from the Oakland City Council opposing legislation proposed by the County Supervisors Association to provide for a 4% state wide sales tax, was read and ordered filed.

15 AWARD BID ON IMPROVEMENT OF VIRGINIA AVENUE AND 8th STREET

The City Manager reported that bids for the improvement of Virginia Avenue, between Griswold and Morris Avenues, and Eighth Street, between Kansas Avenue and Washington Street, had been opened at 2:00 P. M., Sept. 15, 1952, and that two bids had been received. After consideration of the tabulation of bids presented by the Director of Public Works, Councilman Merrill introduced

RESOLUTION NO. 9961-N. S.

which was seconded by Councilman Arata, accepting the bid of Standard Materials inc. for \$22,999 40, as the lowest responsible bidder, which resolution was regularly adopted By the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

16 APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS ON HANGARS AT THE MUNICIPAL AIRPORT

Upon the recommendation of the City Manager, Councilman M. Adams introduced

RESOLUTION NO. 9962-N. S.

which was seconded by Councilman Annan, approving the plans and specifications and authorizing the City Clerk to call for bids for furnishing all labor, equipment and materials necessary for the construction of hangar units at the Municipal Airport. All bids are to be received by the City Clerk not later than 2:00 P. M. October 7, 1952, and to be opened in the Council Chamber at that time. Any award made or contract entered into shall be by action of the Council at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

17 AUTHORIZED CALLING FOR BIDS ON SANITARY LATERAL SEWER ON LEONARD AVENUE

The City Manager outlined three alternate estimates for construction of a sanitary sewer lateral on Leonard Avenue from Tully Street to Kearney Avenue. He stated that alternate #3 had been recommended by the Director of Public Works which called for an approximate expenditure of \$6,980 00. Although this alternate is higher, he stated, it would be cheaper over a period of years. Councilman Mellis introduced

RESOLUTION NO. 9963-N. S.

which was seconded by Councilman Merrill, approving the plans and specifications for alternate #3 and authorizing the City Clerk to call for bids. All bids are to be received by the City Clerk not later than 3:00 P. M. September 30, 1952, and to be opened in the Council Chamber at that time. Any award made or contract entered into shall be by action of the Council at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

18 CALL FOR BIDS ON TRUCKS AND PASSENGER VEHICLES

The City Manager stated that a new system would be used in calling for bids for trucks and passenger vehicles. The bidder will be asked to quote the cash price of the new car, cash offer for used unit, and trade-in allowance for used unit to apply only if new unit is purchased from them. He stated that the State had been using this system successfully, Councilman Annan introduced

RESOLUTION NO. 9964-N. S.

which was seconded by Councilman Arata, authorizing the City Clerk to call for bids for various types of trucks and passenger vehicles. All bids are to be received by the City Clerk not later than 10:00 A. M. October 7, 1952, and to be opened in the Council Chamber at that time. Any award made or contract entered into shall be by action of the Council at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

19 CENTRALIZED PURCHASING SYSTEM ESTABLISHED

The City Manager reported that a centralized purchasing system is being established with Direction of Finance, Fred W. Lawrence, responsible for all purchasing.

20 HOUSE MOVING ORDINANCE TO BE CONSIDERED LATER

The City Manager stated that an ordinance had been drafted by the City Attorney regulating the moving of buildings in the city. It was the decision of the Council to consider this ordinance at a later meeting.

21
REQUEST FOR RELEASE OF SUBDIVISION PERFORMANCE BOND--HERBERT M. BROCKETT

The City Manager reported that the Director of Public Works had determined that the work required under the Subdivision Performance Bond furnished by Herbert M. Brockett for the improvement of the W½ of the N½ of Lot 7, Rice Colony, in Section 21, had been completed and accepted. Councilman Arata introduced

RESOLUTION NO. 9965-N. S.

which was seconded by Councilman Annan, authorizing the release of the Bond as of this date, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

22
REPORT ON REQUEST OF R. B. MacBRIDE GARAGE FOR REMOVAL OF TREE

The City Manager reported that investigation had been made on the request of E. G. Williams of the R. B. MacBride Garage, for the removal of a Maple tree located on the north corner of Eighth and I Streets. He stated that this tree was healthy and was one of a row of trees which were planted to buffer the railroad tracks from Eighth Street as a means of beautifying the area. Councilman Merrill moved, seconded by Councilman M. Adams, that request for removal of this tree be denied.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: none

Absent: Councilmen: None

23
PARKING ON TENTH STREET, BETWEEN B AND C STREETS

At the suggestion of the City Manager the parking regulations on Tenth Street, between B and C Streets, was held over for consideration at a later meeting.

24
CHANGE IN DATE FOR DOG LICENSES

The City Manager reported that the collection date for dog licenses for the city was November 1 of each year and suggested that the collection date be changed to January 1 to conform with the county.

The City Attorney stated that it would not be necessary to amend the ordinance due to the fact that no specific date was given for the collection licenses.

The Director of Finance stated that the city would renew the licenses for the year 1953, beginning November 1, 1952, and that this license would be effective to January 1, 1954.

25
REVIEW OF PROPOSED BY-LAWS OF THE CENTRAL VALLEY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES

The City Attorney reviewed the proposed by-laws of the Central Valley Division of the League of California Cities, which are to be considered at the meeting of the Division, at Tracy, on September 18.

He discussed Section 3 of Article III-"Membership and Government" and what constitutes an "Officer". After a general discussion by the Council, it was agreed that this point would not be raised at the meeting as the definition of an officer is generally understood.

The City Attorney questioned the wording in Section 1 of Article V "Officer", which creates the office of First Vice-President. Since there is no second Vice-President, he stated, it would seem more appropriate that the word "First" be deleted from the Vice-President's title.

He also suggested that a more democratic procedure would result if Section 4 of Article V--"Officers" provided that the Executive Committee, rather than the President, appoint the nominating committee.

The Council concurred on these two points and further recommended that the by-laws be clarified as to the membership of the Executive Committee. It was agreed that the Executive Committee should be composed of the officers of the Division and one representative of each member city not already represented by an officer, thereby eliminating the possibility of more than one representative from a city serving on the committee.

26 REQUEST DENIED OF M. KAHN FOR DRIVEWAY AT 1108 13TH STREET

The Director of Public Works reported that a permit had been issued to M. Kahn for a driveway for residential purposes at 1108 13th Street, lots 20-21, Block 108. He stated that this property is in the commercial district and that the residence is being used for business purposes. After a general discussion by the Council, Councilman Annan moved, seconded by Councilman Merrill, that the request be denied and the permit issued by the office of the Director of Public Works be revoked.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: councilmen: None

27 REPORT ON INSTALLATION OF TRAFFIC SIGNAL AT MORRIS AND MCHENRY AVENUES

The City Manager reported that the plans and specifications for the installation of traffic signals at Morris and McHenry Avenues are being completed by the State and that they would be ready in about two or three weeks.

28 DISCUSS CROSS WALKS ON MCHENRY AVENUE FOR SCHOOL CHILDREN

The City Manager reported that the problem of pedestrian cross walks on McHenry Avenue had been taken up with the California Highway Patrol. He stated that the city was doing everything possible to help protect the children on their way to school. Captain Donald Halterman is contacting the Division of Highways, he stated, asking that a new check be made on McHenry Avenue for cross walks and that McHenry Avenue center strip, cross walk at Orangeburg Avenue and slow signs on the street be repainted at once. Also the Division's attention is being called to the fact that the pedestrian signs on the north and south side of Orangeburg Avenue have never been erected. These corrections are to be made.

Councilman Mellis stated that many of the Downey High School children cross McHenry Avenue at Fairmont Avenue and he thought a cross walk should be established at this location.

29 DISCUSS PROPOSED INSTALLATION OF PLATOON SYSTEM OF PARKING ON TENTH STREET

The City Manager stated that the resurfacing of Tenth Street will be started soon and it will be necessary to repaint the parking spaces after the resurfacing is completed. If platoon system of parking is to be considered for Tenth Street, he stated, a decision should be made at this time. It would be necessary to move some of the parking meters and the Director of Public Works has estimated the cost to be between \$600 to \$700, he stated.

The Director of Public Works stated that the street will be torn up for approximately 10 days and that the resurfacing will start the later part of this month.

It was the decision of the Council that platoon system of parking would not be established on Tenth Street at this time.

30

LETTER OF COMMENDATION FOR SUMMER PROGRAM AT WESTSIDE PARK FROM MRS. H. O. MILLWEE

A letter from Mrs. H. O. Millwee, 625 3rd Street, commending the Recreation Department of the city on the manner in which the summer program was conducted at Westside Park, was read and ordered filed.

31

LETTER FROM ATTORNEY FRANK C. DAMRELL RE: FEE PAID BY MODESTO TRANSIT COMPANY

A letter from Attorney Frank C. Damrell, representing the Modesto Transit Company, regarding fees paid by the Modesto Transit Company on the operation of its bus line in the city, was read and referred to the City Manager and City Attorney for investigation and report at a later meeting.

32

STREET IMPROVEMENT WORK STARTED IN COLLEGE CENTER TRACT

The Director of Public Works stated that street improvement work had started in the College Center Tract, as provided in the agreement between the City and John Quaresma and Roy Carlson. He invited the Council to go out and inspect the work.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILFUS, CITY CLERK

Council Meeting
September 24, 1952

The Council of the City of Modesto met in regular session this date at 7:00 P. M. as provided by Ordinance No. 1020-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Absent: Councilmen: None

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

APPROVAL OF MINUTES

The members of the Council, having received copies of the minutes of the meeting of September 10, 1952, and the same being available for public inspection, and there being no objections, the same were approved.

1

HARRY SHAM INTRODUCE GUEST TO COUNCIL

Harry Sham, Airport Manager, introduced his guest, John Geblin, Supervisor of the Fresno office of the Civil Aeronautics Authority.

2

DISCUSS LEASE OF PORTION OF AIRPORT FOR FARMING PURPOSES

The Airport Manager stated that there was approximately 6 acres of land at the west end of the airport runway, available for leasing for farming purposes if the proper lessee could be found. This matter was referred to the City Manager and Airport Manager.

3

LETTER FROM DISABLED AMERICAN VETERANS

City Manager Miller presented a letter from the Disabled American Veterans requesting an audience with the Council and stated that their problem had been cleared and would not require the attention of the Council.

4

REQUEST "NO PARKING" REGULATIONS ON NORTH SIDE OF COLDWELL AVENUE

A request, signed by residents in the 1400 block on Coldwell Avenue, that the parking of cars on the north side be restricted day and night, was read. The request set forth that it was impossible for the postman to deliver mail due to the cars being parked in front of the mail boxes day and night. Their yards were littered with empty beer bottles and empty lunch bags.

Chief of Police Pickering reported that he had made an investigation and recommended that parking be allowed on the south side of the street only, since the parking facilities were good on that side and since it is hazardous to people travelling in this block with cars parked on the north side since the road is off center. Councilman Arata introduced

RESOLUTION NO. 9966-N. S.

which was seconded by Councilman M. Adams prohibiting parking on the north side and directing the Director of Public Works to erect the necessary "No Parking at any time" signs on the north side, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

5 CALL FOR BIDS ON REMODELING CITY HALL

The City Manager reported that funds had been budgeted for the remodeling of the City Hall building "to get the maximum use of this building, without doing any more than we have to" and that plans and specifications had been completed. Councilman Annan introduced

RESOLUTION NO. 9967-N. S.

which was seconded by Councilman M. Adams, approving the plans and specifications and authorizing the City Clerk to call for bids for remodeling the City Hall. All bids are to be received by the City Clerk not later than 2:00 P. M. October 10, 1952, and to be opened in the Council Chamber at that time. Any award made or contract entered into shall be by action of the Council at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

6 APPROVE AGREEMENT WITH STATE ON SIGNALS AT MORRIS AND MCHENRY AVENUES

The City Manager reported that the State Department of Public Works, Division of Highways, had submitted an agreement providing the financing of signals at Morris and McHenry Avenues for approval. The estimated cost is \$12,000 00 and the city will share the cost on a 50/50 basis and the work will be done by the city by contract or force account. He stated that this includes the traffic actuated signals and modern lighting. Councilman Mellis introduced

RESOLUTION NO. 9968-N. S.

which was seconded by Councilman M. Adams, approving the agreement as presented, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

7 APPROVE FIRST SUPPLEMENTAL MEMORANDUM OF AGREEMENT FOR EXPENDITURE OF GAS TAX ALLOCATION FOR MAJOR CITY STREETS

The City Manager reported that the First Supplemental Memorandum of Agreement for expenditure of gas tax allocation for major city streets had been presented by the State Department of Public Works, Division of Highways, for approval. This agreement covers extra funds that are required because of the extra cost of improving Virginia Avenue and 8th Street. Councilman R. Adams introduced

RESOLUTION NO. 9969-N. S.

seconded by Councilman Arata, approving agreement as presented, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

8 FINAL ADOPTION ORDINANCE NO. 1043-N. S. EXEMPT ATHLETIC EVENTS FROM CITY AMUSEMENT TAX IN THE SECONDARY AND ELEMENTARY SCHOOLS

Ordinance No. 1043-N. S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 772-N. S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE LICENSING THE CARRYING ON OF CERTAIN BUSINESS, TRADES, CALLINGS AND OCCUPATIONS IN THE CITY OF MODESTO, CALIFORNIA, FOR THE PURPOSE OF RAISING MUNICIPAL REVENUES, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF' BY ADDING A NEW SECTION ENTITLED 22A THERETO", having been heretofore introduced and ordered printed and published at the regular meeting of September 10, 1952, Councilman Merrill moved, seconded by Councilman Mellis that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill
Noes: Councilmen: Annan, and Mayor Marks
Absent: Councilmen: None

9 ORDINANCE REPEALING SUBSECTION A OF SECTION 15 OF ORDINANCE NO. 10-N. S. PERMIT SLAUGHTERING OF ANIMALS IN THE CITY OF MOESTO

The City Attorney reported that subsection A of Section 15 of Ordinance No. 10-N. S. prohibited the slaughtering of animals in the city for use or disposition of food or merchandise. Since the Crows Landing Industrial area has been annexed to the city, he stated, the Council should consider the repealing of this subsection. Councilman Arata introduced an ordinance being

ORDINANCE NO. 1045-N. S.

entitled: "AN ORDINANCE REPEALING SUBSECTION (A) OF SECTION 15 OF ORDINANCE NO. 10-N. S. OF THE CITY OF MODESTO" and moved its adoption and passage to print, which motion being duly seconded by Councilman Merrill, it was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

10 SALE OF USELESS PERSONAL PROPERTY OF THE CITY

Director of Finance Lawrence reported that a public auction would be held by the City of useless personal property of the City, on September 27, 1952, at 10:00 A. M. in the Corporation Yard at 1:30 P. M. in the basement of the Fire Station at 610 11th Street.

11 REPORT ON OFFER ON CITY PROPERTY IN BLOCK 36--ANDREW BILLE

Councilman Mellis, member of the committee appointed by the Mayor to investigate the offer of Andrew Bille to purchase city property in Block 36, lots 21 to 24 inc. reported that Mr. Bille's offer of \$700 00 per lot was satisfactory but he recommended that the city advertise for bids to give everyone a change to bid on this property. Councilman Mellis introduced

RESOLUTION 9970-N. S.

which was seconded by Councilman M. Adams authorizing the City Clerk to advertise for/bids sealed for the sale of this property and that said bids be opened at the Council meeting of October 8, 1952, at 7:30 P. M., which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

The City Attorney recommended that the City Clerk notify Mr. Bille of the action taken by the Council so that he could submit a new bid.

12 DISCUSS PARKING REGULATIONS ON TENTH STREET BETWEEN B AND C STREETS

G. G. Gaugher, Manager, and V. H. Ellis, Assistant Manager of Sears Roebuck Company, appeared and discussed the problem of establishing parking regulations and loading zones at its warehouse on Tenth Street, between B and C Streets.

The Chief of Police presented a diagram of the existing parking and loading zone regulations. Various methods of improving these regulations were discussed.

Councilman Mellis recommended that the City Manager, Police Chief, and Director of Public Works work with the applicants on the suggestions and present their conclusions to the Council for its consideration. Matters of this nature, he stated, should be handled administratively instead of by the Council since they can go to the premises and solve the problem better than the Council.

The City Manager stated that the proposed amending of the traffic ordinance would permit the administrative handling of these requests but until the present ordinance is changed they would have to be considered by the Council.

Mr. Ellis expressed appreciation to the Council for the installing of signs in the alley in back of its store in Block 66 and stated that it had solved the "ticket" situation.

13 HEARING ON PACIFIC GRAPE PRODUCTS COMPANY APPEAL

Mayor Marks declared the hearing open on the appeal of the Pacific Grape Products Company from the ruling of the Director of Public Works requiring removal of a garbage grinder used in connection with the discharge of industrial waste from its cannery.

Director of Public Works Ray outlined the history of the ruling and gave reports on inspections made by city personnel as follows:

July 14, 1952 3:00 P. M.	Inspected rotary screen with disintegrator on influent and plunger pump on effluent, recommend removal of disintegrator.
July 24, 1952 10:30 A. M.	Running apricots, screen in good order.
August 8, 1952	Screen in good order. Still using disintegrator before screen. Recommend removal of same.
August 15, 1952	Director of Public Works, Ray, Acting Chief Sewage Plant Operator Bill Junk, and Associate Engineer Phil. Johnson visited cannery and watched operation. Saw large solids passed into the grinder then into the rotary screen, approximately 10% solids passing from the rotary screen to the sump pump. Talked with Mr. Taylor, Superintendent of cannery and told him it would be necessary to remove the grinder which was in use since it was increasing the load on the sewer plant. At that time, Mr. Taylor was asked if had received approval from the City to install the grinder and was informed that he had not.

The City Manager read the letter, dated August 15th, 1952, which had been sent to the Pacific Grape Products Company by the Director of Public Works ordering the discontinuance of the use of the grinder since it increased the solids in the waste effluent from the cannery, a copy of which is on file in the office of the City Clerk.

The Director of Public Works stated that on August 16, 1952, at 2:30 A. M. Mr. Junk was called out by the sewage plant operator on duty to investigate an excessive amount of cannery wastes and it was found out that the rotary screen

at the Pacific Grape Products Company plant had broken down and that waste was running directly into the sewer. At 5:30 A. M. the rotary screen was still down and the disintegrator was still in operation. Asked foreman to discontinue use of same. He said they would do so at once. At 10:30 A. M. disintegrator was still ~~down and the disintegrator was still~~ in operation. Contacted Mr. Taylor and he stopped the use of it at once; 6:30 P. M. rotary screen was back in operation.

August 21, 1952
1:20 P. M.

Pump that pumps screenings to hopper is not handling the screenings and all the wastes are flowing into the sewer. Pump is in operation but not suitable for job.

September 5

Appeal filed by Pacific Grape Products Company

Stanley F. Triplett, owner of the Pacific Grape Products Company and Attorney C. O. Thrasher appeared before the Council.

Attorney Thrasher stated the question before the Council is the use of the garbage grinder.

The Director of Public Works read a portion of subsection C of Section 3 of Ordinance No. 803-N. S., which provides that the City Engineer "may prescribe conditions with respect to discharge of wastes into the system."

The Council questioned what provisions there was for making an appeal and the City Attorney read section 5 of Ordinance No. 803-N. S. which provides that "any person who shall be dissatisfied with the action of the City Engineer may within 30 days appeal to the City Council by giving written notice to the City Engineer and the City Clerk."

The Director of Public Works quoted the last paragraph from subsection C of Section 3 of Ordinance No. 803-N. S. which provides that "in the event after the granting of a permit, it shall develop by reason of increased flow, change of character of discharge that it becomes necessary or desirable to change the conditions prescribed at the time of issuing permit, then the City Engineer may revoke said permit or may impose further conditions toward the end of remedying such conditions."

Attorney Thrasher pointed out that the conditions as outlined in sections A. B. and C. of section 3 had been complied with, stating that the grinder had not been in operation sufficient time to determine if it was causing an additional load on the plant.

The Director of Public Works stated that if every processing plant used such a process, the sewage plant could not operate as the load would be too great.

The City Manager stated that this was not primarily a "legal question." The simple fact, he stated, is that this is a question of survival. The city is fighting to keep the plants operating. If everybody puts on a grinder, he stated, every food processor would be shut down and 10,000 people would probably be out of work tomorrow morning. The state tells us what we can put in the river. In order to keep the plants operating we have to have the cooperation of all the plants. We have just been getting by and the only way we can continue operating is to keep everything possible out of that sewerline.

The Mayor stated that the state may step in and shut the sewer plant down. The most important thing is to keep the people working in the plants.

Mr. Triplett stated "we have no quarrel with that. The only quarrel we have is that we set up this grinder as a part of the system. It was a part of a program. We do not know if it will work or not. It was only ⁱⁿ operation 4 days. The entire program was not completed. We are not asking the city for any special privileges but we would like a chance to work out this system. I do not think the engineer can say that our system was adding additional solids to the sewer system. The refuse we were hauling away was approximately 90% water. Our aim was to eliminate water which would be a saving to us. The only thing we want is to be able to make a thorough test of this system and then determine whether it is adequate. We were told arbitrarily to remove the grinder without any chance to prove the thing right or wrong."

The Director of Public Works stated that the cost of this installation could have been saved if it had been discussed with the office of Public Works, prior to installation.

The City Manager stated that the Director of Public Works is finding lots of problems at the sewer plant and at this time cannot go into a study of any particular process. "I would like to suggest, the City Manager continued, that the Pacific Grape Products Company submit a summary of the complete process which is being considered, with a sketch layout; the results anticipated; and the reason why they think it would not be harmful. We are not in a position to take much of a chance on it since we do not have much margin to work on."

Mayor Marks stated that the City cannot afford to experiment and recommended that the cannery submit the information recommended by the City Manager so that it can be studied by the Council and the city officials.

Councilman M. Adams inquired if Mr. Triplett would consider the building of a pilot plant to try out this system.

In answer to a question Mr. Triplett stated that it would work no hardship on his operation at this time if the grinder was not used.

Councilman M. Adams introduced

RESOLUTION NO. 9971-N. S.

which was seconded by Councilman Annan, denying the appeal of the Pacific Grape Products Company from the ruling of the Director of Public Works, requiring the removal of a garbage grinder used in connection with the discharge of industrial waste from its cannery and asking the company to submit, to the Director of Public Works, a summary of the system proposed for use in connection with the grinder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
noes: Councilmen: None
Absent: Councilmen: None

The City Manager assured Mr. Triplett that the City would assist in any way possible to help him ⁱⁿ the waste disposal problem of the cannery.

Councilman M. Adams commended the operators of the Sewage Disposal Plant for the good housekeeping at the plant.

14 HEARING ON VICIOUS DOG OWNED BY IRA KINCHEON--PROTEST FILED BY MRS. MINNIE AMER

The Mayor declared the hearing open on the protest filed by Mrs. Minnie Amer on the vicious dog owned by Ira Kincheon, 119 Groveland Street.

The City Attorney stated that section 6 of Ordinance No. 512-N. S. provided that a citizen had the right to protest "that a dog is a nuisance" and that the Council after the hearing shall determine from the report of the Poundman and/or other evidence that the dog is a nuisance and may revoke the license issued by the Clerk. A report was filed by the Poundman which cited several instances when the Police Dog "Bozo" owned by Mr. Kincheon, had bitten persons and he recommended that this dog be disposed of as he was a vicious dog and constituted a hazard to the safety of the public.

Mrs. Amer stated that she would like to see the dog "put away".

Mr. Kincheon stated that the dog was a "sensible dog" and he did not understand why he had bitten these people because many people walked by his house daily and the dog never bothered them.

The City Manager informed Mr. Kincheon that he could dispose of the dog to someone outside the City but if the license was revoked the dog would have to be kept outside the City limits.

Health Officer Landquist stated that the dog had been picked up on September 12th and could be released to Mr. Kincheon on September 24th., after the quarantine period had expired, if he would pay the boarding fees. Councilman Merrill introduced

RESOLUTION NO. 9972-N. S.

which was seconded by Councilman Arata, revoking license No. 840-N. S. of the Police dog, named "Bozo" owned by Ira Kincheon, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

TIME TABLE ON SEWAGE DISPOSAL IMPROVEMENT PROGRAM PRESENTED BY THE CITY MANAGER

The City Manager presented a report to the Council entitled: "Time Table on Sewage Disposal Improvement Program", copies of which are on file in the office of the City Clerk.

In this report the City Manager outlined the problem confronting the City in providing for disposal facilities for industrial waste to meet the standard set by the State governing the discharge of waste into the Tuolumne River.

He stated a decision must be made whether plans shall be made for a plant to serve the present City or the Greater Modesto area with a present population of 55,000 and a potential population of 80,000 to 100,000.

The report stated that a "Report on Sewage Disposal Program" had been presented to the Regional Water Pollution Control Board, stating that the city was determined to solve the problems of domestic and industrial waste disposal. Various studies are now under way on this problem.

In order that the proposed program be submitted to the voters of the city, the City Manager reported, at the regular city election on April 14, 1953, decisions must be made and action taken as follows:

- | | |
|------------------|--------------------------------------------------------------------------------|
| December, 1952 | Studies of alternative methods of disposal must be completed. |
| January, 1953 | City must decide specific program to propose to voters. |
| February 1, 1953 | The legal procedures for placing the proposal on the ballot must be initiated. |
| April 14, 1953 | Vote on proposals for financing improvements. |

"SEWAGE DISPOSAL AND UNIFICATION PROGRAM" REPORT FILED BY MAYOR MARKS

The Mayor presented a report to the Council entitled: "Sewage Disposal and Unification Program", copies of which are on file in the office of the City Clerk.

The report stated that the hour of decision on our sewage disposal program is here. The city has committed itself to the state to "provide adequate facilities for the disposal of domestic and industrial wastes of the City and to do our part to assure clean waters in our streams and in our underground water supplies."

The report stated that the City has recently committed itself to provide sewers for the new Tidewater Southern industrial area south of Modesto and that the City recognizes the urgency of correcting the odor situation at the disposal plant.

A program must be formulated and presented to the voters of the City to fulfill these commitments, the Mayor stated. "Our first obligation is to the people of the City. We cannot and will not ask these people to finance the facilities for the 35,000 people and the industries which are outside the City."

The Mayor stated that unification program provides an opportunity for these outlying areas to join with the City if they so desire so that the problem could be solved on an over-all basis. Unless a decision is reached on the question of unification prior to the time that we must determine the sewage disposal program to be presented next April, the only logical course left for the City is to make the improvements needed by the present City and which the present City can finance. We must know by February 1, 1953, what we are going to do about the sewer program, he stated, and he urged the proponents of the unification program to :

1. See that this program is brought to a vote by that time so that the people of the outside areas may decide it, or
2. Withdraw the proceedings so that the City may move forward with its plans for the present City and for those areas which wish to annex immediately.

A general discussion was held by the Council on the reports. The City Attorney stated that proponents of the unification program would have to start action immediately in order to hold an annexation program ~~would have to start a~~ election by February 10th.

Mayor Marks left the Council meeting at this time.

Councilman Merrill moved, seconded by Councilman Arata, that copies of these reports be sent to the Chairman of the Committee of 21 for his information.

Ayes: Councilmen: R. Adams, M. Adams, Annan, Arata, Mellis, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor Marks

17
DISCUSS REVOKING DANCE PERMIT ISSUED TO JACK WATSON OPERATING THE TACK ROOM AT 1000 H STREET

The City Manager reported that certain recommendations made by the Fire Chief to eliminate fire and safety hazard existing at the Tack Room, 1000 H Street, operated by Jack Watson, had not been corrected. He recommended that the dance permit issued to him by the City Clerk be revoked at once.

The City Attorney stated that the Ordinance required that a five days notice of intention to revoke a dance permit be given, and that once a dance permit has been revoked, it could not be regranted to the same individual. He suggested that Mr. Watson be notified of the intention of the Council to consider the revocation of his permit at the Council meeting of October 1, 1952, if the recommendations of the Fire Chief have not been complied with.

Councilman Annan questioned if his permit to operate could be suspended until he makes these corrections. The City Manager stated that he would be prohibited from operating by an administrative action if this were necessary to protect the public.

The Fire Chief reported that these recommendations had been called to the attention of Mr. Watson a number of times. Mr. Watson had informed him that some of the suggested improvements should be done by the owner of the building. All recommendations, he stated, could be made within a week's time.

Councilman Annan moved, seconded by Councilman Arata that Mr. Jack Watson be notified that it is the intention of the Council to consider revocation of his permit to operate a public dance in the Tack room at 1000 H Street at its meeting of October 1, 1952.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Pro Tempore Merrill

Noes: Councilmen: None

Absent: Mayor marks

Councilman Mellis stated that a permit should not be granted to an applicant by the Council until the recommendations are complied with.

Councilman Annan stated that the Council could grant a permit with certain conditions attached but a license to operate a dance hall should not be issued by the City Clerk until all recommendations have been cleared.

The City Manager stated that the City sets reasonable standards for the issuance of these permits and they should be met. It is the City's function, he stated, to protect the people who go to these places.

18 REQUEST FOR LIMITED PARKING BY E. L. SCHUSTER FRONT OF AMERICAN FISH MARKET--913 K STREET

A letter from E. L. Schuster, operating the American Fish Market at 913 K Street, requesting that limited parking be installed in front of his market, was read and referred to the City Manager for investigation and report at a later meeting.

19 LETTER FROM MAYOR MARKS AND CYRIL MCC HENDERSON

A card mailed from Scotland on September 14, 1952, by Mayor Marks was read. A card from Cyril McChenderson, to Councilman Merrill, thanking the City officials for the "going away" luncheon and present and describing his trip up the Redwood Highway was read.

20 REPORT BY DIRECTOR OF PUBLIC WORKS ON IMPROVEMENT TO TENTH STREET

The Director of Public Works reported that manhole covers were being raised on Tenth Street between G and L Streets, preparatory to resurfacing of the street.

21 WORK TO START SOON ON COMPLETION OF MADDUX YOUTH CENTER BUILDING

The City Manager reported that the plans were nearing completion for the finishing of the Maddux Youth Center in the Westside Park.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILLET, CITY CLERK

Council Meeting

October 1, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1020-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Absent: Councilmen: Mellis

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

APPROVAL OF MINUTES

Councilman M. Adams recommended that the minutes of the Council meeting of September 17th be corrected to show Councilman Lyndall O. Merrill as chairman of the committee to investigate the problem of the dumping grounds and contract with the Modesto Garbage Company, instead of Councilman Merrill Adams, Councilman Merrill moved, seconded by Councilman Annan, that the minutes of September 17th be approved as corrected, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams and Mellis

Councilman R. Adams arrived at this time.

REQUEST REMOVE TREE AT 808 SIXTH STREET, WALTER NICOLAU

A request was filed by Walter Nicolau for removal of a Black Walnut tree located in the parking strip in front of his property at 808 6th Street, since this tree is in line with a proposed driveway for a car port.

Mr. Nicolau stated that this tree was a hazard to pedestrians due to falling leaves and that the roots of the tree had raised the sidewalk. He requested that the tree be removed by the City at its own expense.

The Mayor stated that it has been the policy of the Council to grant permit to property owners to remove trees, either in the business or residential area only if they would assume the expense for the removal.

Councilman Arata moved, seconded by Councilman M. Adams that permit be granted to Mr. Nicolau to remove this tree at his own expense under the supervision of the Director of Public Works.

Ayes: Councilmen: M. Adams, R. Adma, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

2
GRANT PERMIT TO MODESTO YOUTH FOR CHRIST TO USE MANCINI BOWL ON OCTOBER 9TH

Rev. Buford Karraker, representing Modesto Youth for Christ, appeared and requested permission to use Mancini Bowl for a musical type of program on October 9, 1952, from 8:00 P. M. to 9:15 P. M. This program would feature the motion picture actor, Red Harper and would be the western type of music with homely philosophies.

Mayor Marks pointed out that the funds to build the Mancini Bowl were given to the City with certain limitations. He read Resolution No. 8831-N. S. which set forth the policy of the City on the use of the Bowl, which prohibits meetings for "political or religious purposes." Mayor Marks stated that this policy would permit the bowl being used for group activities of juvenile organizations and questioned whether this proposed meeting would come under this provision.

Rev. Karraker stated that between two and three hundred of those attending the meeting would be high school students, and he believed that it could come under this provision. He advised the Council that the High School had granted them permission to hold a meeting in its auditorium recently. A letter had been furnished to the school authority by the Ministerial Association and he would be willing to furnish this type of letter to the City, he stated. No charge will be made for this meeting, but a free will offering will be taken.

Councilman Annan objected to the use of a public address system due to the fact that so many complaints are filed by the residents adjoining the park, whenever a loud speaker is used.

Councilman M. Adams recommended that if it was necessary to use a loud speaker, that it be kept under control.

Councilman Anna moved, seconded by Councilman Merrill that permit be granted to the Modesto Youth for Christ to use the Mancini Bowl on October 9th, providing a letter is filed from the Ministerial Association and the loud speaker is turned down if it is necessary to use it and that the meeting be discontinued at 9:00 P. M. The City Manager pointed out that it would also be necessary to get a permit from the Recreation Department.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

3 REQUEST PROCEEDING BE INITIATED TO VACATE ALLEY IN BLOCK 90--ATTORNEY FRANCIS W. HALLEY

Attorney Francis W. Halley appeared representing the purchaser of Block 90 of the City of Modesto and requested the Council institute proceedings to vacate and abandon possible alley rights which may exist in this block, located between 12th and 13th Street and L and M Streets.

He stated that there is a question as to what, if any alley rights, exist in this block since a school building has been on the premises since approximately 1900 and utilities have bypassed this particular block.

The purchaser of this block, he stated, intends to use the complete block to erect a mercantile establishment, which will increase the tax rolls and adjacent property values. Access will be available for the fire fighting equipment and loading and unloading of merchandise and equipment will be consummated on the premises. Off-street parking facilities for approximately 50 cars will be provided for employees and customers.

Mayor Marks asked Mr. Halley if a sketch would be presented to the City so that it could be determined if the access to the building would be adequate for fire fighting equipment. Mr. Halley stated that he was certain this could be done prior to the date set for the hearing on the abandonment of the alley.

Councilman Merrill moved, seconded by Councilman Arata that the City Attorney be directed to prepare the necessary legislation to abandon this alley for the consideration of the Council at a later meeting.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

4 HEARING ON REQUEST OF HERSHEL I. LAWRENCE TO OPERATE AN ADDITIONAL TAXICAB IN THE CITY OF MOD

The hearing was declared open on the request of Hershel I. Lawrence doing business as Smitty's Cab Company, for a certificate to operate an additional taxicab, which he proposed to purchase from John L. French, operating the Veteran's Taxicab Company.

The City Manager read the report of Chief of Police Pickering which stated that this would not increase the number of cabs in the City and that Mr. Lawrence had been notified that it would be necessary for John L. French to notify the City Clerk of his desire to sell his remaining cab to Mr. Lawrence.

Attorney Grimes stated that there was a problem involved unless Mr. French was willing to relinquish his certificate. He suggested that if the Council granted a certificate to Mr. Lawrence to operate an additional cab it be done on condition that the certificate issued to the Veterans Cab Company be cancelled.

Director of Finance Lawrence stated that Mr. French had informed him that he was willing to write a letter requesting the cancellation of his certificate but to date, it has not been forthcoming.

Councilman Merrill introduced

RESOLUTION NO. 9973-N. S.

which was seconded by Councilman M. Adams approving the issuance of a certificate to Hershel I. Lawrence, dba Smitty's Taxicab to operate an additional taxicab, providing John L. French will furnish a written statement to the City Clerk to the effect that he agrees to the cancellation of his certificate of public convenience and necessity to operate a taxicab in the City of Modesto, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

5
REPORT ON STATUS OF COMPLIANCE WITH DANCE PERMIT REQUIREMENTS BY JACK WATSON OPERATING THE TACK ROOM AT 1000 H STREET

The City Manager reported on the status of compliance with dance permit requirements by Jack Watson, operating the Tack Room at 1000 H Street. A report had been filed by Fire Chief Wemyss, he stated, that all the recommendations had been complied with, with the exception of the electric wiring and that this would be completed by October 2. The Fire Chief had reported that both Charles Viss, City Electrical Inspector and Tom Hermida, City Building Inspector, had inspected the premises and were satisfied with the conditions now existing.

The City Manager stated it was not the intention of the City to "put the place out of business" but that it must be operated in accordance with the conditions of the permit so that it would be safe.

Councilman Annan moved, seconded by Councilman Arata, that the permit issued to Jack Watson to operate the Tack Room at 1000 H Street, not be cancelled, since he had complied with the recommendations of the Fire Chief.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

6
CONSIDERATION OF HOUSE MOVING ORDINANCE

The City Manager reported that an ordinance regulating the moving of houses in the City of Modesto had been under consideration for sometime and that the City Attorney had prepared an ordinance, copies of which had been sent to the Council members for study.

Wendell Thompson, house mover, appeared to discuss the proposed ordinance with the Council. He stated that the provisions covering the posting of bonds was not clear since the ordinance provided that the bond posted by the house mover covers the moving of the house on the street, the placing of the house on the foundation and the bringing of the house up to ordinance requirements. The house mover's responsibility should end as soon as he has moved the house off the street, he stated and not continue until it is brought up to the City code requirements.

He suggested that the new ordinance provide for the posting of a bond by the house mover which would be on file with the City Clerk continuously which would cover the moving of all building on the City street. He also thought the fee charged for moving houses was too high.

The City Manager stated the City was interested in three things, 1) responsibility for moving houses over the City streets; 2) placing the house on the foundation properly; 3) bringing the house up to the City codes; and that this could be accomplished by; 1) requiring the property owner to post the necessary bond; 2) requiring the house mover to post the necessary bond; 3) by the posting of two bonds, one by the housemover and one by the property owner.

The City Attorney suggested that a graduated scale for house moving fees be substituted in place of the fixed fees.

The Mayor recommended that the City Manager, City Attorney and the house movers make a further study of this ordinance.

7 LETTER FROM CITY OF SANTA ROSA--RE: STATE WIDE SALES TAX

A letter from the City of Santa Rosa requesting that the City of Modesto join a united effort to obtain the League of California Cities' active support of equalization and centralized collection of sales tax inside and outside the cities by contracting with the State for collection and auditing and distribution of 1% collected in the unincorporated area and 1/2% collected in the incorporated area to the county, with 3/4% collected in the incorporated area to the City, was read. The City Manager stated that he would have copies of the letter made and sent to each Councilman.

8 REQUEST CURB CUT AT 409 SCENIC DRIVE--E. I. DEXTER

A request was filed by E. I. Dexter for a curb cut at 409 Scenic Drive, Block 580, lots 20-21, to permit off-street parking. He requested that the City move a fire hydrant in the parking strip a distance of six feet since it would be on the line of the east edge of the driveway.

After a general discussion by the Council, it was the decision that a curb cut be granted but the fire hydrant should be moved by the City at the property owner's expense.

Councilman Anna moved, seconded by Councilman Arata, that a permit be granted for a 10' curb cut as requested provided that the applicant was willing to pay the cost incurred by the City in the moving of the fire hydrant.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

9 LETTER FROM H. S. FAGER PROTEST TO TRAFFIC TICKET

The City Manager read a letter which he had received from H. S. Fager, protesting to a traffic ticket he received on September 24th for overparking. The letter was ordered filed, since the City Manager had acknowledged receipt.

10 REPORT ON BIDS RECEIVED ON LEONARD AVENUE SEWER CONSTRUCTION

The City Manager reported that one bid had been received for the construction of an 8" sanitary sewer line on Leonard Avenue, from Tully Avenue to Kearney Avenue, which had been opened on September 30th at 3:00 P. M. This bid was received from the Stockton Construction Company and amounted to \$10,362 42. He suggested that decision on the awarding of the bid be held over until the next Council meeting.

11 AUTHORIZE PROGRESSIVE PAYMENT TO STOCKTON CONSTRUCTION COMPANY ON SEWER TRUNK LINE ON KEARNEY, ROSEBURG, AND COLDWELL AVENUES

The City Manager reported that estimate No. 2 had been filed by the Director of Public Works for work completed by the Stockton Construction Company on the construction of a sewer trunk line on Kearney, Roseburg, and Coldwell Avenues, and that an amount of \$17,130 00 was due the contractor. Councilman M. Adams introduced

RESOLUTION NO. 9974-N. S.

which was seconded by Councilman Arata, authorizing a progress payment of \$17,130 00 to the Stockton Construction Company, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

12 ORDINANCE ESTABLISHING OFFICE OF DIRECTOR OF FINANCE AND CREATING A DEPARTMENT OF FINANCE

The City Manager stated that at his request, an ordinance had been prepared by the City Attorney, establishing the office of Director of Finance and creating a Department of Finance along the lines recommended by the Public Administration Service report. The duties of the Treasurer are set by the state law and the charter and this ordinance will tie in with these, he stated. Councilman Merrill introduced an ordinance, being

ORDINANCE NO. 1046-N. S.

entitled "AN ORDINANCE ESTABLISHING THE OFFICE OF DIRECTOR OF FINANCE, DEFINING THE DUTIES THEREOF AND CREATING A DEPARTMENT OF FINANCE FOR THE CITY OF MODESTO" and moved its adoption to passage and print, which motion being duly seconded by Councilman Arata, it was upon roll call carried and the ordinance ordered published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

13 APPOINTMENT OF MRS. REBECCA C. HECKENDORF AS TRUSTEE OF THE MCHENRY PUBLIC LIBRARY

The City Manager reported that a vacancy existed on the Board of the McHenry Library Trustees, since the appointment of Mrs. Myrtle McHenry Langdon as an honorary member of the Board, since she did not live in the City and was unable to attend the meetings. He suggested since the terms of two members of the board expired on February 1, 1953, and two on February 1, 1955, that the appointment of the new member expire on February 1, 1956. Councilman Merrill introduced

RESOLUTION NO. 9975-N. S.

which was seconded by Councilman R. Adams appointing Mrs. Rebecca C. Heckendorf a member of the Board of the McHenry Public Library for a term to expire February 1, 1956, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

14 REPORT ON SALE OF SURPLUS PROPERTY OF THE CITY

The Director of Finance reported on the sale of surplus property of the City which was held on Sept. 27. The sale of the property no longer useable by the City, which was held at 10:00 A. M. at the Corporation yard brought approximately \$788 00 and that the actual proceeds would be determined later by weight of scrap products. The sale of stolen and abandoned property held at the fire station basement at 1:30 P. M. brought \$784 15.

The City Manager stated that the City was not only richer by this sale, but was "neater."

15 REPORT ON SALE OF CITY PROPERTY IN BLOCK 36, LOTS 21-24 INC. BY CITY ATTORNEY

The City Attorney reported that he had determined that the City did not have a clear title report on the City owned property in Block 36, lots 21-24 inc., which had been ordered advertised for sale by the Council at its last meeting. He also stated that since this property had been acquired by the City on tax deed, it would probably require a quiet title action since there are three different taxing agencies involved. Councilman Arata introduced

RESOLUTION NO. 9976-N. S.

which was seconded by Councilman Merrill, rescinding Resolution No. 9970-N. S. adopted by the Council on Sept. 24, authorizing the City Clerk to advertise for sealed bids on this property, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

The City Manager stated the Director of Finance would prepare a list of all such property owned by the City so that check could be made on the titles.

16 REPORT ON APPLICATION FOR INCREASE IN INTRASTATE MESSAGE RATES BY THE WESTERN UNION TELEGRAPH COMPANY

The City Manager reported that a notice had been received by the City Attorney of a hearing to be held by the Public Utilities Commission on October 16, 1952, at 10:00 A. M. in the Commission Courtroom in the State Building in San Francisco, on the application for the Western Union Telegraph Company for an increase in the intrastate message telegraph and other service rates within the State of California. It was the decision of the Council not to send a representative to this hearing.

17 REPORT ON BLOCKING OF STREETS BY THE SOUTHERN PACIFIC COMPANY

The City Manager reported that the situation created by the blocking of streets by the Southern Pacific Company trains had become intolerable. He stated that he had received numerous phone calls and reports on the blocking of streets by the trains for long periods of time. He cited an instance of the blocking of K and L Streets, which he had recently witnessed. He read a letter from Mrs. H. Edington, 923 Franklin Street, protesting to the blocking of the streets in which she cited a specific instance and she had recommended that the City fine the Southern Pacific Company and use the money to build an overpass or underpass.

The City Manager recommended that the Council consider the drafting of an ordinance by the City Attorney which would limit the time that trains could block the streets.

Councilman R. Adams stated that this was a very serious matter, due to the fact that the Southern Pacific Company continued to disregard the safety of the citizens of the city since the blocking of the streets prohibited fire trucks, ambulances and any other type of emergency vehicle from getting across the tracks. He recommended that the City Attorney prepare this ordinance and put "some teeth in it so that it could be enforced." He stated he had witnessed instances when the streets were blocked from Borden's on Kansas Avenue to D Street.

The City Attorney stated that he had already prepared an ordinance patterned after the League of California Cities recommendations, which provided that a train could not block the movement of traffic upon any street for a period of time longer than five minutes.

Councilman Annan recommended that this ordinance include a provision for the clearing of traffic at any intersection which had been blocked for a certain period of time before it is reblocked by another train. He cited instances where a train had blocked the traffic at 7th and B Streets for a long period of time and traffic had been backed up for blocks and before this traffic could proceed across the tracks after the train had cleared, the switch engine would proceed across the tracks, reblocking traffic for another long period of time.

After a general discussion by the Council, it was decided to adopt the ordinance as prepared by the City Attorney and Councilman R. Adams introduced an ordinance, being

ORDINANCE NO. 1047-N. S.

entitled: "AN ORDINANCE PROHIBITING THE BLOCKING OF STREETS BY THE OPERATION OF TRAINS, MAKING THE VIOLATION OF SAID ORDINANCE A MISDEMEANOR AND PROVIDING PENALTIES FOR SAID VIOLATION IN THE CITY OF MODESTO" and moved its adoption and passage to print and publish, which motion being duly seconded by Councilman Arata, it was upon roll call ordered published and printed by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

Mayor Marks directed the City Clerk to notify the Southern Pacific officials and any other interested parties that the second reading of this ordinance would be held in three weeks, so that they could appear at the Council meeting to be held on October 22, 1952.

The City Manager reported on the accident which had occurred recently in which three people had been killed when their car had run into a switch engine of the Southern Pacific Company, which had been parked on the 99 Highway near Tully Avenue, without any warning signals on the engine. He stated that the City Attorney had written to the Public Utilities Commission to determine if there was any warning regulations governing switch engines crossing highways at night and found that it was not regulated by the Public Utilities Commission. The City Manager stated that this problem would also be raised with the Southern Pacific officials.

Councilman R. Adams moved, seconded by Councilman M. Adams, that the City Clerk be directed to notify A. S. McCann, Superintendent of the Southern Pacific Company, that the Council will have the final reading on the ordinance regulating the blocking of the streets on October 22, and invite him to be present and at this time the matter of blocking and reblocking of B Street at Seventh Street and the proper warning regulations on trains crossing highways at night will be discussed.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Mellis

18 REPORT OF COMMITTEE ON DUMPING GROUNDS BY CITY MANAGER

The City Manager reported that the committee appointed by the Mayor to investigate the problem of the dumping grounds had met and was making progress and that a definite recommendation would be forthcoming shortly.

19 APPOINT COMMITTEE RECEIVE GROUP OF GERMAN CITIZENS

The City Manager reported that the City of Modesto had been honored by being asked to be host to a group of German citizens, who were being sent here by the State Department for orienting to American democracy and citizen participation in government. Robert H. Shelton, Assistant to the City Manager, stated that Professor Charles Aiken of the University of California, had phoned and inquired if the City would receive these groups for two or three days, the first group would be here beginning October 20th. Professor Aikin had stated that other cities had appointed a committee composed of representatives from political parties and various clubs and organizations. Councilman Merrill moved, seconded by Councilman Annan that the German citizens be urged to visit Modesto and the Mayor appointed a citizen's committee to handle the matter.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Mellis

20 VISITOR FROM PRESCOTT, ARIZONA

The City Manager introduced Mr. Cecil Overstreet, City Engineer, of Prescott, Arizona, who was on vacation and travelling through Modesto on a fishing trip.

21 REPORT ON FISH AT SEWER PLANT

The Director of Public Works reported that he had observed a school of fish near the outfall line to "pick up oxygen" before proceeding upstream. He stated that the oxygen content in this line was higher than that in the river.

REPORT BY E. BENVAU OF THE PENT-A-VATE DISTRIBUTION COMPANY

E. Benfau, distributing agent for Pent-A-Vate Distribution Company, appeared and reported on the type of bacteriological treatment being experimented with at the sewage plant. He stated he was very optimistic but it was too early to make any decisions as there was still a lot of more work to be done and they did not have all the answers yet.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

[Signature]
ATTEST: REX E. GAILFUS
CITY CLERK

Council Meeting

October 8, 1952

The Council of the City of Modesto met in regular session this date at 7:00 P. M. as provided by Ordinance No. 1042-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

APPROVAL OF MINUTES

The members of the Council, having received copies of the minutes of the meeting of September 24, 1952, and the same being available for public inspection, and there being no objections, the same were approved.

REQUEST FOR CONSENT TO COMMENCE PROCEEDINGS ON ANNEXATION

Dr. Leon C. Glover, Chairman of the Greater Modesto Committee, filed a request for consent to commence proceedings to annex inhabited territory to the City of Modesto.

Mayor Marks read the letter accompanying the request, a copy of which is on file in the City Clerk's office. The committee stated this request "was concrete evidence that the people of Greater Modesto want to proceed and are desirous of a public vote that shall determine the question of unification with the City." They requested reaffirmation of the "belief in of the City of Modesto, but also as the basis for solving the problems unification as the basis for solving not only the problems/facing Greater Modesto."

They requested that action be instituted at once and guaranteed that they would present petitions withdrawing the original proceedings at the next Council meeting.

City Attorney Grimes advised the Council that no action could be taken on this request until the request is withdrawn on the original proceedings, dated November 12, 1951. The law requires that once there is a set of proceedings on file, no other proceedings can be considered.

Mayor Marks stated that if the Committee wished the Council to reaffirm its faith in this unification program, that that was given at the Council meeting held on September 24th.

The City Attorney stated that the logical step is for the majority of the electors who signed the original proceedings to sign a request to withdraw these proceedings and pending this the new request for annexation could be referred to the County Boundary Commission to check the description.

Acting City Manager Shelton stated that the County Boundary Commission could take 20 days to check the description of the boundary of the territory to be annexed.

Dr. Glover stated that this Commission had agreed to meet within an hour's time and do this. He stated that a request to withdraw the original request would be filed at the next meeting of the Council.

T. H. Berry stated that he represented the committee opposed to annexation and that "We don't feel that we should be perpetually subjected to an annexation program, changing boundaries, etc. The proponents of the original petition have had almost a year to obtain 25% of the registered voters on a petition. We feel that this is holding up progress of our community outside the city limits. We feel that it has caused a division between the people of the fringe area and the people in the City of Modesto. We are at the mercy of the City Council. We want to go on record as requesting the City Council to not entertain another movement for annexation of the fringe area as a whole. We feel that it is keeping certain industries from coming into our area which means business for our people."

Mayor Marks stated, "I gather you are against an over-all annexation program?"

Mr. Berry continued with "I feel this way, that if there is a 2 or 10 or 20 block area where people get together and want to annex to the City, our committee has no objections to offer whatsoever. Our committee was set up to represent all the people in this original boundary. Those people by quite a margin did not want to be annexed to the City."

The Mayor informed Mr. Berry that 50% of the property owners could protest an election and asked if he felt that 51% of the people in this area were opposed to which Mr. Berry replied, "yes we have 51%."

Mrs. K. Black stated that "I do not believe the average guy has had a chance to express his opinion until he does at the ballot box. It seems to me that the proponents and opponents should let it be decided by the people in question and I feel that both sides should have an equal opportunity to be heard."

Councilman R. Adams stated, "I personally would not be in favor of approving another petition for annexation unless there was a substantial number of signatures on the petition and I would think the substantial number would be between 5 to 8 thousand. I feel that we would not be carrying out our duties as Councilmen to approve the new petition unless there was a large number of signatures on it. I would like this to be on public record so that the Council and the people of the community know how I feel."

Councilman Mellis stated that 65 proponents had tied up the City for a whole year and thought it was not fair to the City since there was nothing the City could do for the time being until the committee would release the proceedings.

Councilman Arata stated, "I feel the same as Councilman R. Adams."

Councilman Merrill stated, "I concur with Councilman R. Adams on that and do not want to go through this again unless proponents for a new election obtain a substantial number of signatures."

Acting City Manager Shelton stated that the Council was going to meet in special session Friday afternoon to consider bids on the remodeling of the City Hall and could consider a petition for withdrawal of the original request at that time.

Councilman Merrill stated, "before you get off this topic, I would like to have this go on record that the City Council has not had a star session meeting in regard to the unification program. I had a telephone call this morning that was a threat. The opposition tactics against the members of the Committee of 21 has been dastardly. Economic pressure is not going to force us or sway us one way or another. This is America and I want this to be thoroughly understood that threats that come from people individually and collectively are not worth a damn."

Ed Taylor, from the audience, stated, "Councilman Merrill is referring to me. I have known Lyndall for over 20 years and I have talked on this thing to him before. I feel that I know the people in our organization who oppose over-all annexation and they are not going to lay down now. They have been fighting for a year. Opposition to this type of program is still very strong. If you accept this type of petition, I feel that it would be just as fair for our group to work just as hard against it. There are populated areas, where every lot has a house on it and it is ridiculous that they are not in the city limits. If certain people in any given area would come around with petition for signatures to bring in that area, I would not object. If an over-all annexation program is approved in the area designated as in the last petition, I can guarantee there will be a fight on it."

Mayor Marks stated, "the city does not annex territory, territory annexes to the city, the action must come from them. The tactics used in this community last year, he continued, were terrible. Where are we going to get our leaders if that type of thing goes on, he stated? How are we going to get a community to put things over if they are afraid to speak, that is the tragic part of it. There are several ways the fringe area could be handled; 1) form a separate city. 2) formation of a separate district. 3) annexation to a neighboring city. 4) get a free ride from the city.

Later in the meeting Frank Shimon, representing the East Modesto Industrial District, stated that he was attending the meeting to see what the attitude of the Council would be on the over-all annexation program and he wanted it to go on the record that this organization had not done any "gut cutting." He stated that they would like to thank the Council for the fair manner in which it had discussed this annexation matter this evening.

By order of the Council the request for consent to circulate a petition for annexation was filed with the City Clerk.

REPORT ON COMMITTEE FOR RECEPTION FOR GERMAN CITIZENS

Mrs. K Black, chairman of the committee to welcome a group of German citizens who will be visiting Modesto shortly, stated that the following committee had been appointed.

Dr. James H. Corson to represent the schools
Trevor J. Griffith, the Junior Chamber of Commerce
Ken C. Ables, the County
Helen Pierce, the University Women organization
R. H. Shelton, the City
John Martin, the Chamber of Commerce

She stated that the first group would be here on October 20, through the 24th and that citizens in the city would be asked to accept these people as guests in their homes. Another group would arrive here about the middle of November and another the first of December. Plans were being made for these people to visit our industries, wineries, turkey processing plants and agricultural areas. Service clubs would be asked to have these people as guests at luncheons. She stated that the committee would meet to complete its plans October 9th.

REQUEST TO IMPROVE RAMONA AVENUE DISCUSSED

E. H. Seablom, property owner residing on Ramona Avenue, requested information from the Council as to the status of the improvement of Ramona Avenue and the City Attorney advised him that the deed had not been secured from Glen Eagon. Mayor Marks recommended that Mr. Seablom contact Ken C. Ables, Supervisor of his district on this problem.

REQUEST FOR REVISION OF SEWER PLANS--H. J. AND RUTH N. TEGEN

A request was filed by Ruth N. and H. J. Tegen for a revision of the sewer plans in the Maze Court Addition so that their property could be served more adequately. The present plans, they stated, called for the ending of the sewer line to be 20 feet from the property line in the alley, which would entail the running of the disposal line 150 feet. They requested that they give a more equitable connection on Sherman Street.

Director of Public Works Ray reported that some of the property owners in both the Northwest Addition and the Maze Court Addition had met with some members of the Council on October 7. He stated that the reason this was being brought before the Council at this time was due to the fact that the contractors were in this area constructing the sewer line and it would be completed before another meeting of the Council.

Councilman Annan stated the question is a matter of policy for the Council to decide if the City will give everyone that same kind of service by running sewers to the property line. In order to avoid these hearings everytime we have a subdivision annexation, he stated, it will be necessary to establish a policy.

The City Attorney stated that he had contacted the bond attorneys on this problem and had been advised that it would be necessary to adopt a resolution of intention to amend the original resolution to do the work in order to legally make the changes and redesign the sewer line, and a hearing held and after the hearing, the Council could adopt a resolution changing the plans. However, he stated, the Council could adopt a resolution establishing a policy if it desired, at this time.

Councilman R. Adams stated that the request of Neil R. Cecil and other property owners in the Northwest Addition, for a change in the sewer lines, could also be included.

After a general discussion by the Council, Councilman Mellis moved, seconded by Councilman Arata that the attorney be directed to prepare a resolution of intention to amend the original resolution of intention and setting a date for a public hearing to include and delete changes in sewer construction under the improvement district in accordance with the recommendations of the Director of Public Works.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

5 ACCEPT BIDS ON TRUCKS AND PASSENGER VEHICLES

The Acting City Manager reported that bids had been opened on eleven items, including passenger cars for the Police and Fire Departments and trucks for the Public Works Department on October 7th at 10:00 A. M. Tabulation of bids received was distributed to the Councilmen: It was the recommendation of the Director of Public Works that the bid of the Helm Chevrolet Company on items one through eleven of the Proposal to Bidders be accepted; that the trade-in allowance for used cars and trucks listed under items 1, 2, 3, 4, 7, 8, and 9 quoted by the Helm Chevrolet Company, be accepted; that the offer of Sam Davidson of Fresno for purchase of used 1947 Studebaker listed under item 6 be accepted in the amount of \$585 00 and that the offer of Ceres Pipe and Metal Supply for purchase of 1930 Chevrolet 1½ ton flatbed truck of \$51 79, be accepted. He stated that the total net cost of the new equipment will be \$13,750 21 and that the total amount budgeted is \$15,729 00. Councilman Merrill introduced

RESOLUTION NO. 9978-N. S.

which was seconded by Councilman M. Adams that the bids be accepted as recommended by the Director of Public Works, since these were the lowest responsible bids, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

6 LETTER FROM ROOSEVELT P. T. A. RE: DRAINAGE TO ROOSEVELT SCHOOL

A letter from the Roosevelt P. T. A. expressing appreciation for the cooperation of the Council in "kheping the water out of the streets in the vicinity of Roosevelt Junior High School last year, and requesting continued assistance in coping with the problem" was read and referred to the City Manager.

7 LETTER FROM DEPARTMENT OF PUBLIC HEALTH OF THE STATE OF CALIFORNIA RE: UNDERGROUND WATER QUALITY IN THE MODESTO AREA

A letter from the State of California Department of Public Health regarding the ghderground water quality in the Modesto Area was read and ordered filed.

The Director of Public Works reported that chlorination of Well #9 had been discontinued last week.

8 LETTER FROM STANISLAUS COUNTY FIRE WARDEN REQUEST SEWER SERVICE FOR NEW FIRE STATION TO BE LOCATED ON CORNER OF CALIFORNIA & FRANKLIN AVENUES

A letter from O. S. Ball, Fire Warden of Stanislaus County, requesting sewer service for the new fire station to be built on the corner of California and Franklin Avenues, was read. The Acting City Manager stated that since this was new business, a report would be made later to the Council.

9 LETTER FROM STANISLAUS COUNTY DEMOCRATIC CENTRAL COMMITTEE REQUEST LOADING ZONE 811 1/2 11th ST.

A letter from the Stanislaus County Democratic Central Committee requesting the establishing of a 10 minute loading zone in front of its headquarters was read. Councilman Merrill moved, seconded by Councilman R. Adams that the request be denied as being contrary to established policy.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

10 REPORT ON BIDS RECEIVED FOR THE CONSTRUCTION OF HANGARS AT THE AIRPORT

The Acting City Manager reported that bids for furnishing all labor, equipment, and materials necessary for the construction of hangar units at the Municipal Airport had been opened on October 7 at 2:00 P. M. It was the recommendation of the Director of Public Works that these bids be held over for further study and report. Councilman Merrill moved, seconded by Councilman Arata that the bids be held over as requested by the Director of Public Works.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

11 REPORT ON BID RECEIVED ON CONSTRUCTION OF LEONARD AVENUE SEWER EXTENSION FROM THE STOCKTON CONSTRUCTION COMPANY

A report was filed by the Director of Public Works on the bid submitted by the Stockton Construction Company for construction of the Leonard Avenue sewer extension. He recommended that the bid be rejected and the City Clerk be authorized to re-advertise for bids to be opened at 10:00 A. M. Monday, October 27 and that the Public Works Department be authorized to revise the specifications for this project to the extent of permitting water jetting for consolidation of the backfill. Councilman R. Adams introduced

RESOLUTION NO. 9979-N. S.

which was seconded by Councilman Mellis that the City Clerk re-advertise for bids as recommended by the Director of Public Works; that the bid submitted by the Stockton Construction Company be rejected; and that the Public Works Department be authorized to revise the specifications, which resolution was regularly adopted by the following vote:

Ayes: Councilman: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

12 EASEMENT FROM SOUTHERN PACIFIC UNDER BRIDGE ACROSS TUOLUMNE RIVER

The Director of Public Works reported that an easement agreement between the City of Modesto and the Southern Pacific Company for a roadway under the railroad bridge across Tuolumne River had expired on October 1, 1952. He stated that the City would have no further use for this roadway since the completion of the sewer plant and since chlorination would hardly take place again at the plant. The Southern Pacific Company has requested that the City signify its intention to relinquish this roadway.

The Director of Public Works recommended that the railroad company be requested to leave the road in existence and to grant the City the privilege of using the road when necessary, without going to San Francisco to obtain permission.

Councilman Annan questioned if this road would be used by the Police Department in patrolling under the bridge.

Acting was deferred until a further study could be made by the Department of Public Works.

13 RESOLUTION OF INTENTION TO VACATE AND ABANDON ALLEY IN BLOCK 90

Whereas a request has been filed that proceedings be instituted to vacate and abandon any alley which may exist in Block 90 in order to permit construction of a modern mercantile establishment, Councilman Annan introduced

RESOLUTION NO. 821-S. P.
RESOLUTION OF INTENTION NO. 240

which was seconded by Councilman M. Adams declaring that it is the intention to vacate and abandon any alley which may be of record or exist in fact in Block 90 and setting the date of Wednesday, the 5th day of November, 1952, at 4:00 P. M. in the Council Chambers of the City Hall as the time and place for hearing all persons interested in or objecting to the proposed vacation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

14 FINAL ADOPTION OF ORDINANCE NO. 1045-N. S. REPEAL SUBSECTION (a) OF SECTION 15 OF ORDINANCE NO. 10-N. S. (Slaughtering in city)

Ordinance No. 1045-N. S. entitled "AN ORDINANCE REPEALING SUBSECTION (a) OF SECTION 15 OF ORDINANCE NO. 10-N. S. OF THE CITY OF MODESTO (SLAUGHTERING IN CITY)", having been heretofore introduced and ordered printed and published at the regular meeting of September 24, 1952, Councilman R. Adams moved, seconded by Councilman Arata that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

15 RESOLUTION OPPOSING PROPOSITION NO. 10 ON THE NOVEMBER 4TH GENERAL ELECTION BALLOT

Whereas Proposition No. 10 on the Nov. 4th General Election Ballot would prohibit the proper and economical use of public funds for obvious public purposes by the joint action of all of the cities and other public agencies of California, and

Whereas Proposition No. 10 does not prohibit the separate expenditure of public funds to urge legislation of interest to the city but merely prevents the

city from joining with sister municipalities in urging the adoption of state and federal legislation of interest to all cities or opposing the enactment of measures which would be immediately harmful to city residents, and

WHEREAS this proposition, which in no way relates to pension s is advanced by pension promoter George McLain to punish those who opposed and defeated a former McLain pension program,

WHEREAS this proposition does not prohibit private interests from influencing legislation on a collective basis but only prohibits collective representation of public interest and agencies, and

WHEREAS proposition No. 10 permanently destroys or severely damages a countless number of quasi-public agencies whose only purpose is the advancement of good government and the public interest and would cause the wasteful and extravagant expenditure of public funds to do individually what now may be economically achieved jointly by cities and other public agencies, Councilman Mellis introduced

RESOLUTION NO. 9980-N. S.

which was seconded by Councilman Merrill, opposing the adoption of Proposition No. 10 because it would cause untold harm to the cities of California and their citizens and urges the electors of the City of Modesto to vote "No" on this proposition, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

The City Attorney stated that he had spoken on this proposition at the Kiwanis Club and the Bar Association on Monday and had received favorable response.

16 RESOLUTION ENDORSING A UNIFORM STATEWIDE FOUR PER CENT SALES TAX

Whereas a proposal has been made to establish a four per cent state sales tax with three per cent to go to the state, three-quarters of one per cent of the amount collected within the cities to go to the cities, one quarter of one per cent collected in the cities to go to the counties and one per cent collected within the unincorporated area to go the counties to replace the existing state and city sales tax laws, and

WHEREAS the present method of sales taxation results in duplicity of taxation, non-uniformity in administration between taxing agencies and creates an unfair competitive advantage in favor of businesses located outside of cities, Councilman Mellis introduced

RESOLUTION NO. 9981-N. S.

which was seconded by Councilman R. Adams endorsing the foregoing proposal for reasons set forth in resolution on file in the City Clerk's office, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

17 RESOLUTION DETERMINING THAT ALL TAXICAB SHALL BE REQUIRED TO HAVE TAXIMETERS

Whereas Section 3A of Ordinance No. 753-N. S. regulating the use and operation of taxicabs in the city provides that the Council shall by resolution determine when new taximeters can be obtained and requires all taxicabs to be equipped with taximeters 45 days from the date of such resolution, and whereas taximeters can now be obtained upon short notice, Councilman Merrill introduced

RESOLUTION NO. 9982-N. S.

seconded by Councilman Arata delegating authority to the Chief of Police to determine the type, style, and design of the taximeters to be used by taxicabs in the city and that 45 days after the date of this resolution all taxicabs operating in the city shall be equipped with taximeters of the type, style and design approved by the Chief of Police, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

18 REFUND OF PORTION OF CASH BOND FILED BY ROY R. CARLSON AND JOHN QUARESMA

A report filed by the Director of Public Works approving the refund of \$2,200 00 to Roy R. Carlson and John Quaresma, being a portion of the cash bond filed to insure the construction of improvements in a portion of the College Center Subdivision was considered by the Council. Councilman Annan introduced

RESOLUTION NO. 9983-N. S.

which was seconded by Councilman M. Adams, approving the refund of \$2,200 00 to Roy R. Carlson and John Quaresma as recommended by the Director of Public Works which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

19 REPORT ON REQUEST FOR LIMITED TIME METER AT 913 K STREET - AMERICAN FISH MARKET

The Inter-departmental Traffic Committee filed a report on the request of E. L. Schuster, operating the American Fish Market at 913 K Street for the establishment of limited parking at this location. The report stated that 12 minute meters could not effectively solve the parking situation for any business, besides the enforcing of such time meters is difficult. At the present time all 24 minute parking zones are either at corners or adjacent to alleys. The only 12 minute zones are in the vicinity of the Post Office. It was the recommendation of the committee that this request be denied. Councilman R. Adams, moved, seconded by Councilman Mellis that the recommendation of the Committee be adopted and the request be denied.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

20 FINAL REPORT ON SALE OF SURPLUS PROPERTY OF THE CITY OF MODESTO

Director of Finance Lawrence reported that the final result of the sales held on September 27 of surplus property of the City resulted in the receipt of \$2,272,64 on both sales. He stated that this greatly exceeded the preliminary estimate due to the final weighing of scrap metal sold to the Modesto Junk Company.

21 REPORT OF COMMITTEE ON DUMP GROUNDS

Councilman Merrill reported that the committee appointed by the Mayor to investigate the lease on the dump grounds had met with the operators of the Modesto Garbage Company and that he was happy to report that a two week's extension of the option on property to be used for a new dumping grounds had been obtained from the property owner. A further report would be forthcoming at the Next Council meeting.

22

REPORT BY DIRECTOR OF PUBLIC WORKS ON TENTH STREET IMPROVEMENT AND ORDERING OF STREET NAME SIGNS

The Director of Public Works reported that the resurfacing of Tenth Street from G to L Streets had been completed at a total cost of \$6,327 18. He also reported that 33 more double street name signs and 13 single signs had been ordered and would be installed shortly. He invited the Councilmen to inspect a new leaf loader being demonstrated in Stockton. Councilman M. Adams signified his interest in attending this demonstration.

23

MAYOR CONGRATULATE DEPARTMENT OF PUBLIC WORKS ON RESURFACING OF TENTH STREET

Mayor Marks congratulated the Department of Public Works on the rapid and efficient method in resurfacing of Tenth Street.

24

JEWELRY AUCTION ORDINANCE CHALLENGED

The City Attorney reported that H. H. MacDannald was suing the City enjoining the city from enforcing the provisions of Ordinances No. 913-N. S. and No. 997-N. S. regulating auction and action sales of jewelry.

ADJOURNED COUNCIL MEETING

Councilman M. Adams moved, seconded by Councilman Arata that this meeting of the Council adjourn until 3:00 P. M. Friday, October 10th to consider the bids for the remodeling of the City Hall which would be opened at 2:00 P. M. on that date and to consider the unification proceedings.

- Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
- Noes: Councilmen: None
- Absent: Councilmen: None

ATTEST:  REX E. GAILFUS, CITY CLERK

Adjourned Council Meeting
October 10, 1952

The Council of the City of Modesto met in adjourned session at 3:00 P. M. on this date as provided by Ordinance No. 1042-N. S.

- Present: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Markk
- Absent: Councilmen: Annan

DISCUSS BID RECEIVED ON REMODELING OF THE CITY HALL

The City Manager reported that one bid had been received for the remodeling of the City Hall, which had been opened this date at 2:00 P. M. The bid was much higher than had been expected and he suggested that this be held over for further study. The Council concurred in this suggestion.

2

REQUEST FOR REMOVAL OF TREE, 310 ELMWOOD AVENUE--Dale Warren

The City Manager reported on the request of Dale Warren to remove a tree at 310 Elmwood Avenue. An investigation of the tree had been made by the Director of Public Works and he stated that the location of the tree did not permit access to a proper driveway. Mr. Warren had stated that he was not willing to pay the expense of removal of the tree. Councilman Arata moved, seconded by Councilman M. Adams that the City Manager be authorized to handle this matter.

- Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks
- Noes: Councilmen: None
- Absent: Councilmen: None

REPORT ON ROAD EASEMENT UNDER SOUTHERN PACIFIC TUOLUMNE RIVER BRIDGE

The Director of Public Works reported that he had contacted the Chief of Police regarding the use of the road under the Southern Pacific Tuolumne River Bridge and he had stated that it would be unnecessary to retain the easement for their use but it would be

3

desirable to have standing permission to enter upon the premises for police and emergency purposes.

City Attorney Grimes stated that since nothing is being charge for the easement agreement, he suggested that renewal be obtained.

The City Manager stated that this would be investigated further and a report made to the Council.

4 REPORT BY CITYMANAGER ON VISIT TO NEW YORK

The City Manager reported on his trip to New York to attend a meeting with the National Board of Fire Underwriters as Chairman of the League of California Cities committee on Fire Grading of cities. He stated that both the Board of Fire Underwriters of the Pacific and the National Board had been most cooperative in working on the problem. There has been a lot of misunderstanding on the part of both the cities and the boards. The meeting on Tuesday, October 7 was attended by city groups to discuss the problems and to get the city position ironed out. At the meeting with the National Board on October 8-9, the recommendations of the American Municipal Association and the California committee were presented and discussed. Out of the meeting with the National Board, two things had come, 1) much better understanding; 2) the National Board will have the cities in on reviewing of schedule grading. They will draft it in preliminary form so that the cities can review it and make additional suggestions. He stated that he felt that it had been worth while. The American Municipal Association had been most cooperative and he felt that out of it will come some real benefit.

5 INTERVIEW CANDIDATES FOR DIRECTOR OF PLANNING

The City Manager stated he had made a trip to Boston while he was in New York to interview candidates for the Director of Planning. The Planning officials were holding a national convention in Boston at this time. He also had stopped in Chicago to interview candidates.

6 PRESENTATION OF REQUEST FOR WITHDRAWAL OF ORIGINAL REQUEST FOR CONSENT TO CIRCULATE PETITIONS FOR ANNEXATION

Dr. Leon C. Glover, Chairman of the Greater Modesto Committee filed a request for the withdrawal of the original request for consent to circulate a petition for annexation, dated November 12, 1953.

He stated that in submitting petitions withdrawing the original proceedings and submitting petitions requesting immediate action on new proceedings which he had filed with the Council on October 8th, the committee guaranteed that the following proposals would be carried out:

1. In placing new proceedings before you, we guarantee that we shall obtain the required legal action of the County Boundary Commission, upon which you may base your final decision.
2. We urge you immediately request the investigation and recommendation of the City Planning Commission, also upon which you may base your final decision.
3. In order to meet a time schedule we shall proceed upon the assumption that you shall act in the affirmative, and we shall therefore have drafted the necessary legal document "Notice of Intent to Circulate a Petition."
4. We anticipate your decision shall permit this notice to be published by Friday, October 17, and definitely not later than Saturday, October 18.
5. Under the Law petitions cannot be circulated until 21 days have elapsed from date of publication of notice of intent, thus we would be permitted to circulate the petitions on Saturday, November 8.
6. Such a time schedule permits us to organize from this moment a force of residents of the Greater Modesto area desirous of this issue being put to the Democratic Process of a public vote.

7. If in the intervening time from now until November 8, when a petition can be legally circulated, we cannot rally sufficient force to guarantee that the legal petition shall be carried to every possible signatory, then we shall so advise you and request that by Resolution you terminate proceedings.

8. If in the course of this time we can organize such a force, then we shall on the morning of November 8, send that force of workers into the field, and demand that they cover their assigned territory immediately. We shall continue any required call back effort until the evening of November 11 at which time we shall meet and scrutinize the effort.

9. If sufficient legal signatures have been obtained to warrant proceedings then at your regular council meeting on Wednesday, November 12, we shall so advise, and request you set an election date on Tuesday, January 16, which is well in time to permit your completion of decisions upon sewer problems facing you.

10. If insufficient signatures have been obtained to warrant continuance of proceedings then you shall also be so notified at your regular Council meeting November 12, and we shall request you terminate proceedings by official resolution.

Dr. Glover stated that the County Boundary Commission was considering the boundaries set up on the new petition for annexation at a meeting being held today.

Mayor Marks pointed out that it would be desirable to refer both the request for withdrawal of the original proceedings and the new request for consent to circulate petition for annexation to the Planning Commission but the Council could decide among themselves today what they wanted to do since he felt that the committee had a right to know how the Council stood before it was referred to the Planning Commission.

The City Attorney stated that the Council had the power to deny consent at this time before it went to the Planning Commission but consent could not be granted. He stated, "in other words, a negative action could be taken now but consent could not be granted until the Planning Commission had filed a report and recommendation."

Dr. Glover stated that the withdrawal request had been signed by 44 of the 65 original signers.

Councilman R. Adams asked if the new petition proposed one area and one vote and Dr. Glover stated that it did.

Councilman R. Adams stated "in my mind the Committee of 21 did a fine job." He continued, "a group of citizens were invited to attend a meeting at the Hotel Covell to decide if the annexation program should continue on one area and one vote basis or should be divided into districts. He stated that at that meeting a large majority of the people expressed themselves in favor of a district program and he had been under the impression that had been what the committee had been working on." He stated, "I again want to say that I am not in favor of a program carried forward with one vote unless there was a definite assurance that a great number of people want to put this thing over. Right at the minute I would not be in favor of accepting the petitions for one area for one vote. Most of the people I have talked with are in favor of a district vote."

Dr. Glover stated that following that meeting in the Hotel those people who had pledged their support had "faded away in the night." He stated that a responsible group would be circulating the new petitions and it could be decided if the people really wanted an over-all vote.

Mrs. K. Black stated that a great many of the people who attended the meeting at the Hotel Covell were not members of the committee and the vote had been taken simply to sample public opinion and it was not the decision of the committee to have a district program.

"What the committee is really saying, stated Mayor Marks, is this--give us until November 12th to show you that we can put this thing over. You want to make it possible for the city to call an election for January 16th which would permit the city on February 1, to go about the job of setting up the program for sewers."

Councilman H. Adams stated that he felt consent should be granted the committee since it has assured the Council that it is going to drop it if sufficient signatures cannot be obtained.

Councilman Mellis stated that the city has been tied up for over a year with annexation proceedings and nothing has been accomplished and he questioned the advisability of annexing the entire fringe area at once since it would be a financial burden on the city.

Ed Taylor, representing the opposition group, stated that the people attending the meeting at Hotel Covell, which had been called by proponents, were respected in and out of the city and they had voted, by a big majority for a separate vote in separate areas. He stated that this was a strong indication they were not in favor of an over-all vote.

Councilman Arata stated that he was not in favor of an over-all vote but would be in favor of six different districts.

Mrs. Ed Zeff, a spectator, stated that the people in the community should be grateful that "we have citizens of the caliber of the committee members who were willing to take abuse and still come up for more."

Councilman Merrill stated that he was in favor of granting an extension of time to the committee to obtain signatures on the request for an over-all vote program.

Mayor Marks stated that these people deserve the help and blessing of the community since this would be a monumental task and he admired their courage.

The City Manager stated, "I would like to make it clear that it would be simpler and easier for the Council and city officials if not another square foot of territory was annexed to the city, but this is a growing community and must get together in order to get the things we need. The second and more important issue is can a person in this community stand up freely and say what he thinks--are we to be ruled by democratic principles or ruled by fear, economic pressure, reprisals. That is the most important issue that confronts this community."

Councilman M. Adams moved, seconded by Councilman Merrill that both the request for withdrawal of the original proceedings and the request for consent to circulate petition for annexation be turned over to the Planning Commission for its report and recommendation.

Ayes: Councilmen: Merrill, M. Adams, and Mayor Marks

Noes: Councilmen: R. Adams, Arata, and Mellis

Absent: Councilmen: Annan

Councilman R. Adams stated that he could not approve one area-one vote, since he believed that the people were not for it.

Mrs. K. Black stated that "we will now know until the petitions can be circulated. Public opinion will be sampled by the circulation of these petitions."

Ed Taylor stated "it seems to me if there was such a lot of economic pressure brought, that that was a good indication that people were not for that type of program."

Councilman Merrill stated that "economic pressure is not going to make or break the Councilmen: A Councilman has no right to sit in the chair if he does not have the courage of his convictions."

Councilman M. Adams questioned if the Council could reconsider its motion and refer the documents on to the Planning Commission today since it will have an opportunity to vote on it again at the next meeting when the Planning Commission's report and recommendation is presented.

City Attorney Grimes stated that the Council would still have an opportunity to vote no. The requests could be referred to the Planning Commission in order to facilitate consideration of the project. The Council would have the right to vote no when the report came back, he stated.

Councilman Mellis stated "we feel that district annexation is the right thing. Our position still would be the same--nothing can change my mind but I do think it would be fair to submit it to the Planning Commission and I move that we reconsider our vote on the original motion." This motion was seconded by Councilman Arata.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

Councilman M. Adams moved, seconded by Councilman Merrill that both documents be turned over to the Planning Commission for report and recommendation.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

~~Councilman M. Adams moved, seconded by Councilman Merrill that both documents be turned over to the Planning Commission for report and recommendation.~~

~~Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks~~

~~Noes: Councilmen: None~~

~~Absent: Councilmen: Annan~~

Councilman M. Adams moved, seconded by Councilman Mellis that a special meeting be called for Friday, Oct. 17, 1952, at 4:00 P. M. to consider the report of the Planning Commission.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.



ATTEST: REX E. GAYFUS, CITY CLERK

Special Council Meeting
October 17, 1952

The Council of the City of Modesto met in special session this date at 4:00 P. M. to consider request for consent to commence proceedings for the annexation of territory around Modesto to the City.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Absent: Councilmen: None

The request for withdrawal of the original request for consent to circulate petition for annexation filed by the Greater Modesto Committee on November 12, 1951, and the new request for consent to circulate petitions for the annexation of a reduced area around Modesto to the City having been referred to the Planning Commission of the City of Modesto by the Council on October 10th for its report and recommendation, Mayor Marks stated that the Planning Commission had met on October 17th and recommended as follows:

"It is still the opinion of the Planning Commission that the unification of the Greater Modesto area is the most logical solution to many of our community problems such as sewage disposal, park development, etc., and that the area now proposed for annexation is an integral part of this community and should be a part of this city. The Planning Commission has had the matter of the unification of Greater Modesto under study and consideration for a number of years. Every analysis which has been made, including the "Study of the Fringe Areas of Modesto, California", special studies by the Commission, the Report of the Greater Modesto Committee and studies by many other groups have confirmed this position. It is not the function of the Planning Commission to determine by what means this can best be accomplished. The most recent proposal attempts to accomplish this objective by one over-all annexation proceeding. Whether this whole area should be annexed by one proceeding or by a number of separate proceedings is a matter which must be determined jointly by the City Council and the people in the area seeking annexation."

Councilman Mellis stated that he was 100% for annexation but an over-all annexation would be too large an immediate financial burden for the city. "Annexation should be on an area basis. We should have a plan in front of us for our annexation program and not go at it blindly." He cited as an example the cost to the city for the small annexation of the Maze Court area.

Councilman Annan stated that "in an over-all annexation, a bond issue could be voted. If we have small area annexation, we should have to have money to take care of them. We could not continue, on even with partial annexation, on the basis that we have been doing if we have no money for it," he stated. "I think if we invite people to annex to the city, put facilities in for them it will be a burden. We might be barking up the wrong tree. Is it going to be a hardship or is it not to have an over-all annexation?"

Mayor Marks stated that in the report of the Committee of 21 and the other reports made on annexation it has been shown that it is cheaper to attack the problem as a whole rather than by part. "If we have another deal like the Maze Court Area, we are sunk."

City Manager Miller stated, "in the first place regardless of what you do here today, the city should never agree to serve a little area with sewers which creates such a financial problem as the Maze Court Addition. This is no reflection on them and the city is keeping its commitment. We should annex only those areas which can be logically and economically served by city sewers. One of the questions of annexation on an over-all basis is that of financial severity. The question is, 'In the long run is it worth facing these problems in the interest of getting at the whole community problem and are you willing to take the financial strain as far as the city is concerned?' If this annexation goes over you are going to be expected to furnish immediate city service to all this area, police, fire, maintenance of streets, recreation facilities, picking up of trash, which is expensive."

Councilman Annan stated, "it would not be difficult to inform all the people in the fringe area how slow these services are going to be furnished to them. It cannot be changed overnight. It will take lots of additional trucks for sweeping streets, etc. They should be told that before they ever vote--that the money has to be received by the city before they can spend it. It does not mean that the morning after the election they will receive a lot of service."

Councilman Mellis stated that the city would be obligated to give the city service to the fringe area. "If we took in the whole area, he stated, the city would be bankrupt for 10 years. We represent the people of the city, who elected us."

The City Manager stated that an over-all annexation would certainly present administrative problems and the question was does the community want to face these problems. The people should realize that it would take time to get services in the fringe area but there are some services that could not wait, such as police protection and fire protection. More men would have to be put on or there would be a thinning down of services.

Mayor Marks stated that it would be approximately a year and one-half before taxes would be collected from the fringe area and it would be "rough." It would mean the "thinning down" of certain services but these problems could be solved.

City Attorney Grimes commented to the Council that the city would receive additional funds from the State of California in subventions.

Councilman Annan stated, "we would not have so many headaches if we let them know before they go into it. People want to understand what is going on. The majority are for unification, let them know what we are going to do. The Council is not trying to force unification. It is neutral in the matter. It is for what is best for the city and the surrounding country."

Councilman Mellis stated that "the area basis is the only way to have unification in Modesto, and if we try an over-all basis we will never have it."

The City Manager stated, "I would like to make it clear, I believe it would be best to have a unified community but it is not my responsibility to tell the Council how this is to be done." He cited the cost to the city for building the sewer lines in the Northwest Addition and the Maze Court Addition and commented, "part of the funds expended could have been used toward building a city hall. If you want to take the easy way, do not annex another square foot. Your lives would be happier. It was not easy to annex these areas. They created a problem."

Councilman Mellis pointed out that the Council was not seeking the easy way but the best way for the city.

Sam Moran questioned Councilman Mellis if he thought annexation had a better chance a year ago? "How long would you say it would take in the fringe area if it was taken in piece by piece? Will you plan the services from subdivision to subdivision?"

Councilman Mellis stated that the city had plans serving expanded areas but was not ready to announce them.

The City Manager stated any areas annexed should be large enough so the city could financially and logically serve them with facilities.

Sam Moran questioned how the city could plan a program if the territory was annexed piece meal and how long it would take.

Councilman Mellis replied, "the length of time in the ^{City} life of one year or two years, is no object. The city will be here forever." Moran replied, "we are 30 years behind now."

Mr. Moran brought up the furnishing of city services for fire protection to plants outside the city limits and Mayor Marks informed him that nobody was going to get city services that would work a hardship on the city but the city was not going to cut off these organizations now being furnished fire service "at the pockets."

Dr. Leon C. Glover questioned how it would work a financial hardship on the city if Councilman Mellis's plan for area annexation was approved. "What a difference would it make if the whole area came in on an over-all plan or on a six or seven area basis?"

Mayor Marks replied "What Councilman Mellis is saying is that it is not feasible to take in the whole area to get the long run benefit. We would have urban indigestion."

Councilman Arata stated, "I feel that the six or seven area basis would be best for the city. I believe that they would come in three or four areas at a time and that an over-all program would not be the right program."

Mayor Marks stated, "I believe that in our hearts we would like to see Modesto be one city, one community. This was the first non-selective annexation program proposed in the history of the nation. All other programs have been a piece at a time, not at one vote."

Councilman Annan stated if the committee was willing to go ahead on an over-all basis, they should be granted permission. They should be granted an extension of 30 days, he stated. "If they were not the right kind of stuff they would have dropped out a long time ago and would not have come back in here and asked for an extension. When the Mayor appointed them, he did not tell them how to do the job."

Councilman Mellis stated that the original committee appointed by the Mayor is out.

Councilman R. Adams stated, "as far as the Council is concerned it is for us to decide here today that we honestly and sincerely in our hearts feel that it should be one vote-one area or should it be by districts. I feel in my own heart that for the good of the City of Modesto and the community, that it must be on an area basis."

Councilman Annan stated the committee had guaranteed that if they run into too much opposition they would come in and ask the Council to drop it.

Mr. Moran questioned how far it would set the city back if the over-all program failed at an election and was informed that it would legally set the city back one year and he questioned how much the city could accomplish in a year's time if it was done on the area basis. Councilman R. Adams stated that "maybe one area or again maybe two or three areas would be annexed."

Mayor Marks stated that he felt the people should be given a chance to vote. "We can get the answer if the proponents cannot obtain signatures of 25% of the registered voters in the fringe area within 30 days. They will come in and tell us and it will be dropped."

George Beard stated that it was his understanding that over 50% of the property owners in the fringe area were opposed to the over-all annexation and that was in a turmoil over the whole issue and for the good of the community the community/the Council should bring this issue to an end.

The City Manager stated that whichever method of annexation was decided on there would be plenty of problems but all the problems could be worked out satisfactorily and that was his job, to solve problems and he liked to do it.

Councilman Annan stated that "we cannot help wasting money if we have area annexation. If you are going to have a problem it is best to solve it all at once, not part of it today and part of it tomorrow. Someone could come in and change his mind next week how something is to be done. If the Council could have the whole problem and go to work on it, it would be best. We would be building for a long time. We are here for the primary interest of looking out for the city."

Dr. Glover stated that if this problem was only a problem of the whole area against separate area program and the people who are opposed to the whole area annexation would be agreeable to go along on an area basis, it would be stupid to try and force the over-all program across. "Let's get together. We lack community spirit. There is no over-all unity spirit in Modesto."

Mayor Marks questioned if the committee had the assurance that an area annexation program would go over, if they would support it.

Dr. Glover agreed that if some constructive offer of assistance was given that the people could set down together and work it out.

George Beard stated that he had heard of a poll being taken in different areas and that approximately 80% of the residents were opposed to annexation. "I think that the people in an area should have the right to say whether they want to come in and not be forced to annex. I would not be opposed to an area annexation basis program."

Mayor Marks stated that the Council would not make this decision, the people would at an election. The question is "do we give the people an opportunity to decidewhether it is to be on a short range basis of a long range basis."

Frank Simmons, representing the East Modesto/^{Industrial}District, stated, that it would be easier for the Council to plan, if an over-all basis program was adopted but some districts are opposed to being annexed and he believed that it was not fair for a large number of voters in one area to force an area where there was a smaller number of people, to be annexed if they did not want to be. He stated that his district was not in favor of annexation because the city services could not be available.

City Manager Miller stated that industry does have an obligation to a community, since its employees live in the community and use the city facilities. He stated "the kind of nation we have depends on what kind of communities we have and industry cannot escape its obligation to help build the community. Where are the parks going to be in your area unless this community gets together? Who is going to build them? Let's forget about building sewers, they can always be built later. Let's talk about parks. If you do not take this into consideration you are going to have a second rate community and you cannot escape the responsibility for that. We must get together on some basis as a community or you are going to have a parkless city. Parks won't wait. Houses will be built where parks should be."

Dr. Glover stated that his group was planning on circulating the petition in a three day period. "By November 12th, he stated, we will withdraw our request, if we cannot get these signatures and we have determined that at least 51% of the property owners are for this program. There would be no point in going ahead if we did not think we could put it over."

Councilman M. Adams stated he thought the committee should be granted permission to work on this question and come up with a recommendation. "We have approved their recommendation up to now, let's continue. They have asked us for only 30 days more to try to get these signatures. They have assured us that they will drop it if they do not."

Councilman Merrill stated, "the Councilmen all know that we have a grave responsibility. We have had a great deal of turmoil on this subject in this community. We are going to think of the interest of the community when it comes our time to vote. Our conscience will direct us how to vote. I believe in fairness to the community we should take action to disband it. I am changing my vote from last week."

J. A. Hamilton asked the Council to grant this request to make the community a better place to live in. The opposition has been against everything constructive in the community. "I am in this fight to the finish", he stated.

Sam Moran stated that when the Council vote on this request that they did so with the understanding that "you are doing the best for the City of Modesto, for the people who are going to live here. I am being blunt, but someone has put the pressure on you if you vote against this request."

Councilman Merrill stated, "No pressure has been brought on me. I am making my decision in the interest of the community. It was a hard decision to make and I searched my conscience through and through. You do not need to point the finger of scorn at me, as I have a clear conscience."

Councilman Arata stated, "I am voting for the 19,000 people in the city who elected me. No pressure was brought on me."

Esther Brack, President of the League of Women's Voters, stated that a study had been made by the League of the fringe area a long time before any other studies had been made by the committee and other organizations. "This community is in a turmoil, I agree, but not due to the annexation of the fringe area but due to such remarks as have been made here today,

such as 'for the good of the city, we are doing it,' 'the democratic way', 'I am only thinking of the welfare of the city', 'for the good of the community'. I think both sides are to blame. I think we have a fine Council and not one of them are selfish but they do have a definite obligation to see that the committee gets a chance to put their program over. They have asked for three weeks. That is not a long time. Our organization feels that it is something we should support. The people should be give a fair chance to say if they want to be annexed."

Councilman Annan introduced

RESOLUTION NO. 9984-N. S.

which was seconded by Councilman Arata, revoking the consent of the Council of the City of Modesto, granted on December 22, 1951, to commence proceedings for the annexation of certain territory to the city and rescinding resolutions No. 9630-N. S., No. 9677-N. S., and No. 9700-N. S., of the City of Modesto and terminating said proceedings, which resolution was adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

A report from the Boundary Commission of the County of Stanislaus, was filed at this time by Dr. Leon C. Glover approving the boundaries of the territory proposed to be annexed to the City of Modesto with respect to the definiteness and certainty thereof.

Councilman M. Adams introduced

RESOLUTION NO. 9985-N. S.

which was seconded by Councilman Annan, granting consent to commencement of proceedings to annex inhabited territory to the City of Modesto under the Annexation Act of 1913, which resolution was adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Mayor Marks

Noes: Councilmen: R. Adams, Arata, Mellis, Merrill

Absent: Councilmen: None

Councilman R. Adams introduced Resolution No. 9986-N. S.

which was seconded by Councilman Mellis, denying consent to the commencement of proceedings to annex inhabited territory to the City of Modesto under the annexation act of 1913, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill

Noes: Councilmen: M. Adams, Annan, and Mayor Marks

Absent: Councilmen: None

Dr. Glover stated, "Gentlemen, you have not increased community spirit one iota by your action."

Mayor Marks expressed regret that there should be a difference of opinion in the Council on such an important issue to the community.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST: ANNE M. COLLINS, ACTING CITY CLERK

Anne M. Collins

October 22, 1952

The Council of the City of Modesto met in regular session this date at 7:30 P. M. as provided by Ordinance No. 1042-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Absent: Councilmen: None

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

APPROVAL OF MINUTES

The members of the Council, having received copies of the minutes of the meetings of October 1, 8, and 10, and the same being available for public inspection, and there being no objections, the same were approved.

LETTER FROM MODESTO JUNIOR CHAMBER OF COMMERCE

A letter from the Modesto Junior Chamber of Commerce expressing appreciation for the continued cooperation of the Council was read and ordered filed.

LETTER FROM RESIDENTS ON WEST SIDE OF COLLEGE AVENUE, BETWEEN CARLA AVENUE AND ROSEBURG AVENUE RE: SEWER SERVICE

A letter signed by William McKStensaas, Harry F. Mundt, Creston L. Boothe and Ray Starn, property owners on the west side of College Avenue between Carla and Roseburg Avenues protesting to paying the expenses of crossing College Avenue to obtain city sewer service was read. Councilman M. Adams moved, seconded by Councilman Arata that this communication be referred to the City Manager for investigation and report to the Council at a later date.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

A LETTER FROM NATHAN LONG RE: COUNTY BUILDING CODE

A letter received from Nathan Long regarding the County Building Code was placed on file.

LETTER FROM STATE REGIONAL WATER POLLUTION CONTROL BOARD RE: ESTABLISHING CONDITIONS TO BE MAINTAINED IN TUOLUMNE RIVER ABOVE DON PEDRO DAM

A letter from the State Regional Water Pollution Control Board, Central Valley Region regarding the establishing of conditions to be maintained in the Tuolumne River above Modesto to Don Pedro Dam, was read. Councilman Arata moved, seconded by Councilman Mellis, that this communication be referred to the City Manager.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

POLICY STATEMENT FROM REGIONAL WATER POLLUTION CONTROL BOARD

A policy statement of the Central Valley Regional Water Pollution Control Board for the control and abatement of water pollution in the Central Valley was referred to Councilman M. Adams to read and to pass on to the other Councilmen:

ALLOW CLAIMS FOR THE MONTH OF SEPTEMBER, 1952

Upon the recommendation of the City Manager, Councilman Annan introduced

RESOLUTION NO. 9987-N. S.

which was seconded by Councilman Merrill, approving the payment of claims against the City of Modesto for the month of September, 1952, in the amount of \$204,863 42, being check numbers 4434 to 4700 inc. and check numbers 10989 to 11005 inc. for the McHenry Library, in the amount of \$770 63, which resolution was regularly adopted by the following votes:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

7 FINAL ADOPTION ORDINANCE NO. 1047-N. S. REGULATION OF TRAINS BLOCKING CROSS STREETS

Attorney Burton Mason, representing the Southern Pacific Company appeared before the Council and filed a letter outlining the views of the Southern Pacific Company with respect to the proposed ordinance regulating the limit of time any train can block the movement of traffic upon any street in the City of Modesto, a copy of which is on file in the office of the City Clerk.

Mr. Mason stated that the Western Division Special Instruction #4 of the Southern Pacific Company, which was effective October 19th provided

"When stopping to take water at Modesto, eastward freight trains leave train clear of L Street (second street west of passenger station), and westward trains clear of B Street (street at west end of Tuolumne River bridge)."

"Each employee is required to have a copy of these instructions with him, he stated. We realize these two streets are important and should be left clear."

Mayor Marks questioned Mr. Mason what percentage of incidents of blocking of the streets was due to failure of equipment.

A. S. McCann, Superintendent of the Southern Pacific Company, answered, "very few of them, less than 5%."

Mayor Marks stated that the ordinance could be written to exempt these failures of equipment infractions. Attorney Mason stated, "I could not suggest any language to use in writing this exemption." Mayor Marks stated that B, L, and H Streets were all main thoroughfares in the City.

The City Manager stated that L. Hoyt, Trainmaster for this Division had talked with him today and that the Inter-departmental Traffic Committee was going to conduct a traffic count at these crossings and when this information is available, the most heavily traveled streets could be determined.

Councilman Annan stated that the B Street crossing was important since it was in the middle of the populated area. "When people cross to the west side on H Street or L Street or any other crossing than B Street, he stated, they can fan out but in the case of B Street, they must funnel across a narrow bridge and it is vital to give attention to B Street."

Mayor Marks asked if the Southern Pacific Company had any concrete plan in mind to improve the situation since the condition was getting worse and worse. He asked if the water tower could be moved out of the city. Attorney Mason replied that the company was purchasing diesel engines in the near future and these would eliminate the need for water facilities.

Councilman Arata reported that he had checked on the B Street crossing since the meeting with the Southern Pacific Company officials and that he had noticed trains stopping on the bridge, uncoupling the engine, and proceeding across B Street. This has improved the situation, he stated, and he requested that this practice be continued.

Mr. McCann informed the Council that it was going to take an educational program and some disciplinary measures with their employees and asked that the city "bear" with them until they could get it straightened out.

Mayor Marks read an article which had appeared in the Modesto Bee regarding the case pending in the Merced City Court where a citation had been issued to the Southern Pacific Company for blocking a crossing longer than the five minute period

prescribed by the City ordinance. The article stated that a similar case which arose in Richmond was now being litigated. The Mayor pointed out that passage of any ordinance by the city at this time would not mean much.

Councilman Mellis commented that it would be better for the railroad officials and the city officials to have a good understanding of the situation and try to correct the problem and that the less legislation, the better. He stated that sometimes the railroad forgets its obligation and that it should be more vigilant so that there would be no need for legislation.

Councilman R. Adams moved, seconded by Councilman Mellis that the matter of adopting legislation prohibiting the blocking of streets by the operation of trains be tabled at this time.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Mayor Marks expressed appreciation to the railroad officials on behalf of the people of the city for the splendid attitude the Southern Pacific Company had shown in its approach to this problem and hoped that it would not be necessary to pass any legislation. He questioned the Southern Pacific officials if they planned on moving the switching yards outside the city and Attorney Mason stated that it was "in mind" and expressed his appreciation for the opportunity to be heard.

Mr. McCann requested that the city call on Trainmaster Hoyt on any complaints in the future so that employees could be disciplined and he stressed the importance of having specific time and place of any infraction.

INSTALLATION OF TAXIMETERS IN TAXICABS

Sam Secreto appeared before the Council and questioned whether the city would require the taxicab companies to abide by the 45 day period provided in Resolution No. 9982-N. S., since there was a problem as to the type of meters to be installed.

City Manager Miller informed him that this time limit would be extended. Mayor Marks asked Mr. Secreto to work with the City Manager, Director of Finance, and the Chief of Police on this matter.

DISCUSS ANNEXATION OF THE SOUTH MODESTO DISTRICT

J. A. Hamilton asked if a petition for annexation was filed with the Council by the people of South Modesto whether it would be considered.

The Council informed him that when a request is filed with the city for annexation for any territory, it can be determined whether it would be economically feasible for the city to serve facilities to this area, before it grants consent to circulate the annexation petition.

The City Manager stated that this question would come up again and again. "What kind of area can be served?" The area should be defined, he stated, before it is brought to the Council since the main thing that would determine the areas is the sewer situation.

Mayor Marks stated that one area north of the town was considering annexation at this time. The City of Modesto is on record, he stated, that the South Modesto area and the rest of the areas were invited to come in, "no lines were drawn."

PROPERTY OWNERS ON RAMONA AVENUE RE: IMPROVEMENT OF STREET

Property owners residing on Ramona Avenue appeared before the Council regarding the improvement of the street. The City Attorney advised them that the final deeds had been prepared for execution and could be accepted by the Council at any early meeting. They were advised that the road would be improved if the rainy season permitted.

11 REPORT ON RENTAL OF 6½ ACRES OF LAND AT AIRPORT

Harry Shām, Airport Manager, reported that the 6½ acres available for rental at the airport had been advertised and that no one had answered the ad. Mr. Shām stated that James Sorensen, who is now renting a portion of the airport for agricultural purposes, had stated he was willing to rent the land on a three year free rent basis. It would cost approximately \$600 00 to put this land in condition to farm it.

The City Manager stated that this property could be leased on a three year basis and if the federal government or the city needed the land, the balance of the money expended by Mr. Sorensen could be amortized by refunding the actual cost he has put in not to exceed \$600 00. The city would benefit by the improvement of this property as it would extend the airport runway.

The City Attorney was directed to prepare the lease agreement for the consideration of the Council along these lines.

12 REPORT ON BIDS RECEIVED FOR BUILDING HANGARS AT AIRPORT

The City Manager reported, after investigation of the bids received for the building of hangars at the airport, he recommended that the bids be rejected and the erection of the hangars be authorized by city force account, since metal hangars could be built by the city at approximately the same cost as the bid received for concrete block and wood building. These hangars could be moved to a new airport also. The renters of the hangars would be asked to pay a small additional rent.

Dan Chaddock, Business Manager of the Electrical Workers Union, asked if those employed by the city would be paid the prevailing wage rate in the event the bids were rejected and the city did the work by force account.

It was pointed out that the city operated by a charter not by state law and that the wage scale was established by city ordinances and resolutions. The matter of the rejection of the bids was held over for further consideration.

13 FINAL ADOPTION ORDINANCE NO. 1046-N. S. ESTABLISH OFFICE OF DIRECTOR OF FINANCE

Ordinance No. 1046-N. S. entitled: "AN ORDINANCE ESTABLISHING THE OFFICE OF DIRECTOR OF FINANCE, DEFINING THE DUTIES THEREOF AND CREATING A DEPARTMENT OF FINANCE FOR THE CITY OF MODESTO" having been heretofore introduced and ordered printed and published at the regular meeting of October 1, 1952, Councilman Merrill moved, seconded by Councilman Mellis, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

14 APPROVE AGREEMENT WITH STATE FOR MAINTENANCE OF STATE HIGHWAYS

The City Manager reported that an agreement had been presented by the State Department of Public Works, Division of Highways providing for the maintenance of the state highway routes, effective as of July 1, 1952, and to remain in effect until amended or terminated. Councilman Mellis introduced

RESOLUTION NO. 9988-N. S.

which was seconded by Councilman M. Adams, approving the agreement as presented which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

15 CONTRACT WITH THE STATE DEPARTMENT OF PUBLIC HEALTH

The City Manager reported that an agreement had been presented by the State Department of Public Health for approval providing for the reimbursement to the city of \$1,576 00 to cover certain public health expenditures from funds allocated to California by the U. S. Public Health Service and the Children's Bureau. This agreement covers the fiscal year ending June 30, 1953. Councilman Annan introduced

RESOLUTION NO. 9989-N. S.

which was seconded by Councilman Arata, approving the agreement as presented, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

16 LETTER FROM MODESTO IRRIGATION DISTRICT RE: CLOSING OF ALLEYS IN CITY

A letter from the Modes to Irrigation District relative to the importance of keeping alleys open in the city for all public utility agencies, together with a sketch of the construction necessary for a normal alley and a sketch for the construction necessary in the event the alley is closed, was read. The City Manager stated that he would have copies made of the letter and distributed to all Councilmen for study.

The City Attorney stated that the attorney for the purchaser of Block 90 had filed a sketch of the proposed mercantile construction on this block and the Fire Chief had requested additional information which was being furnished by the attorney.

17 DISCUSS BIDS ON REMODEL CITY HALL

The City Manager reported on the bid received for the remodeling of the City Hall, which amounted to \$7,600 00, which he thought was more than should be spent at this time. He stated it would cost between \$1700 and \$1800 to remodel the Council Chamber.

The Mayor stated that he had talked to members of the Council and they had decided rather than spend any money on this place, "we should find out how we can finance a city hall on the pay-as-you-go basis and spend the \$7,000 00 on that."

The City Manager stated that it would be at least 1½ years before a new city hall could be built and in the meantime something should be done to arrange for more space in the present City Hall, The recreation office should be moved from the Police Department building to the City Hall so that the entire building could be used by the Police Department. The Finance Department would have to be rearranged. He stated that it would cost approximately \$4,500 00 minimum to do that as proposed. Councilman Merrill introduced

RESOLUTION NO. 9990-N. S.

which was seconded by Councilman Arata that the bid be rejected and the City Manager be directed to present a report on the cost of the proposed rearrangement of the building to provide additional office space, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Mayor Marks stated that the City Attorney should "figure out how we can finance a City Hall on a pay-as-you-go-basis."

Attorney Grimes replied, "if you can get some finance company to do it on a long term lease purchase basis, then the city could pay an annual rental charge to amortize the cost." He pointed out that this would cost more in the long run than if a general obligation bond method was used.

Councilman M. Adams questioned if now wasn't the time to initiate planning for it.

The City Manager stated that the new Director of Planning would be selected shortly and that he may have the kind of background necessary to work out the problem of a civic center layout for the city.

18 DISCUSS PROPOSED CONTRACT FOR GARBAGE COLLECTION

The City Manager reported that a meeting had been held with the committee appointed by the Council to investigate the dumping grounds and that a preliminary draft had been prepared of an agreement to continue the existing contract with the company now operating the dumps for a term of five years. He suggested that this meeting be adjourned until 4:00 P. M. October 27th to consider the agreement since the Modesto Garbage Company would have until November 1 to take up its option on a tract of land to be used for the dumping grounds.

Attorney Grimes stated that since the meeting with the committee the attorney for the garbage company had conferred with him and had brought up the following questions:

1. Whether the city should have the right to dump tree cuttings, grass, brush, and other matter that is now being collected by the city and being dumped at the airport. The attorney for the garbage company had felt that it was not in the scope of the contract since this rubbish was large in volume and would take up a large area of property.

The City Manager stated that it had been discussed with the company and the city was to dump what it wanted to dump. "It is largely combustible and can be burned, he stated."

2. Paragraph 22 of the agreement should be clarified so that the definition of the garbage to be collected by the company should not include dirt, brush, and similar refuse.

The City Manager stated that it should be made clear that the company would have no obligation to collection this type of refuse but the public should have the right to dump it at the dumping ground.

3. Paragraph 13 requires the contractor to keep a record of the receipts and expenditures in the operation of the business--and to allow the city to inspect the records. The company's attorney felt that the record with respect to those collections made within the city should be available but objected to the checking of its operating cost.

The City Manager stated that an exclusive franchise is being granted to this company and the city should reserve the right to set the rate. In other cases where the city has granted franchises where the fee is based on volume, records are available for inspection by the city. The city needs it for the purpose of regulating rates. "If you do not require this, it will be the first case I have heard of where it was not done. We have every valid reason to see their books at any time. They are being granted a five year exclusive right, a monopoly, and the Council is obligated to regulate the rate. You must in the public interest retain the right to be sure the rate is reasonable and it will be necessary to see their books."

Councilman Annan raised the question as to whether or not it is necessary for the books of the garbage company to be available to the city at all times. If those books are available to the city at such times when we feel that the citizens are entitled to a rate reduction or when the garbage company feels that they are entitled to an increase, possibly that would be satisfactory.

Councilman Mellis expressed himself in favor of requiring that the records be made available to the city at all times.

The City Attorney stated that the garbage company's attorney had requested that paragraph 2 be changed to read "the boundaries of the city as of January 1, 1953, "the date of the contract instead of, "as they exist at the time of the execution of this agreement."

The Council concurred in this regard.

19 DIRECTOR OF PUBLIC WORKS REPORTS ON LIGHTS IN COLLEGE VIEW TRACT

The Director of Public Works reported that the lights were being turned on in the College View tract for the firsttime tomorrow, October 23.

20 CARD FROM BOB SHELTON

A card was read from Bob Shelton who was vacationing in LaJolla.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Arata, that the Council meeting now in session adjourn until 4:00 P. M. Monday, October 27, 1952.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ATTEST:  REX E. GALLEUS, CITY CLERK

Adjourned Council Meeting
October 27, 1952

The Council of the City of Modesto met in adjourned session this date at 4:00 P. M. as provided by Ordinance No. 1042-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Absent: Councilmen: Merrill

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

REQUEST OF REPUBLICAN CENTRAL COMMITTEE ERECT SPEAKER'S STAND AT COURTHOUSE FOR APPEARANCE OF SENATOR RICHARD NIXON

A request was filed by the Republican Central Committee for the city to install the city owned speaker's stand on the sidewalk in front of the Courthouse, facing the Post Office for the use of Senator Richard Nixon, Vice Presidential candidate, who will be in Modesto, October 28, 1952, at 4:00 P. M. The closing off I Street, between 11th and 12th Streets, during the speaking, was also requested, as well as permit to bring the Nixon caravan through the business district. Dr. R. R. Moon appeared before the Council to state that the Republican Committee would defray the expense of the city in installing the stand.

Councilman Annan moved, seconded by Councilman Arata that these requests be granted.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

2 ACCEPT DEEDS TO RAMONA AVENUE FROM EARL C. MELROSE, ET UX, AND FRANK A. VORMAN, ET UX

The City Attorney presented grant deeds from Earl C. and Bertha G. Melrose and Frank A. and Mary S. Vorman for acceptance. He stated that these completed the deeds required to obtain right of way to improve Ramona Avenue. Councilman Arata introduced

RESOLUTION NO. 9991-N. S.

which was seconded by Councilman M. Adams, accepting the deeds and authorizing the City Clerk to record them with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

3
RESOLUTION OF INTENTION TO MAKE CHANGES IN THE WORK TO BE DONE IN IMPROVEMENT DISTRICT NO. 1

The City Attorney read a proposed resolution of intention to make changes in the work to be done and in the locations of the work to be done in Improvement District #1, which provided for the changing of the plans and specifications as follows:

- a. Extension of the 6" sewers serving Block 6010 and 6011, a distance of 10 feet each to the south of the present termini, at an estimated cost of \$58 00.
- b. Extension of sanitary sewer line located in the alley of Block 4164 to a point on Sherman Avenue opposite the south line of lot 7 of Block 4164, a distance of 109 feet, together with the construction of an additional manhole at an estimated cost of \$606 10
- c. Extension and construction of a 6" sanitary sewer serving block 915, a distance of 105.14 feet to the north, together with one lamphole at an estimated cost of \$450 26.
- d. Extension and construction of a 6" sanitary sewer serving Block 936 of College Gardens tract, a distance of 343.6 feet, across a proposed ten foot easement from the alley in Block 936 to a point near the south/estimated cost of \$1,317 94
line of Cecil Way, together with one manhole and one lamphole, at an
- e. The elimination of 295.7 feet of 6" sewer pipe and two manholes originally designed to serve Block 916 and the north portion of east end of Block 915, making a total saving to the Improvement District of \$1,437 53.

He stated the net increase in the cost to the Improvement District by the proposed addition and deletion of the work was \$994 77. Councilman Mellis introduced

RESOLUTION NO. 9992-N. S.

which was seconded by Councilman R. Adams that it is the intention of the Council to make said changes in the work and in locations of the work to be done in said Improvement District No. 1 and setting the date of Nov. 12th, at 8:00 P. M. at the Council Chamber of the City Council as the time and place for the hearing of protests, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

4
PROTEST TO PAYING SEWER CONNECTION CHARGE--COLLEGE AVENUE RESIDENTS

The City Manager stated that the protest filed last week by property owners on the west side of College Avenue, between Carla and Roseburg Avenues, to paying the expense of crossing College Avenue to obtain city sewer service, was a basic problem which the Council would have everytime a sewer line was located across the street from the property to be served. It was the decision of the Council to work out a policy for problems of this type.

5
AWARD BID ON LEONARD AVENUE SEWER LINE

The City Manager, reported that bids for the construction of a sanitary lateral sewer on Leonard Avenue from Tully to Kearney Avenue had been opened on Monday, October 27th and that two bids had been received. It was the recommendation of the Director of Public Works that the bid of the Atlas Pipe Company of Walnut Creek of \$8,564 28 be accepted. Councilman Annan introduced

RESOLUTION NO. 9993-N. S.

which was seconded by Councilman M. Adams, accepting the bid of the Atlas Pipe Company, since this was the lowest responsible bid, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

6 REJECT ALLBID ON HANGARS AT THE MUNICIPAL AIRPORT

The City Manager stated that in fairness to the bidders on the furnishing of labor, equipment, and materials necessary for the construction of hangar units at the Municipal Airport, the bids should be rejected and a further study be made on the building of the hangars. Councilman Annan introduced

RESOLUTION NO. 9994-N. S.

which was seconded by Councilman Arata, rejecting the bids on the construction of hangars units at the Municipal Airport and directing the City Manager to prepare and present additional reports on the building of hangars, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

7 APPROVE CONTRACT WITH THE COUNTY FOR COMMUNITY RECREATION

The City Attorney reviewed an agreement for community recreation between the City of Modesto and the County of Stanislaus for the term of one year, beginning July 1, 1952, which called for a payment to the city by the county of the sum of \$14,304 00. The City Manager stated that this was in accordance with the amount agreed on and which had been included in this year's budget. Councilman R. Adams introduced

RESOLUTION NO. 9995-N. S.

which was seconded by Councilman Mellis, approving the agreement as presented, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

8 REPORT ON CONTRACT FOR GARBAGE DUMPING GROUNDS

The City Manager reported that the Modesto Garbage Company had filed an application for a use permit with the Stanislaus County Planning Commission on a tract of land to be used for a new dumping ground and had been denied, so that the new contract with the company could not be considered at this time. He stated that the committee appointed by the Mayor would work with the company in making other arrangements.

9 REPORT ON PROPOSITION NO. 10

The City Manager presented each Councilman with a copy of a statement issued jointly by representatives of Stanislaus County, Modesto City Schools, City of Modesto and the Modesto Irrigation District, outlining the evils of Proposition No. 10 and urging a "no" vote. He stated that copies of the memorandum statement had been sent to local organizations, Mayors of all cities in Stanislaus County and to the press. Also that the employees' Association had sent copies to employees of the city.

10 REQUEST OF BOY SCOUTS TO USE LOUD SPEAKER TO "GET OUT THE VOTE"

The City Manager reported that a request had been filed by the local Boy Scout Troop #130 and Cub Pack #135 for permission to use a public address system to "get out the vote" for two days, Nov. 1 and 4, but if request could only be granted for one day, November 4th would be the most desirable day. They had agreed to operate the loud speaker in a moderate manner.

The City Attorney stated that as far as the city was concerned, the granting of a permit to these organizations, would not "cause public annoyance or menance the public comfort or welfare", so no objections would be offered. Councilman Arata moved, seconded by Councilman Annan that permit be granted to the above named organizations to operate a loud speaker on the city streets to "get out the vote" on November 1 and 4/ and during the daylight hours.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

11 APPROPRIATION TRANSFER FOR STREET PAVING PROGRAM

Upon the recommendation of the City Manager, Councilman R. Adams introduced

RESOLUTION NO. 9996-N. S.

which was seconded by Councilman M. Adams, authorizing the appropriation transfer of \$10,000 00 from the reserve for street paving program of the Public Works Street Division to the Capital Outlay street paving program, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

12 DISCUSS INFERIOR COURT REORGANIZATION

The City Manager called the attention of the Council to a meeting to be held in Sacramento on Friday, October 31, 1952, with the Sub-committee on Courts of the Assembly Interim Committee on Judiciary. He stated that a number of cities have been asked to attend. He suggested that the city send representation to this meeting. He outlined the recommendations set forth in the resolution adopted by the League of California Cities at its convention in San Diego on October 13-15, which were as follows:

1. Require the Judicial Council annually to study and analyze the work of the inferior courts and to make such changes therein as may be necessary to expedite and improve the administration of justice;
2. Subject to the findings of the Judicial Council, authorize the county boards of supervisors to fix the number and compensation of all inferior court personnel;
3. Provide that fines and forfeitures shall be distributed to counties where arrests are made by county officers, to the state where arrests are made by state officers, and to cities where arrests are made by city officers;
4. Prohibit, as a matter of state policy, the use of any part of such fines and forfeitures for the payment of salaries of court personnel or law enforcement officers.

The City Manager stated that he believed these courts should not be made a "political football." "We believe that the courts should be paid for aside from the penalty collected. We do not levy fines as a course of revenue to run the city government. We should supply the court and police protection which this community needs, regardless of whether anybody is fined or not. There is no relationship whatsoever. The courts are established in the interest of justice."

It was suggested by the Council that City Attorney Grimes and Director of Finance Lawrence, represent the city at this meeting.

Attorney Grimes recommended that the City Manager attend the meeting since it was more of a finance problem and a City Manager "has more weight" at such a meeting as far as the committee is concerned.

Councilman Mellis recommended that the city's interest should be protected and that the Council should authorize representation and introduced

RESOLUTION NO. 9997-N. S.

which was seconded by Councilman Arata, endorsing the resolution adopted by the League of California Cities on Inferior Court reorganization and authorizing representatives selected by the City Manager to attend the meeting on October 31, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

13 INTRODUCE GUEST TO COUNCIL

The City Manager introduced Woodbridge Marshall, resident of Cambridge, Mass., who was visiting in the city.

14 LETTER OF APPRECIATION FOR HOSPITALITY TO BE SENT TO MAYOR OF SAN DIEGO

Councilman R. Adams moved, seconded by Councilman Mellis that a letter of appreciation for the gracious hospitality extended to the delegates at the recent League of California Cities Convention in San Diego be sent to Mayor John D. Butler.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

15 REPORT ON LEAGUE CONVENTION BY CITY ATTORNEY GRIMES

The City Attorney gave a brief report on the various committee meetings he had attended at the League of California Cities Convention in San Diego. He stated that the subjects of public liability insurance, safety programs, claim procedure, annexation, personnel procedure and lease purchase contracts, were among those considered.

16 TROPHY WON BY CITY EMPLOYEES' SOFTBALL TEAM

The City Manager exhibited the trophy won by the Modesto City Employees' Softball team in competition in the Industrial League. He stated he was proud of these employees and that this team brought employees together and trained them to work together as a team. They also contacted other fine people in the community while working on this team.

17 CITY MANAGER REVIEWED POSITION TAKEN BY LEAGUE OF URBAN UNINHABITED TERRITORY PROBLEM

The City Manager reviewed the position of the League taken in the League conference in San Diego on the urban uninhabited territory problem and referred to the resolution passed by the League Assembly.

18 REPORT ON VISIT OF GERMAN CITIZENS TO THE CITY

The City Manager reported on the visit of the German citizens. He stated that both the citizens of the city and the German citizens had learned a lot. He felt that a special vote of thanks should be given to the committee and to the people who took them into their homes, as well as the business and industrial concerns who entertained them and the city employees who assisted in the program. He recommended that a letter of thanks be sent to the committee by the Council. Councilman Annan moved, seconded by Councilman M. Adams that a letter be sent to the members of the committee, expressing the appreciation of the Council for their work.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

The City Manager reported on a luncheon which had been attended by the German citizens and the Council. He stated that at the beginning of the luncheon it was obvious that a language difficulty existed but before long someone had started a conversation in Italian, and then someone started one in Greek, and one in German and one in French and before the luncheon was over there^{were} five languages being spoken.

The Mayor reported on a meeting held in Stockton, which was attended by the Council members, German citizens and the city officials of Stockton.

Mayor Marks stated that the thing that impressed the German citizens most was the "dignity of the American citizen." The fact that any citizen could get up in a public meeting and have his say was something that did not happen in Germany.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILFUS, CITY CLERK

Council Meeting
November 5, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1042-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Absent: Councilmen: None

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

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the meeting of October 17, 1952, and the same being available for public inspection, and there being no objections, the same were approved.

HEARING ON CLOSING AND ABANDONING OF ALLEY IN BLOCK 90

The hearing on the request for the closing and abandoning of the alley in Block 90, filed by Attorney Francis W. Halley on behalf of the purchaser of this property was considered by the Council.

The City Manager read a letter from the Modesto Irrigation District which outlined the importance of keeping alleys open for the serving of utilities and also a report from Jack Wemyss, Fire Chief, listing numerous reasons why alleys are a vital factor in the fire defense of a city, copies of which are on file in the office of the City Clerk.

Attorney Halley stated that this was the only solid block in the city and that the property owner was building a special type of construction and that the question had been brought up to clear the records. At the present time there was a question whether any alley rights existed since a school building has been on the premises since approximately 1900 and utilities have by-passed this block. He pointed out that the city was not losing any rights as they did not exist.

J. M. Grigsby, Electrical Engineer for the Modesto Irrigation District, appeared before the Council and stated the particular type of construction proposed on this block presented no problem to the district but the question was what would happen in the future if the block was built up with other types of buildings. He questioned if the property owner would provide an underground vault and bring

services to one point. He stated that the state law required certain type of construction and from the district's past experience when the property owners are required to put wire underground the "fire works" started.

The City Manager pointed out that the major problem did not arise as long as there was one ownership but if it should be broken up into ownerships and different stores there would be the problem of utilities, water-sewers-storm drains-etc. The only problem now would be access for fire fighting purposes, trash and garbage service, etc.

Attorney Halley pointed out that the use of the proposed construction on this property would not be consistent with the alley running through the block and if at any time in the future plans are proposed to put buildings on the property which would not meet the city requirements the city ~~city~~ could start condemnation proceedings. He stated that the construction proposed would be an asset to the city and he was at the meeting merely to ask for confirmation of existing conditions.

Councilman Arata asked if an easement could be granted the city to give the city a right to go onto the property for utilities.

Attorney Halley pointed out that his client had a large investment in this property and that a source of egress and ingress would be provided, if for no other reason, to reduce insurance rates.

Councilman Mellis pointed out that it was not up to the city to "worry" about sewer, water or electric connections. "If the owners sold off part of this property, it would be up to the buyer to have an agreement for these connections."

Attorney Grimes stated that the Subdivision Ordinance should solve the problem of future development. If the owner wanted to subdivide, the city could refuse to allow this property to be subdivided or to lease any part of it unless an alley was provided. If the property was subdivided, he pointed out, the city could require the alley to be dedicated free but if it was condemned it would cost the city money.

The City Manager pointed out that if the block were already built up this might be difficult.

The Council discussed the possibility of abandoning the alley with certain reservations or conditions.

Attorney Grimes questioned the advisability of closing the alley conditionally. The request should be either denied or granted so that it could be known whether there is or is not an alley, he stated. Councilman Mellis introduced

RESOLUTION NO. 822-S. P.

which was seconded by Councilman M. Adams, ordering the vacation and abandonment of any alley which may be of record or exist in fact in Block 90 of the City of Modesto and directing the City Clerk to record a copy of the resolution in the office of the County Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

REQUEST TO DISPLAY BANNER ON STREET FOR BASKETBALL TOURNAMENT--MODESTO JUNIOR COLLEGE

The City Manager read a letter from Fred A. Earle, Jr., Basketball Tournament Chairman of the Modesto Junior College, requesting permit to display a street banner on I Street between 9th and 10th Streets, the second week in December until January 9th, advertising the basketball tournament.

The City Manager stated that on December 12, 1951, permit had been granted to the Junior College to erect poles, just north of Needham Avenue, across College Avenue but that this resolution provided that permit must be obtained each time from the City Council.

Councilman Mellis recommended that this resolution be amended to provide that permission be granted by the City Manager.

Director of Public Works Ray pointed out that permit should be requested each time so that the city could determine if the signs were properly installed for the safety of the public.

Mayor Marks stated that if an inspection would have to be made by a city employee each time, the usual fee should be charged the Junior College. The request was referred to the City Manager for preparation of a suitable resolution.

3 LETTER FROM AMERICAN MUNICIPAL ASSOCIATION RE: MEETING IN LOS ANGELES ON DEC. 1-3

A letter from the American Municipal Association regarding the American Municipal Congress annual meeting to be held in Los Angeles on December 1-3 inc. was read. The City Manager reported that this was a national meeting of city officials and would be worth while. He advised the Council that a notice would be sent out later to each member to remind them of the meeting.

4 DISCUSS PURCHASE OF COMPRESSOR FOR PUBLIC WORKS DEPARTMENT

The City Manager reported that the Department of Public Works had investigated the type of compressor which would be suitable for the city needs. An amount of \$3,000 had been included in the budget for the purchase of this equipment. The and since it was the only unit of its type, advertising for bids would serve no useful purpose and that the Director of Public Works recommended Ingersoll-Rand gyro-flow unit of 105 cubic foot capacity had been recommended that this be purchased by purchase order. The net cost to the city for this equipment would be \$3,100 84, which would be \$100 84 over the budgeted amount but other tools could be purchased at a lower prices or the Paving Breaker could be eliminated under the capital outlay funds in order to make this purchase. Councilman Annan introduced

RESOLUTION NO. 9998-N. S.

which was seconded by Councilman M. Adams approving the purchase of the air compressor as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

5 ACCEPT DEED OF EASEMENT FROM ANNA KJER AND EDA BERG-MAZE COURT AREA

Upon the recommendation of the City Attorney, Councilman R. Adams introduced

RESOLUTION NO. 9999-N. S.

which was seconded by Councilman Arata, accepting the deed of easement from Anna Kjer and Eda Berg for a 10' strip of land being used for sewer facilities in the Maze Court Area and directing the City Clerk to record said deed with the County Recorder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

6
ACCEPT GRANT DEED FROM C. A. AND GERALDINE BARHAM ON PORTION LOT 3 OF WEIL COLONY

Upon the recommendation of the City Attorney, Councilman Arata introduced

RESOLUTION NO. 10,000-N. S.

which was seconded by Councilman Annan, accepting grant deed from C. A. Barham and Geraldine Barham for the west 16 feet of lot 3 of Weil Colony to be used for street purposes (Carlton Avenue) and directing the City Clerk to record said deed with the Recorder of Stanislaus County, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

7
REQUEST CANCELLATION OF TAXES ON BLOCK 56, N. 24 FEET OF LOTS 21 and S 15 1/4 ft. OF LOT 22--
PARKING LOT--VENTURINI PROPERTY

The City Manager reported that the City of Modesto through the Parking Authority had acquired title to Block 56 N 24' of Lot 21, S 15 1/4 feet of lot 22 from Joseph A. Venturini, et ux and which will be used as a parking lot. He recommended that the current city taxes on this property be cancelled in the amount of \$189 12 (tax bill No. 4351) and that the Stanislaus County Board of Supervisors and Modesto Irrigation District Board of Directors be requested to cancel its current taxes. Councilman Annan introduced

RESOLUTION NO. 10,001-N. S.

which was seconded by Councilman M. Adams authorizing the cancellation of city taxes on the above described property and requesting the County and the Modesto Irrigation District cancel its taxes on this property, which ^{was} regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

8
APPROVE AGREEMENT WITH SOUTHERN PACIFIC COMPANY FOR USE PRIVATE ROADWAY

The City Attorney presented a fifth supplemental agreement for approval between the city and the Southern Pacific Company granting permit to the city to use a temporary private roadway beneath the Southern Pacific railroad trestle over the Tulumne River, He stated that the term of the agreement was extended indefinitely from October 23, 1947, subject to cancellation by either party by giving the other party sixty days notice in writing. Councilman Arata introduced

RESOLUTION NO. 10,002-N. S.

which was seconded by Councilman M. Adams, approving the fifth supplemental agreement as stated above, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

9
AUTHORIZE SIGNING OF RELEASE CLAIM OF CITY ON DAMAGE OF MOTORCYCLE AND PAYMENT OF WAGES TO
FERREL PARKS, POLICEMAN

The City Attorney reported that the attorney representing Ferrel Parks, Patrolman had requested the City of Modesto to sign a release for its claim for damage to motorcycle and payment of wages to Mr. Parks, while off work who was involved in an accident on February 28, 1952. He stated that Mr. Parks had agreed to a settlement with the Tidewater Railway Company for his injuries and would reimburse the city for the money expended by it.

The City Attorney stated that Mr. Parks' attorney indicated the city was also going to be able to collect from Mr. Parks the sum of \$70 68 to cover the repairs to the city motorcycle which was damaged in an accident in April 1951 and for which Mr. Parks had negotiated a settlement. Councilman M. Adams introduced

RESOLUTION NO. 10,004-N. S.

which was seconded by Councilman Merrill authorizing the signing of a release on each of the above claims upon receipt of payment which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

10 AMEND RESOLUTION NO. 9906-N. S. CHANGE SALARY RANGE OF CHIEF OF POLICE

Upon the recommendation of the City Manager, Councilman Arata introduced
RESOLUTION NO. 10,005-N. S.

which was seconded by Councilman R. Adams, amending Resolution No. 9906-N. S. entitled "Salary Ranges and Rates of Positions in the City Service", adopted by the Council on July 23, 1952, to provide that "Exhibit B" established by Section 2 be amended with respect to the position of Chief of Police to read as follows:

POSITION

<u>Department Heads</u>	<u>Range No.</u>	<u>RATE OR RANGE</u>				
Chief of Police	25	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
		530	556	584	613	644

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

11 GRANT CURB CUT TO SAUERWEIN & THOMPSON FOR MODESTO BANK AND TRUST COMPANY BUILDING IN BLOCK 16--LOTS 9-13 INC.

The City Manager reported that a request had been filed by Sauerwein & Thompson, building contractors, for a permit to increase an existing 12 ft. curb cut an additional 12 ft. in Block 16, lots 9-13 inc., owned by the Modesto Bank & Trust Company on Fifth Street, between H and I Streets. They stated that an additional existing curb cut on this property would be replaced with standard curb and gutter.

The City Manager stated that an inspection of the property had been made by the Director of Public Works and he had recommended that a permit be granted for a total cut of 20 feet, since the existing curb cut was only 10 feet by the city's method of measurement and that the other existing cut be replaced. On-street parking will not be disturbed and there are no street trees involved, the Director of Public Works reported, Councilman Annan introduced

RESOLUTION NO. 10,006-N. S.

which was seconded by Councilman Merrill, granting permit to Sauerwein & Thompson to cut the curb an additional 10 feet at the above location providing one of the existing curb cuts on this property be replaced, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPROVE AGREEMENT WITH COUNTY ON RECREATION FUNDS FOR BRET HARTE

The City Attorney presented an agreement for approval between the City and the County of Stanislaus providing for the disbursement by the city of county recreation funds for use in the Bret Harte area for the term of one year, beginning July 1, 1952, which called for apayment to the city of the sum of \$1,231.00. Councilman Mellis introduced

RESOLUTION NO. 10,003 - N.S.

which was seconded by Councilman R. Adams, approving the agreement as presented, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

12
AUTHORIZE PROGRESS PAYMENT TO STOCKTON CONSTRUCTION COMPANY ON CONSTRUCTION OF SEWER TRUNK LINE ON KEARNEY, ROSEBURG, AND COLDWELL AVENUES

The City Manager stated that the Director of Public Works had filed Engineer's Estimate No. 3 for work completed by the Stockton Construction Company up to and including October 31, on the construction of a sewer trunk line on Kearney, Roseburg, and Coldwell Avenues and had recommended that a progress payment of \$19,783 42 be made to the contractor. Councilman M. Adams introduced

RESOLUTION NO. 10,007-N. S.

which was seconded by Councilman Arata, authorizing progress payment as recommended by the Director of Public Works, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

13
APPLICATION OF D. ELLIS WATER CO. TO OPERATE WATER SYSTEM IN COLLEGE VILLAGE TRACT

The City Manager reported that a copy of an application filed by Dalton P. Ellis, dba D. Ellis Water Company with the Public Utilities Commission of the State of California, to operate a water system north of Modesto in College Village Tract and to establish rates, had been filed with the City of Modesto. He stated that he had not had a chance to study this application and suggested that the Council refer it to him for investigation and report at a later date. The Council concurred in this suggestion.

14
REPORT ON MEETING WITH SUB-COMMITTEE ON COURTS OF THE ASSEMBLY INTERIM COMMITTEE ON JUDICIARY

The City Attorney reported on the meeting of the sub-committee on Courts of the Assembly Interim Committee on Judiciary, which was held in Sacramento on October 31 and which the Director of Finance and he had attended. He stated that 15 cities and 6 counties had presented statements with respect to the problem of the division of fines and forfeitures between the counties and cities arising from the operation of the Inferior Courts of the State.

The counties had contended that the cost in the operation of the courts had increased and that the percentage providing for the payment of 75% of the fines and forfeitures collected, to the cities and 25% to the counties, should be changed to provide a more reasonable basis for the counties.

The statement submitted by the City of Modesto stated that the courts should not be supported by the fines and forfeitures collected but should be a general county service and that the citizens of the city also pay county taxes. Also that the cost of the police departments who investigate the cases and apprehend the criminals, had increased and that the formulae should be left as is.

He stated that the counties should adopt a more economical system with respect to the operation of the courts. As soon as the inferior courts had been established, salaries of personnel had been raised and the cost of the courts had increased.

The facts and figures presented were to be studied by the Sub-committee and there will be a hearing on the matter at the next legislative session and the committee will make recommendations on the matter of the disposition of fines and forfeitures.

The Director of Finance complimented the City Attorney on the fine job he had done in the presentation of the case and the "verbal barrage" he had "let loose" on the committee.

The City Manager stated that in the campaign for the reorganizations promises which were made that the city would not lose any money in the reorganization of the Inferior Courts, were forgotten. This was the reason why the cities did not oppose this reorganization at the time it was proposed. The present proposal of the counties that the cost of the courts,

ignoring low enforcement costs, should be deducted and then the division made to the cities and counties was inequitable, unsound, and contrary to sound public policy. He Stated that the cities should not be held responsible for paying the cost of the operation of the courts over which they have no control.

15 REPORT ON DEFEAT OF PROPOSITION NO. 10

The City Manager reported that the defeat of Proposition #10 at the General election on November 4th was due to the fact that everybody went to work on it. It would have been a detriment to the people of the state if it had been adopted, he stated. He expressed appreciation to the press and radio. Councilman R. Adams moved, seconded by Councilman Merrill that the City Manager be authorized to write a letter to all the press and radio concerns thanking them for helping to defeat this proposition.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

16 REPORT FROM STATE COMPENSATION INSURANCE FUND--ACCIDENT PREVENTION SERVICE

The Director of Finance reported that the State Compensation Insurance Fund had filed the accident prevention service report for period 7-1-52 to 10-1-52, showing an estimated loss ratio for this period of 26%. This good record was attributed to the very fine inter-departmental safety program which is being conducted by the City of Modesto.

17 APPROPRIATION TRANSFER TO COVER INCREASE IN RATES FOR PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE ON AUTOMOTIVE EQUIPMENT

The Director of Finance reported that the renewal policy for public liability and property damage insurance on automotive equipment had been received and the total advance premium for this coverage was \$7,746 35. He stated that this was an increase of approximately 65% over last year's premium and that an amount of \$7,000 00 had been provided in this year's budget. An additional appropriation of approximately \$1000 00 would be needed to take care of the extra cost at the present time and adjustments which would be necessary from time to time as equipment was acquired. Councilman Annan introduced

RESOLUTION NO. 10,008-N. S.

which was seconded by Councilman M. Adams authorizing the transfer of \$1,000 00 from the General Reserve to the Finance Department for public liability and property damage insurance on the automotive equipment, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None


18 LETTER FROM MILITARY ORDER OF THE PURPLE HEART

A letter from the National headquarters of the Military Order of the Purple Heart, Inc. Chicago, Illinois, requesting permission to display an ancient gun and knife exhibit in Modesto for a few days during November and December was considered by the Council. It was the decision of the Council that no objections would be offered to this permit providing the local organization approved. Councilman Annan moved, seconded by Councilman Mellis that this permit be granted and directing the City Manager to make the necessary arrangements provided the approval of the local veteran organization was obtained.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILFUS CITY CLERK

Council Meeting
November 12, 1952

The Council of the City of Modesto met in regular session this date at 7:30 P. M. as provided by Ordinance No. 1042-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill, and Mayor Marks
Absent: Councilmen: Arata

APPROVAL OF MINUTES

The approval of the minutes of the Council meetings of October 22 and 27 was considered and the Mayor recommended that paragraph 5 of page 5 of the minutes of the October 22nd meeting, be changed to read as follows:

"Mayor Marks stated that one area north of the town was considering annexation at this time. The City of Modesto is on record, he stated, that the South Modesto area and the rest of the areas were invited to come in, "no lines were drawn."

He explained that all areas "were invited in" relates to the situation at that time, the Council cannot commit itself for the future, and a future Council cannot be obligated by this Council. Councilman Mellis moved, seconded by Councilman Annan that the minutes of the October 22nd meeting be approved with the change recommended by the Mayor.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Arata

REQUEST FOR REPORT ON TRAFFIC SIGNAL AT MCHENRY AND MORRIS AVENUES--HERBERT G. FLORCKEN

Herbert G. Florcken requested information regarding the progress in the plans for the installation of traffic signals at McHenry and Morris Avenues.

He was informed that the State had approved the expenditure and that the plans and specifications were completed and the call for bids would be authorized at a very early date.

DISCUSS TRAFFIC HAZARD AT MORRIS AND VIRGINIA AVENUES

Mr. Florcken called the attention of the Council to the traffic condition existing at the intersection of Morris Avenue with Virginia Avenue, due to the S turn and the bridge across the irrigation ditch. He suggested that something should be done soon to eliminate this hazard, due to the fact that after the installation of the traffic signals on Morris and McHenry Avenues, the traffic would be increased on Morris Avenue. Perhaps the project could be accomplished jointly by the Tidewater Southern Railway Company, Modesto Irrigation District and the City, he suggested. Children crossing the bridge on bicycles from the Enslin School were difficult to see due to the construction of the bridge, he stated.

Mayor Marks referred the matter to the City Manager to make a report as to how this traffic hazard could be corrected and if public and private agencies could finance it together.

TRAFFIC HAZARD NEAR FREMONT SCHOOL

Mayor Marks pointed out the potential traffic hazard which existed near the Fremont school located at Orangeburg and Tully Roads, due to children riding in the street on their bicycles to and from school. He suggested that some M. I. D. poles could be moved and perhaps a strip of asphalt could be put in to be used by the children on their bicycles near the school. It was pointed out that possibly the schools would install sidewalks along the school grounds.

4 REQUEST FOR INFORMATION REGARDING SEWER SERVICE--BETTY SUE

Betty Sue, owner of property at 941 College Avenue, appeared before the Council and requested information as to the location of the sewer line which would serve her property and just when she could receive service.

The City Manager advised Mrs. Sue to leave her phone number with the City Clerk and she would be contacted after an investigation was made by the Director of Public Works and she would be given a definite answer to all her questions.

5 REQUEST FOR CURB CUTS FOR USED CAR LOT TO BE ESTABLISHED BY THE MILLER MOTOR COMPANY AT THE CORNER OF 11TH AND L STREETS

Carter Harrison, representing Bomberger Bros. appeared before the Council and stated that the property at 11th and L Streets had been leased to the Miller Motor Company for a period of 5 years and was to be used for a used car lot. He stated that a large amount of money was to be expended to improve this property and he requested that the Council consider the removal of one or two trees at this location, as well as the pruning back of certain trees. He also requested that curb cuts be granted on L Street and on 11th Street.

The City Manager recommended that Mr. Harrison submit the plans to the Director of Public Works, who would make a report to the Council at a later date.

Councilman Mellis stated that it had been the policy of the Council to grant only one curb cut to a concern and recommended that the alley be used as an exit for the customers.

Mr. Harrison stated that the final plans would be completed and submitted to the Director of Public Works for study and recommendation to the Council. He stated that the reason he had brought it up at this time was to get an expression from the Council on the proposed plans.

6 LETTER FROM TIDEWATER SOUTHERN RAILWAY COMPANY

A letter addressed to Councilman Lyndall O. Merrill from Rex Kearney, President of the Tidewater Southern Railway Company regarding the purchase of the final 20 acres which completed the plans of the Railway Company to acquire 189 acres for its industrial area, south of Modesto, was read.

7 HEARING ON PROPOSED CHANGES IN THE IMPROVEMENT DISTRICT NO. 1

The Mayor declared the hearing open on the proposed changes in the work to be done in Improvement District No. 1, pursuant to Resolution of Intention No. 9903-N. S., as proposed to be amended by Resolution No. 9992-N. S., which provides for the construction of sanitary sewer laterals and for the furnishing of street lighting materials to be installed by the City of Modesto in the Northwest and Maze Court Additions recently annexed to the city.

The following property owners in the Maze Court Addition appeared before the Council:

Addie L. Pingree, owner of lots 8 and 10 in Block 4164
Henry S. Bowers, Owner of lot 9 in Block 4164
M. Haas, owner of lot 9 in Block 4168, represented by C. Horwitz
Mrs. T. B. Thompson, owner of lot 12 in Block 4168
Leland Stone, owner of lot 13 in Block 4168

These property owners protested to the proposed changing of the plans for the construction of the sewer lateral, which would increase the cost to all the property owners in this addition so that one property owner could "get sewer service cheaper."

At the recommendation of the City Attorney, the Director of Public Works explained the proposed changes to the property owners which provided for

- B. The extension of the 6" vitrified clay pipe sanitary sewer line, located in the alley of Block 4164 to a point on Sherman Avenue opposite the south line of lot 7 of Block 4164, a distance of 109 feet, together with the construction of an additional manhole, as shown on revised sheet #13 of Plans.

He stated that the reason for the change was to provide a more equitable means of providing sewer service for the property owner of Lot 7, Block 4164, H. J. and Ruth Tegen, since the original proposed construction required the extension of the sewer connection to a distance greater than 190 feet. The estimated cost of the extension of the sewer line and one additional manhole was \$606 10.

The City Manager stated that at the time the original hearing was held on this improvement district, it was suggested that certain changes be made and the alternate plan for consideration at this time was prepared. He stated that if the Council was not clear as to what it wished to do on this matter after the discussion, the hearing could be held over for further consideration.

The Director of Public Works asked if one part of the proposed plan could be approved at this hearing since the contractors were anxious to complete certain sections of the work due to the immediate possibility of rain.

The City Attorney pointed out that all the proposed changes in the location and work to be done would have to be approved at one time. He pointed out that the law required that written protests be filed and this had not been done by the property owners in the Maze Court Addition who were protesting to the change. He stated that the Council could proceed, if it desired, however, to hear the oral protests.

Mayor Marks stated that the Council would like to hear all the protests at this time.

It was brought out that at the informal discussion with the Director of Public Works on the proposed changes which were discussed at the original hearing on the improvement district, only a few property owners appeared and that Mr. Tegen had appeared and explained his problem and it was agreed that the change should be made and the property owners at this hearing had expressed their willingness to "go along" and bear part of the expenses for the change.

The Director of Public Works pointed out that if an easement could have been obtained from the Modesto Irrigation District to extend the sewer lateral across its property, it would not have been necessary to make this change. He also pointed out that if Addie Pingree would give an easement to Mr. Tegen across her property it would not be necessary to make this change.

When the Mayor asked Miss Pingree if she would be willing to give an easement, she stated that she would not be willing to commit herself.

Various alternatives to furnish sewer service to the property were discussed by the Council and the property owners. The Director of Public Works advised the owners of the amount of assessment on their property under the original plan and under the proposed change. He pointed out that a portion of the increased assessment was due to the change in the method of assessing irregular shaped corner lots in this addition.

The City Attorney stated that the question before the Council was whether the plan proposed was equitable to all the property owners. The hearing was being held to consider all the area and not one particular piece of property. The thing to consider was whether the original plan is to be used or the alternate one is to be used. In other words, the equitable manner of accomplishing the job is what the Council is to decide on.

The City Manager pointed out that in every improvement district to be considered by the Council there would be problems--some certain piece of property would not happen to fit in, and that it would be up to the Council to decide how best to serve the area as a whole.

Councilman M. Adams asked the distance to various property lines from the sewer lateral. The Director of Public Works stated that under the original plan, the nearest sewer to Tegen's property, is 50 feet as compared to approximately 10 feet from the other property owners.

Councilman R. Adams pointed out that at the discussion held by the sub-committee appointed by the Council, it was proposed to bring the sewer line closer to the Tegen property so that he would have approximately the same distance as the others and that all the people in this area of the district, should stand the expense of it.

Mrs. Thompson stated that she had never been notified of the hearing and Mr. Ray explained the method used in notifying the property owners.

Councilman Mellis recommended that since no written protests had been filed, the oral protests be overruled.

Councilman M. Adams recommended that the final decision be held up until Mr. Tegen could be present.

The Director of Public Works explained a change in the original plans under the new proposal which would eliminate one manhole thereby reducing costs to this portion of the district by \$290 00.

The Director of Public Works outlined the proposed changes in the work and the location of the work to be done in the Northwest Addition, which provided for the following:

- A. The extension of the 6" vitrified clay pipe sanitary sewers serving Blocks 6010 and 6011 a distance of ten feet (10') each, to the south of the present termini, as shown on revised sheets #9 and #10 of Plans.

He stated the reason for the proposed change is that it is essential that the proposed sewer lateral on Roseburg Avenue be removed from the center line in order to permit future extension of the trunk sewer designed for that location and the two sewer lines serving Blocks 6010 and 6011 must be extended a distance of 10 feet each to the south to meet the Roseburg Avenue sewer lateral. The estimated cost would be \$58 00. The extra cost would be less than \$100 per lot to this portion of the district.

- C. The extension and construction of a 6" vitrified clay pipe sanitary sewer serving Block 915, a distance of 144.4 feet to the north, together with one lamphole, from Station 17' 55.1, as shown on revised sheet #5 of plans.

He stated the reason for the proposed change is that the requests filed at the time of the hearing, the Council agreed to extend the sewer serving the south side of Block 915 in the College Garden Tract in order to more equitably serve the lots lying south of Cecil Way and facing Tully Avenue. The estimated cost of the changes is \$450 26.

- D. The extension and construction of a 6" vitrified clay pipe sanitary sewer, serving Block 936 of College Gardens Tract, a distance of 343.6 feet, across a proposed ten foot easement from the alley in Block 936 to a point near the south line of Cecil Way, together with one manhole and one lamphole, as shown on revised sheet, #3 of Plans.

The reason for the changes is that at the time of the hearing the Council considered a more equitable means of serving lots in Block 936 of the College Gardens Tract and facing on Tully Avenue by having this sewer line serve the two

lots on the south side of Cecil Way in Block 915 thereby permitting some reduction in cost.

The estimated cost for this proposed change is \$1,317 94.

- E. The elimination of 295.7 feet of 6" vitrified clay sewer pipe and two manholes originally designed to serve Block 916 and the north portion of the east end of Block 915, as shown on revised sheet #4 of Plans.

The reason for the change is that as a result of the proposed revision (as set forth in proposed change #D") it is possible to eliminate the construction of 295.7 feet of sewer line and two manholes at a total saving to the improvement district of \$1,437 53.

The Director of Public Works stated that the net increase to each lot in the College Garden Area of the Northwest Addition is about \$1 77 each.

The Director of Public Works asked if a tentative approval could be given to the changes proposed in the Northwest Addition so that work could proceed. The City Attorney stated that action could not be taken on these changes at this time and not on the other proposed in the Maze Court area. All the proposed changes as set forth in the resolution amending the original resolution would have to be approved or disapproved at one time by the Council, or a new resolution of intention be adopted.

A further discussion was held on the proposed changes in the Maze Court Addition and it was pointed out that the elimination of the manhole would reduce the estimated extra cost of \$600 for the 27 homes in the area so that the extra cost would not be excessive. It was discussed whether it would be advisable to hold up the hearing for a few days so that Mr. Tegen could be present and what could be accomplished by the delay. It was pointed out that the immediate danger of rain could cause considerable trouble and that the property owners had had an opportunity to file their objections at the informal hearing conducted by the Council sub-committee. Councilman Mellis introduced

RESOLUTION NO. 10,009-N. S.

which was seconded by Councilman Annan approving the amending of the plans and specifications for the work and improvement described in Resolution of Intention No. 9903-N. S., as set forth above and that the work be done at the unit prices set forth in the bid on file in the office of the City Clerk and which resolution was regularly adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: M. Adams

Absent: Councilmen: Arata

8 WELCOME VISITORS FROM MUNSTER, GERMANY

Mayor Marks extended a welcome to the citizens from Munster, Germany, who were visiting Modesto under the sponsorship of the State Department for orienting to American democracy and citizen participation in government. They were introduced to the department heads and to the Council members who had not previously met them, by Robert Shelton, Assistant to the City Manager.

9 LETTERS OF COMMENDATION--POLICE CHIEF JAMES C. NEEL

The City Manager read a letter sent to the Council by the Napa Chamber of Commerce which stated:

"The Napa Chamber of Commerce passed a resolution of commendation for your new Chief of Police, James C. Neel, and presented him with a Community Service Award. Only three such awards have ever been given to a city official in the forty-five years of history of this Chamber of Commerce.

We feel our loss is your gain. Mr. Neel's cooperation with the Napa Chamber of Commerce was quite outstanding and we know he will do the same fine job for the City of Modesto as he did for the City of Napa.

A copy of a letter sent to Chief Neel by the Board of Education of Napa was read, expressing regret that he was leaving Napa and expressing appreciation for the excellent job he had done while serving as Chief of Police in Napa.

The Mayor and City Manager expressed themselves as being "proud and happy that Chief Neel was with the City of Modesto."

10 LETTER FROM FRANK ANDREWS RE: ELECTRIC RATE IN CITY OF MODESTO

A copy of a letter sent by Frank Andrews to the Board of Directors of the Modesto Irrigation District regarding the reduction of electric rates for the City of Modesto and for the businessmen in the city was read and ordered filed.

11 REQUEST FROM POULTRY PRODUCERS OF CENTRAL CALIFORNIA FOR SEWER SERVICE

A request was filed by the Poultry Producers of Central California, 615 Kansas Avenue for city sewer service for its plant located on Kansas Avenue, west of the present city line. An existing sewer line which was abandoned by the Barium Products and is currently being used by the Modesto City Schools warehouse would be adequate to take care of its waste which is entirely domestic, the letter stated. Prior to the correction of a drainage problem at its plant, the Poultry Producers stated it wished to know the possibility of working out an arrangement with the city to tie into the city sewer system, and it was willing to sign an agreement to use the sewer on a month-to-month basis pending annexation.

The City Manager pointed out that this property was not contiguous to the city. A discussion was held on the policy of the Council on granting city services to property outside the city and a suggestion was made that the Poultry Producers work out a plan with Borden's Condensary for annexation of its property to the city so that these services could be granted.

12 REPORT ON REQUEST OF STANISLAUS COUNTY FIRE WARDEN FOR SEWER SERVICE FOR NEW FIRE STATION ON CALIFORNIA AND FRANKLIN AVENUES

The City Manager reported on the request of O. S. Ball, Fire Warden of Stanislaus County, for sewer service for the new fire station planned to be built at the corner of California and Franklin Avenues. He stated that the Director of Public Works had advised him that the City had a sanitary sewer on Franklin Avenue, adjacent to the proposed location and it would be physically possible to provide the service.

After a discussion by the Council on its policy of granting city services to public agencies outside the city limits, it was decided to further consider the policy of the Council on granting of these services.

A discussion was held on the contracts now in existence with concerns outside the city for fire protection and its effect on the #2 fire rating the city was endeavoring to obtain from the Board of Fire Underwriters. The City Manager stated that a new fire prevention ordinance being drafted by the City Attorney would be up for consideration of the Council shortly. The City Manager raised the point that possibly the city should not grant sewer service if fire protection was not to be given.

It was the decision of the Council that the City Manager would make a report to the Council and a policy would be adopted on the granting of city services for property outside the city limits for public agencies as well as private property.

13 REQUEST OF C. W. SHANNON FOR CURB CUT--BLOCK 84 LOTS 5-8 INC.

A request was filed by Carl W. Shannon, owner of property in Block 84, lots 5-8 inc. for an additional curb cut of 9 feet which would make a 30 foot cut in all. The City Manager stated that no precise recommendation on the location could be given at this time but stated that if the Council desired, permit could be granted for the relocation of the existing curb cut to serve the property more adequately and the replacing of a portion of the curb cut but that the total over-all curb cut should not

exceed 20 feet. He stated that with the relocation of the curb cut no parking spaces would be lost on the street. Councilman Merrill moved, seconded by Councilman R. Adams that a 20 foot over-all curb cut be granted to the said applicant and the location to be approved by the Director of Public Works.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

14 ALLOW CLAIMS FOR THE MONTH OF OCTOBER, 1952 - See page 87-B

The City Manager reported that an investigation had been made of the duties of the position of the Assistant City Clerk and that a comparison had been made of comparable positions in this vicinity and he recommended that this position be changed to range #12, as set forth in exhibit B established by Section 2 of Resolution No. 9906-N. S. entitled: "Salary Ranges and Rates of positions in the City Service", which called for a salary range of \$281 to \$341. He stated that this recommendation had been approved by the Personnel Board at its meeting on November 10th. He cited the very fine loyal service being rendered by the Assistant City Clerk. Councilman Annan introduced

RESOLUTION NO. 10,011-N. S.

which was seconded by Councilman M. Adams, amending Resolution No. 9906-N. S. entitled: "A RESOLUTION ESTABLISHING SALARY SCHEDULES, CLASSES OF POSITIONS AND FIXING THE COMPENSATION OF OFFICERS AND EMPLOYEES IN THE CITY SERVICE", adopted by the Council on July 23, 1952, as follows:

Classified Service

Position	Range No.	Rate or Range				
		A	B	C	D	E
Assistant City Clerk	12	281	295	310	325	341

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

15 REPORT BY CITY MANAGER ON "THE BEST PERSON FOR THE JOB"

The City Manager filed a report with the Council, a copy of which is on file in the office of the City Clerk, entitled; "The Best Person for the Job."

The report outlined the policy being followed in establishing salaries and selecting personnel for the city. He stated,

"We are proceeding on the basis that we should in every case obtain the best person available for each position. The Council too, has been proceeding on the basis that in order to obtain and retain competent personnel in all positions compensation must be fair and adequate for the experience and skills required. In many cases it is possible to obtain persons locally to fill the positions and in other cases it is not possible. I should like to emphasize that in every case we are employing the best qualified person available."

The City Manager cited positions which had been filled by local people after examinations had been given and examples of city employees who have been able to advance recently within the city organization.

"We are proud of our city employees and of the job they are doing for Modesto. In every case the decision to hire or promote a particular person has been based upon the premise that the city wants the best possible person in each position. In some cases the "Best Person for the Job" is from outside Modesto. In filling the positions for which I am responsible, if the best person is a local person he will be appointed. If the qualifications are essentially equal, the local person will be given preference. In every case, to the best of my ability, the best person for the position will be selected regardless of his address."

The City Manager stressed the importance of training. He stated that a record is being kept of the training taken by every employee and this training is taken into account in every promotion and advancement.

The City Manager reported that Director of Finance Lawrence was conducting a class at the Modesto Junior College on governmental accounting and that 8 of the 16 students in regular attendance in the class were city employees.

The Mayor stated that it has always been the policy of this Council to "get the best people for the job."

Councilman Mellis expressed his approval of "always getting the best and nothing but the Best." He stated the Council was proud of the city personnel service and it did not want to see this policy changed.

16 APPROPRIATION TRANSFER FROM GENERAL RESERVE FOR EQUIPMENT RENTAL FOR THE PUBLIC WORKS ELECTRICAL DIVISION

Upon the recommendation of the City Manager, Councilman M. Adams introduced
RESOLUTION NO. 10,012-N. S.

which was seconded by Councilman R. Adams, approving the appropriation transfer of \$2500 00 from the General Reserve to the Public Works Electrical Division for trenching equipment rental for the installation of street lighting cable in the College Center, Campus Tracts No. 2 and 3, Hardin, Cloverfield, Gonzales, and Zimmerman, and Improvement District No. 1, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Arata

17 REPORT BY MAYOR ON "CRITICISIM WHERE IT COUNTS"

A report was read by the Mayor entitled: "Criticism Where It Counts.", inviting suggestions and constructive criticism from the citizens of the city. The report stated,

"A very important right of each citizen under our American system of government is the right to criticize government. There are, of course, many kinds of criticism. Many times it is made constructively on a valid basis. Sometimes it is made carelessly with little or no basis. Sometimes it is made just for the sake of being critical and sometimes it is made maliciously. Many times criticism is passed around without the responsible officials knowing about it or being able to act on it.

Under the American system the citizen has the right to make any of these kinds of criticism. However, I believe that each citizen is obligated to participate in the affairs of his government to support it where it is justified and to criticize it where it is due. Such criticism is offered on a constructive basis if of extreme value to them. For this reason, I should like to make it clear that the city welcomes the comments and the candid constructive criticism of the people of this city.

A suggestion program for city employees within the city organization is being developed. We should like to invite and encourage a similar suggestion program in which the citizens of the city will offer their suggestions and constructive criticism to all city officials."

18 REPORT ON LEAF REMOVAL

The City Manager stated that a report had been prepared for the consideration of the Council on the removal of leaves from the streets by a private concern beginning next fall. It was decided to send out copies of this report to the Councilmen for their consideration.

19 REPORT OF STREET IMPROVEMENT SUB-COMMITTEE TO CITY PLANNING COMMISSION AND CITIZEN'S ADVISORY COMMITTEE

The City Manager submitted a report to the Council of the Street Improvement Sub-committee to the City Planning Commission and Citizen's Advisory Committee. He stated the committee was composed of the following members:

Fred Johnson, Chairman,	representing the California Society of Professional Engineers
Mrs. Dorothea McVay	Garden Club
Mrs. Wesley Pugh	American Association of University Women
Stan Boyett	Modesto Lions Club
Merrill Adams	City Council
Neil Cecil	City Planning Commission

(insert - see page 87)

ALLOW CLAIMS FOR THE MONTH OF OCTOBER, 1952

Upon the recommendation of the City Manager, Councilman Mellis introduced
RESOLUTION NO. 10,010-N.S.

which was seconded by Councilman Annan, approving the payment of claims against the city of Modesto for the month of October, 1952 in the amount of \$116,389.80 being check numbers 4701 to 4868 inc. and check numbers 11006 to 11036 inc. for the McHenry Library in the amount of \$917.57, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata

ESTABLISH SALARY RANGE FOR POSITION OF ASSISTANT CITY CLERK

The City Manager stated that this report had been approved by the Planning Commission and sent on to the Council for consideration. He stated that this report was an "outstanding job" and was valuable to the city. The Council expressed its appreciation to the committee for the excellent job in preparing the report.

It was the decision of the Council to consider the report and either adopt it as submitted or to possibly make amendments if necessary. It was recommended that the Director of Public Works go over the report and that copies of the report be placed on file at the McHenry Public Library, Chamber of Commerce, and to see that other organizations receive copies and that the City Attorney should study the legal aspects of the report.

20 REPORT ON REQUEST OF THE MODESTO JUNIOR COLLEGE TO DISPLAY BANNERS ACROSS THE CITY STREETS

The City Manager reported that he had checked with the Junior College on its request to display banners across the city streets advertising activities to be held at the college. The question had been raised whether the College should come back everytime to the Council when a banner was to be displayed and also the question of charging a fee for inspection. He recommended if the Council approved, a resolution could be drafted which would amend Resolution No. 9669-N. S. adopted by the Council on December 12, 1951, granting permit to the college to erect poles and display banners just north of Needham Avenue across College Avenue, and which would provide for the following:

1. Original installation of poles to be approved by the Department of Public Works
2. City be notified of each installation of banner and that each installation be subject to inspection by city
3. School to assume all liability and hold city harmless

The Council directed the City Manager to draft a resolution along these lines to be considered at a later meeting.

21 AUTHORIZE CITY ATTORNEY TO ATTEND CONFERENCE OF LEAGUE OF CALIFORNIA CITIES ON FRANCHISES

The City Attorney was authorized to attend a conference in Berkeley, Friday, November 14, of the League of California Cities, on franchises.

22 CITY ATTORNEY SUGGEST THAT AGENDA BE DISTRIBUTED TO EVERYONE ATTENDING COUNCIL MEETING

At the suggestion of the City Attorney, The City Clerk was directed by the Council to prepare sufficient copies of the agenda for each Council meeting so that a copy could be distributed to each person attending the Council meeting.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILUS, CITY CLERK

Council Meeting

November 19, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1042-N. S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Absent: Councilmen: None

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

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the meeting of November 5, 1952, and the same being available for public inspection, and there being no objections, the same were approved.

1 GRANT PERMIT TO MODESTO JUNIOR COLLEGE TO INSTALL BANNERS ON COLLEGE AVENUE

The City Attorney reported that the request of the Modesto Junior College to display banners advertising activities at the Junior College had been cleared with Fred A. Earle and

C. E. Zumwalt of the College and he submitted a suggested resolution as instructed providing that the College be granted a permit to erect poles so that banners may be displayed across College Avenue, just north of Needham Avenue on the following conditions:

1. The Junior College will erect and maintain the poles and install the banners at its own expense.
2. The place and manner of the erection of the poles shall be approved by the Department of Public Works.
3. The Junior College will notify the Director of Public Works in writing at least seven (7) days prior to the time each banner is to be hung so that each installation may be inspected by the City.
4. Prior to granting of the permit to construct the poles, the Junior College will furnish to the City, written evidence of its willingness to indemnify and hold the City harmless from and against any and all costs, damages or liabilities arising out of the erection and maintenance of said poles and/or the display of said banners.

Whereupon Councilman Annan introduced

RESOLUTION NO. 10,013-N. S.

which was seconded by Councilman Arata, granting permit to the Junior College to display banners at the above location on the above listed conditions and rescinding Resolution No. 9669-N. S., adopted on December 12, 1951, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

2) APPROPRIATION TRANSFER OF \$1000 00 FOR PURCHASE OF FIRE ALARM CABLE

The City Manager reported that Fire Chief Wemyss and Chief Electrician Viss had requested that a reserve supply of fire alarm cable be purchased. Some of the present cable was installed over 28 years ago and is in poor condition and may go at any time. There is not enough cable left on hand to do a major repair job as it takes 300-500 feet to replace worn out cable in one block. This is a specially ~~made~~ made cable and is not stocked locally or by the suppliers but must be made up on special order and may take as much as 6 months to fill an order. It is important that the city has enough of this cable on hand for replacement purposes at all time. Mr. Viss has advised that 1000 feet is sufficient and he has received a quotation of \$969 00, including tax and freight, and has stated that the city ~~may~~ may run into a bad situation at any time and has recommended that this amount of cable be in stock. Councilman R. Adams introduced

RESOLUTION NO. 10,014-N. S.

which was seconded by Councilman Merrill, authorizing the appropriation transfer of \$1000 00 from the General Reserve to the Fire Department budget for the purchase of fire alarm cable, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

3) REQUEST FOR CURB CUT AND TREE REMOVAL BY MILLER MOTOR COMPANY

F. W. Halley, Attorney and Maynard R. Miller of the Miller Motor Company and Carter Harrison, representing Bomberger Bros. Real Estate Brokers, appeared before the Council regarding the request for curb cuts and removal of trees at 11th and L Streets, being block 65, lots 13-16 inc., so that the property could be used for a used car lot.

Attorney Halley stated that the plan proposed for this lot was unusual and outstanding and it was necessary that two driveways be provided since it is important that the customers have ample means of egress and ingress to the lot. He requested that a 12 foot curb cut/ on L Street. He also requested that the two Maple trees on 11th Street and the four on L Street be removed since pitch and leaves from these trees would fall on the cars on the lot. He pointed out that this would be a disadvantage to a used car lot since

1. The cars would have to be maintained, polished, and washed.
2. Trees would obstruct the development which is planned.
3. Trees would obstruct the view of customers driving by.

Maynard R. Miller stated that unless curb cuts could be granted on both streets there would be no use of his company paying a large amount of money for a corner lot. He stated that it would be cheaper to rent a lot in the middle of the block if only one curb cut was allowed.

Councilman Annan stated that if two curb cuts were granted he would recommend that the 15 foot curb cut near the alley at this location be replaced so that parking spaces would not be lost to the public. He stated that the over-all thought on the matter of granting curb cuts was that the merchants would have a place for customers to park down town. There is a tendency, he stated, for the shopping districts to go out of the city area and it is important for the protection of the merchants in the down town area that these spaces be preserved for the parking public. "I do not want you to get the idea we do not want to do everything possible we can to help out the business men but where it is not absolutely essential to cut the curb, I am opposed to it."

Mayor Marks pointed out that "what Maynard R. Miller really wants is to do away with three feet of curb cut on L Street, " since the existing 15 foot curb cut on L Street, near the alley, would be replaced, if a new curb cut was granted on L Street at a different location.

Councilman Mellis pointed out that "we can close it (the 15 foot existing curb cut) and we should not confuse the issue. We have the right to close it if it is not in use and provide parking spaces."

When questioned by the Council if the alley could not be used as one means of ingress and egress to the lot, Attorney Halley stated that the plans called for the structure of a fence on the alley for a background.

Councilman R. Adams pointed out that the reason the operator of the used car lot on 10th and L Streets had two curb cuts was that when the curb cut was granted on L Street by the Council, that was the only means of ingress and egress to the lot but since then, the lot has been enlarged and at the present time there are two entrances to the property. Also at the time to granting the permit by the Council there had been an immediate possibility of a building being erected, and the alley could not be used because of a building on the property in back of the alley.

Councilman Annan explained the reason he felt so strongly about not granting curb cuts was that once a curb cut is granted no one can ever park in these locations in the future either day or night. The question was whether it was more important to grant these cuts or to have a place for cars to be parked.

When the Mayor questioned Maynard R. Miller if his company would still wish to operate a used car lot at this location if it was not granted two curb cuts, he stated that the Pontiac Company approved all the plans for the location of used car lots and that "it would be of no value to us if we could not go through with our plans and we would have to worry about getting customers into our place of business. If the people have to look for a parking space, they will go to another lot."

The City Manager pointed out that parking spaces cost a lot of money and he cited the cost of buying off-street parking lots.

Maynard R. Miller stated that his company would have to start all over again if an o. k. for the tree removal and the two curb cuts was not granted since the engineering staff of the Pontiac Company drew up these plans after a great deal of experience, with the idea of selling automobiles. The main thing they ask for, he stated, is to secure a corner lot and it costs three times more money than an inside lot.

Councilman Annan recommended that the Council proceed to grant the two curb cuts. He stated that it was unfortunate that the state law prohibited parking in a driveway since the used car dealers were willing to put up signs in front of its driveways granting permit to park after closing hours. He asked whether it would "pay" the city to investigate the provisions of the state law in this regard.

Attorney Grimes stated that the state law would have to be changed in order to permit this type of parking.

Mayor Marks pointed out that the use of this land as a used car lot was an interim use until the land became valuable enough to construct a building and the property owners had to get some money out of the land until such a time.

Councilman R. Adams moved that the Miller Motor Company be granted a curb cut on L Street and one on 11th Street and the existing curb cut of 15 feet near the alley, be closed under the supervision of the Director of Public Works and that they be required to pay the necessary fee for curb cut, which was seconded by Councilman Arata.

Before a vote was taken on this motion, the City Manager suggested that the request for the removal of the trees be cleared.

When the Mayor asked if the request was for the removal of all the trees, Attorney Halley stated that it was the "sincere wish" that they all be removed. He stated that this lease is drawn up with the provision that if the business district expands to a point where this lot is desirable for other business, the land must be relinquished.

When Councilman Merrill questioned why all the trees had to be removed Maynard R. Miller stated that the sap and leaves falling from the trees would require a large number of employees to keep the cars cleaned and there was not enough profit in the used car business to warrant this. He stated it is imperative to keep the lot clear.

The Mayor pointed out that if permit was granted to remove the trees at this location, they should be replaced by decorative trees as this property was located in the C-2 Central Business District and since other business concerns had been required to do this during the transition period, it is necessary that the Council be consistent in this regard.

Maynard R. Miller pointed out that if the decorative trees could be kept under the neon sign which was proposed to be installed, it would be agreeable with him but he would see if he could get the Pontiac Company to "go along". "All we ask for, he stated, is the same treatment as all others. We are willing to go along with the Council on any progressive plan."

Councilman Merrill pointed out that if permit was granted to pull out the present trees, ornamental trees should be planted to replace them. "We should be consistent in our program", he stated.

The Mayor pointed out that it was not the intention of the Council to stand in the way of business men but it was for the welfare of the city to require this during the interim use of the property and that the Council was trying to preserve the best that they could as "we go along." Many cities are going back to requiring trees in the business district, he stated, and "aesthetic beauty never hurt any kind of business."

Maynard R. Miller requested that the requests for curb cuts and removal of trees be tabled until his company could be contacted.

Councilman R. Adams recommended that the type of trees to be replanted be cleared and Attorney Halley questioned if permit to remove the trees could be granted and the type to be replanted decided later on. The Director of Public Works stated that the Planning Commission had not completed its plan as to the types of decorative trees to be used in the C-2 Central Business District.

The City Manager recommended that permit for the removal of the trees and the permit for the two curb cuts be cleared on the basis of the recommendations. The City Attorney recommended that the Council go ahead with its decision at this time.

Attorney Halley was requested to contact the Director of Public Works on the location and the type and the number of trees to be replanted.

Councilman Mellis moved, which was seconded by Councilman Merrill that the previous motion made by Councilman R. Adams, which was seconded by Councilman Arata (Page 4) be amended to provide that permit be granted to the applicant for two curb cuts to be located under the supervision of the Director of Public Works, that the present curb cut be replaced, that permit be granted for the removal of all the trees with the understanding that decorative trees be replanted in accordance with city requirements; and that all of the said work be done at the expense of the applicant.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Attorney stated that sometime ago the Council directed the City Manager and the City Attorney to draft a resolution to grant the power to the City Manager to grant curb cuts and he questioned whether the Council still wanted to place this responsibility with the City Manager or if it wanted it left, "as is."

Councilman Annan stated that he had confidence in the City Manager and City Attorney but the one thing that irritated him was that during the hours the used car lots were closed, the driveways could not be used by the public. He wondered "how we can get around the state law" so that these locations could be eliminated from the state law so it would not be necessary to prohibit parking at all times. He suggested that this matter be taken up with the state legislature so that it would not work a hardship on parking facilities."

Councilman Mellis stated that it would be hard to determine when a business concern is open or closed for business. Councilman Mellis moved, seconded by Councilman Merrill that since permit was granted to remove the Maple trees on 11th and L Streets, providing decorative trees were replanted, that the Council be consistent and the City Manager be authorized to notify R. B. McBride Company which had recently been denied permit by the Council to remove a tree, that they would be permitted to remove the tree on its parking lot at 8th and I Streets, providing it is replaced with an approved decorative tree.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman M. Adams stated that he believed that it would be in order for the City Manager and City Attorney to make these decisions on curb cuts since "they could do a better job than the Council could. We can set the policy and they can follow it", he stated.

Councilman Mellis stated that he believed the Council should continue making these decisions until further notice.

This conclusion was informally agreed to by the Council.

The Mayor recommended that the Council be consistent in granting requests for the removal of trees in the C-2 Central Business District and provide they be replaced with decorative trees.

4 AUTHORIZE CALLING FOR BIDS ON TRACTOR LOADER

Upon the recommendation of the City Manager, Councilman Mellis introduced
RESOLUTION NO. 10,015-N. S.

which was seconded by Councilman Annan, authorizing the City Clerk to call for bids for the furnishing of one new rubber-tired tractor loader, bids to be opened at 3:00 P. M. on Monday, December 8, 1952, and any award made or contract entered into shall be by action of the Council meeting in regular session at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Maynard Marks

Noes: Councilmen: None

Absent: Councilmen: None

5 AUTHORIZE CALL FOR BIDS ON TRAFFIC SIGNALS AND STREET LIGHTING AT McHENRY AND MORRIS AVENUES

Upon the recommendation of the City Manager, Councilman Mellis introduced
RESOLUTION NO. 10,016-N. S.

which was seconded by Councilman R. Adams, authorizing the City Clerk to call for bids for furnishing all labor, equipment, and materials necessary for "constructing traffic signals and street lighting at McHenry and Morris Avenue", said bids to be opened at 2:00 P. M. on Monday, December 8th and any award or contract entered into shall be by action of the Council, meeting in regular session at a subsequent meeting which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Maynard Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager reported that two of the oldest subjects for consideration before the Council were, traffic signals on McHenry And Morris Avenue and the house moving ordinance. He stated that the house moving ordinance would be brought before the Council in a couple of weeks.

6 APPROPRIATION TRANSFER OF \$3000 00 FOR PURCHASE OF PARKING METERS

Councilman Mellis stated that at a recent meeting of the Parking Authority, it was suggested that the parking meters now installed at the parking lot on 11th and G Streets be changed to permit the use of nickels and possibly pennies, in addition to dimes and quarters.

Upon the recommendation of the City Manager, Councilman Arata introduced
RESOLUTION NO. 10,017-N. S.

which was seconded by Councilman M. Adams, authorizing the appropriation transfer of \$3,000 00 from the General Reserve to the Public Works Parking Meter division for capital outlay for parking meters to be installed on G Street between 10th and 12th Streets and to provide for replacement meters as may from time to time be necessary, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

1 CARL HAMILTON CITY LIBRARIAN INTRODUCED TO COUNCIL

The City Manager introduced Carl Hamilton, the new City Librarian to the Council and Mayor Marks extended a welcome to him from the City of Modesto and stated that he would receive a 100% cooperation from all the city officials and members of the Council.

8 ADOPTION PROCEDURAL ORDINANCE FOR THE CITY OF MODESTO

The City Attorney stated that the new charter of the City of Modesto provided for the adoption of an ordinance which would set up a procedure for the granting of franchises.

He stated that copies of the proposed draft of the ordinance which was up for consideration at this time had been sent to the following:

Paul Sloan, Legal Department, Pacific Gas & Electrical Company
Neil M. Cecil
Western Union Telegraph Company
E. E. Plummer, Chief Engineer, Modesto Irrigation District
L. F. Baxter, Manager, Pacific Telephone & Telegraph Company
I. J. Tremain, District Manager, Pacific Gas & Electric Company
Rex Kearney, President, Tidewater Southern Railroad Company
A. S. McCann, Superintendent, Southern Pacific Railroad Company

asking for their comments upon the ordinance. He stated that a letter had been received from Mr. Sloane of the Pacific Gas & Electric Company, outlining several changes which he recommended.

The City Attorney stated that the City Manager and he had gone over these recommendations and that a number of them would be contrary to the provisions set up in the charter and could not be made. He suggested that one change Mr. Sloane had recommended be considered, namely:

Section 9 provides that any franchise granted "shall be in lieu of all other franchises" owned by the grantee for the same particular utility or service within the limits of the City." If a special franchise had been granted for particular streets, and a new franchise was granted for the same "particular utility or service" along different streets, as this section now reads the "second franchise might be deemed to be in lieu of the first since it was" for the same particular utility or service" although along different streets.

~~The City Attorney recommended that the words "shall be in lieu of all other franchises" owned by the grantee for the same particular utility or service within the limits of the City." If a special franchise had been granted for part~~

The City Attorney recommended that the words "unless otherwise provided therein," be added to section 9 which would make this section read as follows:

SECTION 9. GRANT TO BE IN LIEU OF ALL OTHER FRANCHISES. Unless otherwise provided therein, any franchise granted by the City with respect to a particular utility service shall be in lieu of all other franchises, rights, or privileges then owned by the grantee for the furnishing of that particular utility or service within the limits of the city as they now or may hereafter exist and by acceptance of any franchise hereunder the grantee shall be deemed to have waived and abandoned all other franchises, rights and privileges then owned by the grantee for the furnishing of that particular utility or service within the limits of the City as they now or may hereafter exist. The provisions of this section shall not apply to any franchise, right or privilege obtained by direct authority of the Constitution of the State of California or of the United States."

The City Manager reported that a representative of the Tidewater Southern Railway Company had telephone him, not to raise any objection to provisions of the ordinance but merely to determine the nature of the ordinance.

No other objections were raised to the proposed ordinance, the City Attorney stated by any of the others who had been sent a copy of the ordinance. He explained the provisions of the ordinance to the Council and Councilman Mellis recommended that the ordinance be adopted with the change in the wording recommended in Section 9 by the City Attorney.

ORDINANCE NO. 1048-N. S.

entitled: "AN ORDINANCE ESTABLISHING THE PROCEDURE FOR GRANTING PUBLIC UTILITY FRANCHISES AND SETTING FORTH THE ADDITIONAL TERMS AND CONDITIONS THAT SHALL OR MAY BE INCLUDED IN A FRANCHISE PURSUANT TO THE APPLICABLE PROVISIONS OF THE CHARTER OF THE CITY OF MODESTO AND PROVIDING REMEDIES AND PENALTIES FOR OPERATING WITHOUT A FRANCHISE", and moved its introduction and passage to print, which motion being duly seconded by Councilman Annan, it was upon roll call ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

9 REPORT BY CITY ATTORNEY ON MEETING ON FRANCHISE WITH THE LEAGUE OF CALIFORNIA CITIES COMMITTEE

The City Attorney reported on the meeting held in Berkeley, November 13 on franchises which had been called by the League of California Cities. He stated there were approximately 25 city attorneys present from all over the State of California to discuss the problem.

He explained that there are four cases of particular importance in this field under litigation at the present time. These concern the cities of San Diego, Sacramento, Petaluma, and Los Angeles. He stated that the cases of the cities of Los Angeles and San Diego were not of such wide scope as the other cities since the problem was basically about the right to require a franchise in territory which had been annexed to the city after 1905. All these cases under litigation are against the Pacific Telephone and Telegraph Company. The Telephone Company maintains that by reason of amendment of Civil Code 536 in 1905 it obtained the right to use city streets without paying any fee. The Telephone Company takes the position that unless a city has a charter adopted prior to 1905, Civil Code #536 deprived it of the opportunity to require a franchise fee for telephone usage. Los Angeles and San Diego adopted their charter prior to 1905 so their cases principally relate to territory annexed subsequent to 1905.

The City Attorney reported that the case pending of the City of Petaluma is of more interest to other cities in the state since its charter is subsequent to 1905. The City of Petaluma has a part time city attorney who does not have the time to handle the litigation. It was the recommendation of the committee meeting in Berkeley that the case was of such wide interest to all the cities in California that a survey should be made to determine if other cities would be willing to participate in financing the cost of employing expert utility counsel to conduct the litigation. It was ~~also~~ suggested that the cost be pro rated on a population basis.

He stated that the chairman was to determine the cost and to find out how many cities would be interested in contributing toward the cost.

The City Attorney stated that the City of Modesto had not received any franchise payment from the P. T. & T. Company since 1939 and they were not paying a license to do business in the city.

He stated that that he advised the committee that he would recommend to the Council that the City of Modesto participate in the cost of litigation since there seems to be a reasonable basis for a favorable decision on this case.

The City Attorney stated he did not have any idea at present of the approximate amount of the City of Modesto would have to pay since it depended on the number of cities who would be willing to cooperate. He estimated the cost of the counsel to be approximately \$3500 00 or it could be a lot more depending on the development in the case.

The Pacific Telephone and Telegraph Company, he stated had consented to the payment of non-discriminatory business license taxes in some cities. He stated that the City of Los Angeles was taking a lead position in this regard and the Council was giving consideration to the matter of imposing a business license on public utilities requiring a payment of 2% of the gross revenues derived from doing business in the city.

The City Manager pointed out that the primary right is to do business in the city and the secondary is the right to use the city streets in connection with the carrying on of that business. He stated that the city has the right to impose a primary franchise and he pointed out that the Modesto Irrigation District was not only a governmental agency but was also a public utility.

Councilman Merrill left the Council meeting at this time.

10 REPORT ON LEAF REMOVAL

It was the decision of the Council to consider a report on leaf removal in the city at a later meeting.

11 COUNCIL PRESENTED WITH COPIES OF ANNUAL AUDIT

Each Councilman was presented with a copy of the annual audit made of the city accounts for the fiscal year ending June 30, 1952, by Chester D. Nattinger, C. P. A.

12 DISCUSSION OF "NO PARKING SIGNS" INSTALLED ON COLDWELL AVENUE

Councilman R. Adams stated that he had received a call from a business concern opposite the 1400 block on Coldwell Avenue where the city had recently installed "no parking" signs, protesting that they had not been notified of the installation of the signs and that several of its employees had received citations for parking there.


The City Manager pointed out that the area had been clearly "signed" to show the parking prohibition. There was discussion as to whether or not the city ~~city~~ should have notified the business firms of the change.

13 TRAFFIC CONDITION AT FREMONT SCHOOL

It was the decision of the Council to refer the hazardous traffic condition that existed at Fremont School for the pupils riding their bicycles to and from school to the Citizens Advisory Committee on Capital Improvements since this problem at numerous locations in and near the city, had been brought up by this committee in its recent meetings

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:  REX E. GAILPUS, CITY CLERK

Council Meeting

November 26, 1953

The Council of the City of Modesto met in regular session this date at 7:30 P. M.
Present: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Absent: Councilmen: Annan

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

APPROVAL OF MINUTES

The members of the Council having received copies of the minutes of the meeting of November 12, 1952, and the same being available for public inspection, and there being no objections, the same were approved.

1 REPORT BY DIRECTOR OF PUBLIC WORKS ON USE OF PENTAVATE AT SEWER PLANT

The Director of Public Works exhibited a sample of earth taken from the bottom of a percolation bed at the sewage treatment plant, which indicated the action of the pentavate used at the plant. He drew the attention of the Council to the fact that approximately three inches the dirt was honeycombed, permitting better water percolation and that the most interesting thing to the city was that the sludge section left on the bottom of the percolation bed was paper thin. Before the use of pentavate the sludge was approximately one inch thick, he stated.

The City Manager stated that Pentavate had been used for three months and had been out of use less than 30 days and that there was no odor in the sample.

2 REQUEST FOR PARKING FACILITIES FOR USE OF CRIPPLED CHILDREN AT WASHINGTON SCHOOL

Hal West, 302 Santa Rosa, appeared before the Council and requested that consideration be given to establishing parking facilities near the Washington School on Vine and Washington Streets. He stated that the area surrounding the school was filled with cars and that the parents of crippled children were forced to carry their children 3 to 4 blocks to the school for physical therapy treatments.

Mayor Marks stated that the City Manager, together with the Board of Education and the Traffic committee, would figure out the "needs" and report to the Council.

The City Manager suggested that Mr. West contact Police Chief Neel in this regard.

3 LETTER FROM STANISLAUS COUNTY CHAPTER FOR INFANTILE PARALYSIS

The City Manager read a letter from the Stanislaus County Chapter for Infantile Paralysis requesting permission to place "Wishing Wells" in the business district for approximately one month beginning January 1, 1953. He suggested that if permit was granted that the Chapter should accept all liability for installation of the wells. Councilman Merrill introduced

RESOLUTION NO. 10,018-N. S.

which was seconded by Councilman Arata granting permit to the said applicant to install wishing wells as requested, providing that prior to the placing of these wishing wells the Stanislaus County Chapter for Infantile Paralysis, will furnish to the city written evidence of its willingness to indemnify and hold the city harmless from and against any and all costs, damages and liability arising out of the erection and maintenance of said wishing wells, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

4 REQUEST FOR CONSENT TO COMMENCE PROCEEDINGS TO ANNEX INHABITED TERRITORY TO THE CITY (NORTH CENTRAL ADDITION)

A request signed by property owners residing in the North Central Addition stating that they desire to commence proceedings to annex to the city was considered by the Council. Since this addition is subdivided and contiguous to

the city and the Council cannot consent to the commencement of proceedings to annex subdivided territory to the city until it has received a report or recommendation from the Modesto City Planning Commission, Councilman Mellis introduced

RESOLUTION NO. 10,019-N. S.

which was seconded by Councilman M. Adams, referring the said request to the Planning Commission for its report or recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

5 REQUEST OF RICHARD FAIR TO REMOVE TREES AT 1012 16th STREET

A request was filed by Richard Fair to remove two maple trees at 1012 16th Street, being block 124, lots 22 and 23, since he plans to build a commercial building at this location.

The City Manager stated that the Director of Public Works had investigated these trees and had advised that the trees were not suitable for commercial development. He recommended that if permission for removal was granted, that Mr. Fair be required to replant with ornamental trees in line with the policy of the Council.

Councilman Merrill moved, seconded by Councilman Arata that Mr. Fair be granted permission to remove these trees at his own expense when the construction started on his building and that he be required to replant with ornamental trees of a type approved by the city.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

6 AUTHORIZE CLERK TO CALL FOR BIDS FOR RUBBER TIRED TRACTOR

Upon the recommendation of the City Manager, Councilman M. Adams introduced

RESOLUTION NO. 10,020-N. S.

which was seconded by Councilman R. Adams authorizing the City Clerk to advertise for bids for "furnishing one new rubber-tired tractor", said bids to be opened at 10:00 A. M. on Monday, December 15, 1952. Any award made or contract entered into, shall be by action of the City Council meeting in regular session at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

7 AUTHORIZE CLERK CALL FOR BIDS FOR "REMODELING OF CITY HALL"

The City Manager stated a new set of specifications had been prepared which provided for a minimum rearrangement of space in the old courtroom. Partitions would be saved that could be and the cost would be substantially lower. Councilman Arata introduced

RESOLUTION NO. 10,021-N. S.

which was seconded by Councilman Mellis, authorizing the City Clerk to call for bids for "furnishing all labor, equipment, and material necessary for the remodeling of the City Hall." Said bids are to be opened at 2:00 P. M. on Tuesday, December 16, 1952, and any award made or contract entered into shall be by ~~the~~ action of the Council meeting in regular session at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

8 MAYOR REPORT ON SALE OF SCHOOL PROPERTY

Mayor Marks drew the attention of the Council to the fact that the Modesto City School Board was planning to dispose of certain of their school properties in the city and that he did not like to see this land leave public ownership. He stated that the John Muir School building, located on Morris Avenue, was approximately the same size as the Franklin School which had been remodeled by the school board for approximately \$12,000 and was being used as an administrative office.

He pointed out that during the interim period before a new city hall could be constructed, that the John Muir School building might be used by the city for certain departments.

The City Attorney stated that in accordance with a request from the City Manager, he had written to approximately 10 cities which had built city halls recently to obtain helpful information including the method used in financing and that he should be receiving this data shortly.

The City Manager pointed out that the John Muir School property would be an ideal location for a park and it would probably be the last chance for a park area in this locality.

The Director of Public Works stated that the city would need a portion of this school property for a right of way for the extension of Sunrise Avenue since it was in this fiscal year's budget to extend this avenue from Lucern Avenue to Morris Avenue. He stated that it was planned to eventually extend Sunrise Avenue to connect with Harriett Street which connected with Morton Boulevard.

The Council directed the City Manager to check with the school board to secure a right of way for the extension of Sunrise Avenue.

Councilman Merrill moved, seconded by Councilman M. Adams, that the Council go on record that the city desires a right of way through the west end of the John Muir School property.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

The Director of Public Works stated that the school board had agreed to give the city a right of way to widen 19th Street, adjoining the Lincoln school property and Councilman Arata moved, seconded by Councilman Merrill that the Council go on record as expressing its appreciation to the school board on its action to give the city a right of way to improve the intersection of Downey Avenue and 19th Street.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

9 REPORT ON BUS FRANCHISE PAYMENT

The City Attorney reviewed the provisions of Resolution No. 9893-N. S. adopted by the Council on July 16, 1951, as well as the provisions of Ordinance No. 1039-N. S. adopted by the Council on August 13, 1952, which provides for the payment of fees by the motor bus companies to commence from and after the date of the last payment of fees. He stated that the communication received from Attorney Frank C. Damrell, who represented the Modesto Transit Company, operated by Ed Osthus and Mary Maritzen, dated September 17, 1952, submitting three proposals, merited consideration and that the City Manager, Director of Finance, and he had studied

this problem and recommended that the Council give consideration to proposal #3 outlined in the letter, a copy of which is on file in the office of the City Clerk, which provided as follows:

"That the Modesto Transit Company submit its check in the amount of \$26 81 to cover the franchise tax for the month of August, 1952, at the rate as set out in the Resolution referred to herein and that the City of Modesto with a view to in some small way making an adjustment on the over-payment of franchise tax made before the adoption of said resolution, waive any alleged delinquent franchise tax from April 1, 1951, to the 1st of August, 1952.

The City Attorney stated that this proposal stemmed from the fact the Modesto Transit Company contended that 2% of their entire proceeds was more than they should have been required to pay over a period of time.

He stated that both the Modesto Motor Bus Service and the Modesto Transit Company had filed their checks with the Finance Department which would pay them up for the months of August, September, and October, to show their good faith. He stated he believed that if the Council would approve the amending of the aforesaid resolution and ordinance to provide for the basis of payment to be effective as of August 1, 1952, it would resolve the controversy and the city could proceed in accordance with the new formulae and there would be no further difficulty in the matter. Councilman Mellis introduced

RESOLUTION NO. 10,022-N. S.

which was seconded by Councilman Arata, deleting the following paragraph from Resolution No. 9893-N. S.:

"BE IT FURTHER RESOLVED that the aforesaid basis of payment shall be effective from and after the date of the last payment of fees, pursuant to said ordinance by each of said companies, respectively."

and that the following paragraph be substituted therefor:

"BE IT FURTHER RESOLVED that the aforesaid basis of payment shall be effective from and after August 1, 1952."

which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

Councilman R. Adams introduced an ordinance, being

ORDINANCE NO. 1049-N. S.

entitled: "AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 1039-N. S. OF THE CITY OF MODESTO

ENTITLED: 'AN ORDINANCE AMENDING ORDINANCE NO. 306-N. S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE PROVIDING FOR THE SUPERVISION AND REGULATION OF MOTOR BUSES OPERATING ON FIXED SCHEDULES AND OVER ESTABLISHED ROUTES WITHIN THE CITY OF MODESTO, PROVIDING FOR THE ISSUANCE OF PERMITS AND LICENSES FOR SUCH OPERATION OF MOTOR BUSES AND PROVIDING FOR THE PUNISHMENT OF VIOLATIONS OF THIS ORDINANCE", AS AMENDED, BY AMENDING SUBSECTION (b) OF SECTION 1 and SECTION 4 THEREOF", and moved its adoption and passage to print, which motion being duly seconded by Councilman Merrill, it was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

PROPOSED ORDINANCE REGULATING USE AND OPERATION OF TAXICABS IN THE CITY

The City Manager stated that the draft of the proposed ordinance regulating taxicabs involved many things and a lot of work had been done on the one to be considered at this time.

The City Attorney stated that this proposed ordinance was really a modernization of the existing taxicab ordinance. He stated that some changes had been made in the proposed ordinance since copies had been mailed to the Council members for their study and he suggested that he review the ordinance section by section and anyone could "attack" each section if they desired as it was read. The following taxicab operators were present, Joe Sequeira, Sam Secreto, Hershel Lawrence, and E. Lester.

The City Attorney stated that Section 1, sub-section D had been changed to eliminate requirement that the meter print a receipt. Section 1, sub-section H had been changed to make the singular the plural and the plural the singular.

Sam Secreto asked if Section 2, sub-section 5, meant that the taxicab operators could have any make or type of meter they wanted. The City Attorney informed him that the type would have to be approved by the Chief of Police. He stated that there were a number of types of meters which would meet the requirements but the operator would have to let the city know which type he planned to use, and that there would be no objection in changing the meter if the new one proposed to be installed met the approval of the Chief of Police.

The City Attorney stated that section 2, sub-section H, had been changed to read:

"Present Operators Nothing contained in this ordinance shall be construed to invalidate any lawful certificate of public convenience and necessity heretofore granted to any person to operate a taxicab within the City, nor to necessitate any holder of such a certificate to make an application for a new certificate by reason of the provision of this ordinance."

The City Attorney stated that subsection (i) of section 2 required that no certificate of public convenience could be transferred without approval of the Council which was for the protection of the public. Sub-section (o) of Section 2 provided when an operator desired to add additional motor vehicles it would be necessary for him to file application just as though he was applying from the beginning.

The City Attorney pointed out that sub-section (a) of Section 3, RATES OF FARE, had been written to take care of the temporary operations under the old fee schedule until meters could be obtained after the effective date of the ordinance.

The City Manager stated it should be made clear that as soon as delivery of meters could be obtained all taxicab owners would be required to install them immediately.

The City Attorney stated that Mr. Secreto had raised the basic point of fares to be charged outside the city. The City Attorney stated that fundamentally the city regulates the rates of taxicabs operating in the city and that these rates would presumably apply to passengers carried out of the city, especially since this was a large community.

Councilman Mellis stated that if the operators abused this ordinance as far as rates were concerned, it would invite regulations from the County.

The City Attorney pointed out that possibly there would be some basis whereby the rates could be made to apply outside the city providing the transportation commenced inside the city.

The City Attorney stated that sub-section (c) of Section 3 had been changed to read:

"Unlawful Practices It shall be unlawful for any driver of a taxicab while carrying passengers to display the flag or device attached to such taximeter in such a position as to denote that such vehicle is for hire or is not employed, or to have such flag or other attached device in such a position as to prevent said taximeter from operating, and it will be unlawful for any driver to throw such flag or other device of a taximeter into a position which causes said taximeter to record when such vehicle is not actually employed or to fail to throw said flag or other device on such taximeter into a non-recording position each time a passenger is discharged and a fare collected."

When the City Attorney read subsection (f) of Section 3 "Posting of Fares", Joe Sequeira commented that he thought the card should be posted on the door of the cab instead of in the passenger compartment.

Mayor Marks commented that it could be put in both places so that the people could see the card going and coming and that it would be satisfactory to the Council if it was printed on the outside of the cab. After a discussion by the Council it was decided to require the posting in the passenger compartment as set forth in the ordinance.

Subsection (g) of Section 3 "RATES" was next considered and the City Attorney stated that this section had been changed to read as follows:

Rates. No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the following rates:

- (1) Mileage Rates:
35¢ for the first one-third mile or fraction thereof
10¢ for each additional one-third mile or fraction thereof;
- (2) Waiting Time:
5¢ for each minute of waiting time or fraction thereof.
- (3) Trunks:
\$1 00 for each trunk
- (4) Hand Baggage:
10¢ for each piece of hand baggage in excess of 50 pounds
- (5) No charge shall be made for extra passengers. This applies only to those passengers whose point of pick-up and point of destination are the same.

After a general discussion by the Council and the taxicab operators, it was decided to change subsection (1) Mileage Rates:
to read:

35¢ for the first one-half mile or fraction thereof;
10¢ for each additional one-fourth mile or fraction thereof.

The City Manager pointed out that this would leave the minimum charge of 35¢.

The question of "rated capacity" was discussed and the City Attorney was directed to add the words "the rated capacity of the taxicab" in subsection (f) "Posting of Fares" so that when the certificate is issued by the Chief of Police the rated capacity of each cab is set and can be stated in the card which is in the cab which will be a protection for the owner of the taxicab.

The City Attorney stated that subsection (b) of Section 4 had been changed to require the inspection of the taximeters be made by the Chief of Police and that subsection (c) entitled: Certificate Number had been changed to read

(c) Number. Each taxicab shall bear a number on the outside of the vehicle at such places and of the type and design prescribed by the Chief of Police.

Subsection (g) of Section 6 had been changed to read as follows:

(g) Control of Taxicab Whenever any taxicab is occupied by a passenger the driver shall not permit any other person to occupy, or ride in said taxicab, except with the consent of the original passenger.

The City Attorney stated that subsection (h) of Section 6 had been added to prohibit the transportation of any person as an unpaid fare. That subsection (4) of subsection H of Section 7 had been changed to read.

(4) Had two (2) or more convictions of any of the offenses set forth in Sections 510 and/or 511 of the Vehicle Code of the State of California and amendments thereto, or any combination

of either of any said offenses, occurring during any continuous period not exceeding twelve (12) months.

Mr. Secreto pointed out that Section 7 Taxicab Driver's Licenses required that permits issued would entitle the driver to work for only one owner. A general discussion was held on the length of time it would take a driver to get a new permit if he decided to change from one taxicab company to another. The City Attorney pointed out that this was an administrative problem that could be worked out and that Chief Neel stated that the investigation of these permits would be speeded up. Mr. Secreto pointed out that Mr. Lawrence and Mr. Lester were operating from one place of business and that one driver would drive relief for both concerns. The City Manager pointed out that the purpose of this ordinance was not to manage the taxicab companies but to protect the public interest. It was brought out in the discussion that one driver could have as many permits as he desired but the Police Department should know who he is working for and when.

Section 8, Taxicab Stands was discussed and Mr. Secreto recommended that no free stands be allowed and that the charge of \$15 00 for extra stands be reduced. After a discussion, which brought out the fact that the small operator would be penalized if this change was made, it was decided to leave the ordinance as drafted.

Subsection (b) of Section 8, Parking of taxicabs was discussed and it was decided to change the wording to read as follows:

(b) Parking of taxicabs It shall be unlawful for the owner, driver or operator of any taxicab to allow said taxicab to remain parked anywhere in the central business district while waiting employment, except in a regularly established taxicab stand; provided however, that:

- (1) Taxicabs may park in any available parking space when actually engaged in loading or unloading passengers.
- (2) Taxicabs may park in any off-street parking facility except while waiting employment.
- (3) Between the hours of 10 o'clock P. M. and 8 o'clock A. M. of the following day, taxicabs may stop, stand or park in any place where the parking of vehicles is otherwise permitted.

Whenever a taxicab which is not awaiting employment is parked along the city streets, or on an off-street parking lot, it shall display a sign with letters at least three (3) inches in height, indicating that the taxicab is "Not for Hire."

The City Attorney stated that subsection (c) had been added to Section 8, which provided that taxicabs may use any vacant taxicab stand located in front of a passenger depot for the purpose of loading or unloading passengers. A discussion was held and it was brought out that a taxicab driver had the right to unload passengers at the Greyhound depot and if a passenger would request that ^{he} be taken to a certain location, the driver of the cab could do so.

Over the protest of Sam Secreto, subsection (a) of Section 9, Public Liability Insurance, was ordered changed to require:

- \$25,000 00 for death or injuries to any one person in any one accident.
- \$50,000 00 for death or injuries to two or more persons in any one accident.
- \$10,000 00 for damage to property of others resulting from any one accident.

Mr. Secreto requested the limits be left as formerly, which required \$10/20,000 00 liability and \$5,000 00 property damage but the Council believed that the city should require the same as the Public Utilities Commission required for other vehicles transporting passengers over the highways.

Councilman M. Adams moved, which was seconded by Councilman Arata, that the City Attorney redraft the ordinance to include the recommended changes and to resubmit it to the Council for its approval.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

11 ORDINANCE REGULATING HOUSE MOVING

The City Attorney presented for consideration a proposed housemoving ordinance and Councilman R. Adams introduced

ORDINANCE NO. 1050-N. S.

entitled: "AN ORDINANCE REGULATING THE MOVING OF BUILDINGS IN THE CITY OF MODESTO AND REPEALING ORDINANCE NO. 37-N. S." and moved its adoption and passage to print, which motion was duly seconded by Councilman M. Adams, it was upon roll call carried and the ordinance was ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

Councilman M. Adams stated that those working on this ordinance should be commended since it required a great deal of work.

12 ORDINANCE PRESCRIBING REGULATIONS FOR FIRE PREVENTION

The City Attorney stated that the ordinance up for consideration which prescribed regulations for fire prevention had required a great deal of time in revising. These changes, he stated, had been recommended by the National Board of Fire Underwriters, which had recently made a survey of the City of Modesto. He stated that the scope was quite large and that it regulated a great many types of business operations in the city but it would not work a substantial hardship on any business concern or industry.

The City Manager stated that this ordinance would "close up the gap" so that it would help place the city in a position to get a better fire rating and that the representatives from the Board of Fire Underwriters would be invited to come down and check with the city to determine exactly what other steps would be necessary so that the city could obtain a No. 2 rating.

Councilman R. Adams introduced an ordinance, being

ORDINANCE NO. 1051-N. S.

entitled: "AN ORDINANCE PRESCRIBING REGULATIONS FOR FIRE PREVENTION AND LIFE SAFETY IN CONNECTION WITH HAZARDOUS MATERIALS AND PROCESSES PRESCRIBING A PENALTY FOR VIOLATION THEREOF, AND REPEALING CERTAIN ORDINANCES," and moved its introduction and passage to print, which motion being duly seconded by Councilman Mellis, it was upon roll call carried and the ordinance was ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

13 ORDINANCE PROVIDING FOR THE LEASING OF A PORTION OF THE AIRPORT TO JAMES C. SORENSEN

The City Attorney presented for the consideration of the Council, an ordinance providing for the leasing of a portion of the airport (6 $\frac{1}{2}$ acres) to James C. Sorensen. He stated that since the lease was for more than one year, it would be necessary to adopt an ordinance approving the leasing of the land. Councilman Arata introduced an ordinance, being

ORDINANCE NO. 1052-N. S.

entitled: "AN ORDINANCE PROVIDING FOR THE LEASE OF CERTAIN CITY OWNED PROPERTY TO JAMES C. SORENSEN AND AUTHORIZING THE EXECUTION OF AN AGREEMENT IN CONNECTION THEREWITH" and moved its introduction and passage to print, which motion being duly seconded by Councilman Merrill, it was upon roll call carried and the ordinance was ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan

14 REQUEST FOR TWO HOUR PARKING TIME LIMIT ON 14TH STREET

The City Manager stated that a request had been filed for the establishment of two hour parking time limit on 14th Street, between J and K Streets, by the property owners and that an investigation had been made by the Inter-departmental traffic committee and that it was its recommendation that this regulation be approved.

Councilman Mellis recommended that two hour parking be established on 14th Street from J Street to L Street. If two hour parking was established only from J to K Streets, he stated, the cars would be parked from K to L Street all day and it would be impossible for the property owners in this block to get into their driveways.

Councilman M. Adams recommended that the traffic committee study the parking situation on K Street between 13th and 14th Streets and Councilman R. Adams suggested that other streets in this area also be checked. Councilman Arata recommended that the extension of parking meters on J Street be considered also. Councilman Mellis introduced

RESOLUTION NO. 10,023-N. S.

which was seconded by Councilman R. Adams, establishing two hour parking on both sides of 14th Street, between J and L Streets and the Director of Public Works is hereby directed to install the necessary signs, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan

15 APPOINT NEW MEMBERS ON PERSONNEL COMMISSION

The City Manager stated that the Personnel Ordinance recently adopted by the Council provided for five members on the Personnel Commission and that^{at}/the present time there was only three members, whose terms expired as follows:

Frank C. Damrell--term expires on January 15, 1957
Ray W. Jones--term expires on January 15, 1953
Fred D. Condit--term expires on January 15, 1955

He stated that the new Personnel Ordinance established their term of a member as four years instead of six years, as in the former ordinance and he suggested that the term of Frank C. Damrell be changed to conform with the requirements of the new ordinance.

Mayor Marks reported that in line with the suggestion of the Council he had contacted Henry G. Anderson and H. D. Buxton, and they had agreed to serve on this commission. Councilman Mellis introduced

RESOLUTION NO. 10,024-N. S.

which was seconded by Councilman Arata, appointing Henry G. Anderson, with his term to expire on January 1, 1956, and H. D. Buxton, with his term to expire on January 1, 1954, as members of the Personnel Commission, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan

Mayor Marks stated that the City of Modesto was very fortunate in the "kind of Personnel Commission" it has.

The City Attorney was directed to prepare a resolution for the consideration of the Council that would straighten out the situation of the term of Frank C. Damrell.

16 CONSIDERATION OF REPORT ON LEAF REMOVAL

The City Manager was directed to work out a contract with E. J. Wendler, Rt. 1, Box 926, Turlock, for the consideration of the Council for the removal of leaves from the city streets.

17 REPORT ON REQUEST FOR SEWER SERVICE BY THE MODESTO CITY SCHOOLS FOR THE EL VISTA SCHOOL AND STANISLAUS COUNTY FOR NEW COUNTY CENTER ON OLD OAKDALE ROAD

The City Manager reported on the request of the Modesto City Schools for sewer service for its new El Vista School, being constructed on El Vista Avenue and on the request of Stanislaus County for the new county center, being constructed on the Old Oakdale Road and Scenic Drive. He stated that James H. Corson, Superintendent of Schools, had informed him that the school board had decided to build a septic tank and not to join in the building of a sewer line. Ken Ables, of the Board of Supervisors, had informally stated that the county also would drop the project of building a sewer line to the county center since the building of this sewer line without the participation of the schools was too costly.

The City Manager and Mayor pointed out the tragedy that the community finds itself in this position where three agencies willing to get together and build this line and all of them could be served but it could not be worked out. They pointed out that this was the first noticeable casualty of the failure of the unification program and that in a few years it would cost the city much more to build a line to serve these areas.

18 REPORT ON BUILDING OF AIRPORT HANGARS

The City Manager reported that he wanted to check with the Council to determine if it wished to have the specifications prepared by the Public Works Department for the building of the steel airport hangars since all the bids were rejected. He stated that it would be desirable to call for bids for the purchase of the steel as soon as possible and that details for the construction could be worked out later. The Council expressed its approval of this suggestion.

19 RECOMMENDATION TO TAX THE SALE AND USE OF ALCHOLIC BEVERAGES

Councilman Mellis stated that from a recent opinion of the City Attorney that there is no tax on the sale or use of alcoholic beverages in the city under the city sales tax ordinance, it only seemed fair and equitable, that the sales and use tax should apply equally as well to alcoholic beverages as other kinds of tangible personal property. He stated that he had checked with other cities and had found out that a number of them have adopted ordinances taxing the sale or use of alcoholic beverages, i.e. Turlock, Stockton, Oakland, and San Francisco. Councilman Mellis moved, seconded by Councilman R. Adams, that the City Attorney be directed to prepare an amendment to the Sales tax ordinance to provide for the accomplishment of this proposal which would equalize the sales tax structure.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

20 CITY ATTORNEY DISCUSS OUTLINE OF LEGISLATIVE PROCEDURE SENT TO COUNCIL MEMBERS

The City Attorney stated that the outline of the legislative procedure which he had recently sent to each member of the Council for their study would help them to understand the "mechanics" of Council operation.

2/ CITY ATTORNEY TO ATTEND MEETING IN LOUISVILLE, KENTUCKY

The City Attorney reported that he would be absent from the city next week since he was attending a national conference of city attorneys in Louisville, Kentucky. He stated that he was delivering a speech "Codification of Ordinances" at this convention.

22/ REPORT BY ROBERT H. SHELTON ON YOUTH CENTER IN THE WEST SIDE PARK

Robert H. Shelton, Assistant to the City Manager, reported on the progress of the completion of the Youth Center in the West Side Park. He stated that the plans had been completed and were in the hands of the Valley Builders Exchange. The local plumbers had assured the committee that all plumbing necessary would be furnished and that the indications were good for donations of materials and labor from other sources. He stated a meeting was being held next week of the committee, together with the roofing people, in the interest of starting work at the earliest possible time so that the work on the interior could proceed during the winter.

23/ REPORT BY CITY MANAGER ON APPLICATION OF ELLIS WATER COMPANY TO THE PUBLIC UTILITIES COMMISSION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

See page 108-A
A report was filed with the Council by the City Manager and Director of Finance on "Property Assessment and Tax Collection", a copy of which is on file in the office of the City Clerk. The City Manager read the report and requested that each member look the report over.

The City Manager stated that "timing" was of importance since the possibility of the city contracting with the county for the property assessment and property tax collections had been informally discussed with the county officials and although the decision could be held up until February 1, the county would need to order its tax statements and it would be necessary for the city "to make up our minds to do it or not to do it within the next 30 days." Also it would be necessary to introduce an ordinance by the first meeting in January so that it could be effective by February 1.

It was the decision of the Council to invite the County Assessor and County Treasurer to the next Council meeting to be held on December 3, for an informal hearing, as well as any other persons interested and that formal public hearing be held at the Council meeting on December 10, 1952.

Councilman M. Adams moved, seconded by Councilman Arata, that the Council invite the County Treasurer and Assessor and any public spirited citizens who may desire to attend, to the Council meeting to be held on December 3, 1952, at 4:30 P. M. for an informal hearing and that a formal hearing be held at 8:00 P. M. on December 10, 1952.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

Rex E. Gallus
ATTEST: REX E. GALLUS, CITY CLERK

(insert - see page 108)

The City Manager reported that the Director of Public Works had talked with Dalton P. Ellis, who had applied to the Public Utilities Commission for certificate of public convenience and necessity to operate a water system to serve the College Village Tract and that as soon as certain points could be cleared, a report would be made to the Council.

REPORT ON PROPERTY ASSESSMENT AND TAX COLLECTION

December 3, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P. M. as provided by Ordinance No. 1042-N. S.

Present: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Absent: Councilmen: Annan

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

APPROVAL OF MINUTES

Councilman M. Adams recommended that the minutes of the Council meeting of November 19th be clarified to show, in the subject matter, "Request for curb cut and tree removal by Miller Motor Company", that the "Mr. Miller" referred to was Maynard R. Miller of the Miller Motor Company so that he would not be confused with City Manager Miller and that the motion on page 6 granting permit to the Miller Motor Company to cut the curb in two locations and to remove trees, be shown as an amendment to motion on page 4 granting permit for curb cuts.

Councilman Mellis moved, seconded by Councilman M. Adams that the minutes be corrected to show motion on page 6 as an amendment to motion on page 4.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill and Annan

Councilman M. Adams moved, seconded by Councilman Arata, that the minutes be changed to show "Mr. Miller", as Maynard R. Miller.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill and Annan

Councilman Arata moved, seconded by Councilman M. Adams that the minutes of the Council meeting of November 19th be approved as corrected.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Merrill

REQUEST PERMIT INSTALL GASOLINE TANK IN RESIDENTIAL DISTRICT--JOHN RUGGIERO 328 MAPLE STREET

John Ruggiero, 328 Maple Street, block 420, lots 27-28, appeared before the Council regarding the 550 gallon capacity gasoline tank which had been installed for him at above location, by the Richfield Oil Company and which he planned to use for his 1½ ton truck. He stated that Building Inspector Hemmida had notified him that it would be necessary to obtain approval for the installation of this tank by the Council.

Mayor Marks stated since this was new business, the City Manager would make an investigation and report his findings to the Council for its consideration at a later meeting. He was notified that the gas tank could not be used until it had been approved by the Council.

Councilman Merrill arrived at the meeting at this time.

PROPOSED ORDINANCE REGULATING TAXICABS

Sam Secreto, operating the Acme, Hart, and Yellow Taxicab Companies, appeared before the Council and protested to the decision of the Council to require \$25,500 limits of public liability insurance in the proposed taxicab ordinance. He requested that the limits be left at \$10,200,000. It was pointed out by the Council, the higher limits of insurance would be required in the interest of the public welfare.

The City Manager stated that the changes in the proposed taxicab ordinance approved by the Council at the last meeting covering "Rated capacity rates, parking, and insurance" had been included in the ordinance presented at this time for consideration. Councilman Merrill introduced

Entitled: "AN ORDINANCE REGULATING THE USE AND OPERATION OF TAXICABS UPON THE PUBLIC STREETS OF THE CITY OF MODESTO: PROVIDING FOR DRIVER'S PERMITS AND AUTHORIZING THE COUNCIL TO HOLD PUBLIC HEARINGS AND TO GRANT OR DENY APPLICATIONS FOR OWNER'S CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICABS: REGULATING THE RATES OF FARES TO BE CHARGED FOR USE OF TAXICABS: PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH" and moved its adoption and passage to print and publish, which motion being duly seconded by Councilman M. Adams, it was upon roll call carried and the ordinance ordered published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

3 LETTER FROM PROFESSOR CHARLES AIKIN RE: VISIT OF GERMAN CITIZENS

A letter was read from Professor Charles Aikin of the University of California in which he expressed appreciation of the city for aiding in the work with the German citizens.

The City Manager stated that the German citizens had commented that they had learned more in Modesto than at any other place in the United States and that they were impressed with the hospitality and fine spirit in the community. Modesto had been the only city they had visited where they had lived in the homes of the people of the community.

The City Manager stated that he written to Prof. Aikin stating that it been an honor and privilege to assist in this program. He also state that letters of appreciation were being sent out to the local people who had cooperated in this program.

4 LETTER FROM OWEN B. CHAMBERLAIN, MODESTO POST SUPERVISOR OF GROUND OBSERVER CORPS

A letter from Owen B. Chamberlain, Modesto Post Supervisor of the Ground Observer Corps was read. He requested assistance from the city in obtaining a permanent location for a Ground Observation post for "Operation Skywatch." The City Manager stated that this request had been checked informally by Health Officer Landquist, who represented the City of Modesto on the Stanislaus County Civil Defense Operational Area with Ken Abels, Coordinator-Director and Mr. Chamberlain. The City Manager pointed out that the City of Modesto would do its part "and more" but could not logically or practically assume the responsibility of the operations throughout the whole Modesto community. A further report on this matter will be furnished to the Council later, he stated, after it had been considered by the Stanislaus County Civil Defense Operational Area.

5 REQUEST OF WM. J. SILVA COMPANY TO OPERATE USED CAR LOT AT 1405 TENTH STREET

A request was filed by the Wm. J. Silva Company for permit to operate a used car lot at 1405 10th Street. The City Manager stated that he was not sure that the sanitary facilities required by the building code were available at this location. Councilman R. Adams moved, seconded by Councilman Mellis, granting permit to the said applicant to operate a used car lot at this location, providing the necessary sanitary facilities were installed and approved by the city.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

6
INFORMAL HEARING ON PROPOSED PROPERTY ASSESSMENT AND TAX COLLECTION BY COUNTY OF STANISLAUS

The Mayor declared the informal hearing open on the proposed transferring of property assessment and tax collections to the County of Stanislaus. County Tax Collector and Treasurer, Ed Whitmore, County Assessor Karylton V. Boardwell, and County Deputy Assessor E. B. Gragg appeared before the Council.

Mayor Marks stated that the city was seriously considering the possibility of contracting with the county for collecting and assessing taxes for the City of Modesto on the same basis that other counties were doing throughout the state. He stated that the big question is, the Council having been elected by the people of the City of Modesto, would it be possible for the Council to officially sit as a Board of Equalization to hear any protests on assessments, if the County assumed the assessing and collecting. He stated that he believed that the city had the right and the duty to hear any complaints and that if a complaint was justified, the city could go before the county for a final answer.

County Assessor Broadwell stated that this was a legal question and one that would have to be answered by the City Attorney and County Counsel. He stated that he believed that in the proposal outlined by the city, a complaint against a city assessment would also be a complaint against a county assessment and that it would not be necessary to hold two hearings. "The door would always be open for any public official to appear before the County Board of Equalization," he stated. In some southern cities, he continued, a city council representative sits in on some of the hearings and he was certain that there would be no objections to that arrangement here if it was desired.

The City Manager pointed out that he believed the Council could hear and were obligated to hear complaints and it would have the right and obligation to help anyone who had a valid complaint, to see that a proper assessment was made. If necessary, he stated, a representative from the city could go with the complainant to the County Assessor to discuss the problem and, if necessary, appear before the Board of Supervisors.

Director of Finance Lawrence pointed out that the transfer of this work to the county would be established by ordinance adopted by the Council and would be effective until the ordinance was repealed.

County Assessor Broadwell stated that the county was up against a deadline for printing commitment on its tax bills since local business concerns "farmed out" the printing to companies in the East. He also stated that the county took the position in the matter of assessing and collecting of the city taxes that if the city wants it done all they have to do is to request it since it is in the state law.

Councilman Mellis pointed out that it was the desire of the Council to help the city taxpayers and he thought that this proposed arrangement was "good business" since it would be cheaper for the taxpayers.

County Treasurer and Tax Collector Whitmore stated that he believed the proposed assessing and collecting of city taxes by the county was "a step in the right direction." At the present time the county is collecting taxes for a number of sanitary and fire districts.

The City Manager stated that if the Council desired the City Attorney would prepare the necessary ordinance and resolution for the consideration of the Council at the next meeting so that if the Council decided to proceed with the transfer no time would be lost and the county could meet its deadline for the printing of tax statements.

A discussion was held by the Council and county officials on the provisions of the state law regulating the limit the city can pay the county for this work.

The Director of Finance pointed out that there were two provisions covering this and that the City Attorney should determine under which section of the government code the city is going to transfer the tax collection functions to the county. This would determine the basis on which the county is to be reimbursed.

The Council suggested that the county officials present at this meeting attend the formal hearing to be held on December 10 at 8:00 P. M. The Director of Finance was directed to contact County Deputy Auditor Steve Hossli and invite him to also attend.

7 CLAIM OF CHAMBER OF COMMERCE AND RETAIL MERCHANTS BUREAU

The City Manager reported that statements from the Chamber of Commerce for \$2,875 00 for the Retail Merchants Bureau and \$1,875 00 for the Chamber of Commerce had been received and he suggested that they be referred to the Director of Finance to check against the contract before payment was authorized.

8 CALL FOR BIDS ON HANGAR MATERIALS

Upon the Recommendation of the City Manager, Councilman M. Adams introduced

RESOLUTION NO. 10,025-N. S.

which was seconded by Councilman Arata, authorizing the City Clerk to advertise for bids for "furnishing, delivering and unloading at the Modesto Municipal Airport, all prefabricated material necessary for the construction of a ten-unit medium T Hangar. The bids will be opened at 2:00 P. M. on Monday, December 22, 1952, and any award made or contract entered into shall be by action of the Council, meeting in regular session at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan

9 PROGRESS PAYMENT AUTHORIZED TO ATLAS PIPE CO. ON CONSTRUCTION OF SANITARY LATERAL SEWER ON LEONARD AVENUE

The Director of Public Works filed an estimate of work, completed by the Atlas Pipe Company up to and including November 28, 1952, on the construction of sanitary lateral sewer on Leonard Avenue, showing a total amount due the contractor of \$4,888 12. Councilman Mellis introduced

RESOLUTION NO. 10,026-N. S.

which was seconded by Councilman Merrill, authorizing progress payment to the said contractor of \$4,888 12, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Annan

10 PROGRESS PAYMENT AUTHORIZED TO STANDARD MATERIALS INC. IMPROVEMENT OF VIRGINIA AVENUE AND EIGHTH STREET

The Director of Public Works filed an estimate of the work completed by the Standard Materials Inc, up to and including November 28, 1952, on the improvement of Virginia Avenue and Eighth Street in the amount of \$13,015 50. Councilman Arata introduced

RESOLUTION NO. 10,027-N. S.

which was seconded by Councilman M. Adams, authorizing progress payment to the said contractor of \$13,015 50, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

ACCEPT CONTRACT FROM STOCKTON CONSTRUCTION COMPANY ON SANITARY SEWER TRUNK LINE ON KEARNEY, ROSEBURG, AND COLDWELL AVENUES, AND AUTHORIZE PROGRESS PAYMENT T

The Director of Public Works filed estimate No. 4 and final report for the construction of a sanitary sewer trunk line on Kearney, Roseburg, and Coldwell Avenues by Stockton Construction Company and recommended that the project be accepted as completed and that payment of \$2,420 93 be authorized. Councilman R. Adams introduced

RESOLUTION NO. 10,028-N. S.

which was seconded by Councilman M. Adams, accepted/^{ing} the contract as completed by said contractor, authorizing the City Clerk to record "Notice of Completion" with the Recorder of Stanislaus County and authorizing the payment of \$2,420 93, to the said contractor, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

Councilman R. Adams stated that he had been asked by property owners in the Northwest Addition whether the city ordinance provided that cast iron pipe must be used from the house to the sewer line. The Director of Public Works stated that it did not and that vitrified clay sewer pipe could be used but he pointed out that it would be financially better in the long run to use the cast iron pipe due to the tree roots penetrating the clay pipe.

REPORT ON FRANCHISE PROCEDURAL ORDINANCE

The City Manager read a letter which the City Attorney had received from E. J. Fould, Assistant General Counsel of the Southern Pacific Company regarding the Franchise procedural ordinance which had been introduced at the last Council meeting. Mr. Fould had brought up the point that a provision providing for revocable spur tract permits had been omitted from the ordinance. At the suggestion of the City Manager, final adoption of the ordinance was deferred until the City Attorney could check it further.

ESTABLISH TWO HOUR PARKING ON K STREET, BETWEEN 13-14TH STREETS

The City Manager reported that a petition had been filed by property owners and customers patronizing business concerns located in the 1300 block on K Street requesting that limited parking be established. He stated that the Chief of Police had investigated this request and had recommended that two hour parking be established. Councilman M. Adams introduced

RESOLUTION NO. 10,029-N. S.

which was seconded by Councilman Arata, establishing two hour parking on both sides of K Street, between 13th and 14th Streets and directing the Director of Public Works to install the necessary signs, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill, and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

14 REPORT FROM PLANNING COMMISSION ON ANNEXATION OF NORTH CENTRAL ADDITION TO CITY

Pursuant to referring the request for consent to commence proceedings to annex inhabited territory to the City of Modesto, (North Central Addition) to the Planning Commission for its report and recommendation, the City Manager read the report which had been filed by the Planning Commission, a copy of which is on file in the office of the City Clerk, recommending that consent be granted for initiation of proceedings to annex to the City of Modesto.

The City Manager stated that a report would be filed shortly by the County Boundary Commission but until this report has been received, action by the Council would have to be delayed. He stated that this was the first proposed annexation since the new policy had been established by the Council to consider only those areas that could logically be served sewer service economically.

A discussion was held on the probable length of time before sewer service could be granted to this area if it was annexed to the city and the City Manager stated that due to the legal proceedings involved in an improvement district, it would be approximately one year. The Director of Public Works stated that a rough estimate of the cost of a trunk sewer line to serve this area would be \$50,000.00

15 REPORT BY CITY MANAGER ON REQUIREMENTS IN TUOLUMNE RIVER ESTABLISHED BY REGIONAL WATER POLLUTION CONTROL BOARDS

The City Manager reported that Col. J.S. Gorkinski, Executive Officer of the Central Valley Regional Water Pollution Control Board would be in Modesto in approximately 10 days to discuss the Board's requirements for Tuolumne River between the Empire Hughson bridge and the city limits of Modesto and that a report would be made to the Council.

16 DISCUSS LEASE ON PERCOLATION BEDS AT THE SEWER PLANT

The City Manager stated that Elvin York had leased the percolation beds at the sewage treatment plant to plant barley last season and had paid a rental of 20% of the gross receipts from the crops raised and that he had inquired if the same arrangements could be made for leasing the property for the coming planting season.

The City Manager stated that Mr. York had been a good tenant and suggested that the City Attorney be authorized to prepare a lease agreement for the consideration of the Council on the same basis as the prior lease. Councilman R. Adams moved, seconded by Councilman Mellis, that the City Attorney be authorized to prepare a new lease as suggested by the City Manager.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

17 REPORT BY CHIEF OF POLICE NEEL ON PROPOSED PAINTING OF SAFETY SLOGANS ON CITY STREETS BY LIONS CLUB

Police Chief Neel reported that the Lions Club had requested permission to paint safety slogans about three feet from the curb in the pedestrian cross walk, in the business district, to remind the people to "Watch your step" and "Look and Live." He stated that this was proposed by the Lions as a city safety program and they offered to pay for the stencils and to furnish the man power. They requested that the City furnish the paint and paint rig.

The City Manager stated that if the Council agreed to this suggestion for the placing of the signs it could be granted subject to the approval of the Chief of Police.

Councilman M. Adams moved, seconded by Councilman Arata that approval be granted to the Lions Club to paint slogans on the cross walks in the business area and for the city to furnish paint and use of the city paint rig, under the direct supervision of the Chief of Police.

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

18
DIRECTOR OF PUBLIC WORKS TO REPORT ON AREA IN LA LOMA DISTRICT WHICH COULD BE SERVED WITH EXISTING SEWERS

The City Manager stated that in line with the policy of the Council approving annexation of territory which could be economically served with sewer service, the Director of Public Works was preparing a report for the Council on the area in the LaLoma District, which could be served by extension of existing sewers.

19
REPORT ON APPLICATION OF THE D. ELLIS WATER COMPANY TO THE PUBLIC UTILITIES COMMISSION TO OPERATE A WATER SYSTEM IN THE COLLEGE VILLAGE TRACT

The City Manager reported that the Public Utilities Commission had not set the date for the hearing on the request of the D. Ellis Water Company for a certificate of public convenience and necessity to operate a water system to serve the College Village Tract but the attorney for Mr. Ellis had informed him that the city would be notified of the date of the hearing later.

The City Manager stated that the Director of Public Works had conferred with Mr. Ellis regarding the proposed water system and had determined that it was to be a minimum type of installation and that the expenditure by Mr. Ellis would be approximately \$28,000.00. If the city was to construct the system to conform to the city standards, he stated, it would cost of the order of \$50,000.00.

The City Manager asked whether or not the city should concern itself in the establishment, by private companies, of a "lot of little water systems" surrounding the city limits. If these areas, where the minimum type of water systems have been installed, were annexed to the city it would cost the tax payers a considerable sum of money to bring them up to city standards, both for water service and particularly for fire protection. Some of these private companies, the City Manager commented, are anxious to take on the business of furnishing water but they are not anxious to furnish sewer service since there is a fine profit in the water business and the sewer service operates with a deficit. He asked whether the city should agree to furnish sewer service and someone else serve the water. He pointed out that the profit from the operation of the city water system was used to help operate the city and thus reduce the taxes for the property owners who had purchased the water system. He stated that the city's charge for connecting with the water system of \$150.00 for property owners outside the city limits and \$75.00 for property owners inside the city limits, should also be considered in these problems.

A discussion was held by the Council on the possibility of regulating the type of installation in private water companies so they could be integrated with the city water system at a minimum of cost when the areas were annexed to the city. It was suggested that the Planning Commission could establish a policy on the type of water facilities to be installed in new subdivisions outside the city.

The requirement of meters on water installation outside the city was discussed and several members of the Council expressed their opposition to this policy for the reason that "meters are expensive" and "we want to have beautiful trees and landscaping in the community."

The City Manager stated that the basic question was, "how far are you going to go in furnishing sewer service outside the city." He stated that it would be necessary to call for bids for the installation of sewer lines west of the city at the next Council meeting and in order to determine the size of pipe to be installed, it would be necessary to define the area which could be logically served with sewer service with the present trunk lines and the planned trunk lines. If these boundaries were defined, he continued, the people would know that beyond that line the city would not make any commitments for sewer service.

The City Manager explained the location of the existing sewer lines and the proposed sewer lines on a map which had been prepared by the Department of Public Works and a discussion was held by the Council on the logical areas which could be served.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST: 
REX E. GAILFUS, CITY CLERK

Council Meeting
December 10, 1952

The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

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

FRED S. CURTIS REQUEST ASSISTANCE IN SECURING LOCATION FOR GROUND OBSERVATION POST FOR "OPERATION SKYWATCH"

Fred S. Curtis, representing the Ground Observation Corps, appeared before the Council and requested assistance in obtaining a suitable location for an observation post in the community. He stated that cities the size of Modesto and even smaller towns support their own air defense. He stated that the contact with the local organization had not met with the "hoped for cooperation and encouragement" and that he had no doubt that the Council would have the power, ability and willingness to get something done.

City Manager Miller pointed out that the local civil defense organization had been set up in accordance with recommendation of the State Civil Defense Department and that the city was represented on this county organization. The City of Modesto cannot reasonably be expected to assume the expense of the operation of the civil defense for this community of over 50,000 when the population of the city is only 20,000, he stated. The city will do its part and more but it should not be asked to do all of it. The "Operation Skywatch" is important to the community and the people owe a debt to those people who are making it go under difficult

circumstances. The City of Modesto is a part of the community and if the county helps with this, the city will pay its share, the City Manager stated. Councilman Arata introduced

RESOLUTION NO. 10,030-N.S.

which was seconded by Councilman M. Adams urging the Stanislaus County Civil Defense Operational Area to take whatever action is necessary to secure proper quarters for the local post of the Ground Observation Corps so that this essential operation can be continued in this community and to urge the local people to participate in "Operation Skywatch," which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

CALL FOR BIDS FOR THE CONSTRUCTION OF SANITARY SEWER TRUNK LINE ON EMERALD AVENUE AND MAZE BOULEVARD

The City Manager stated that it was urgent to complete the sewer trunk line on Emerald Avenue and Maze Boulevard and that approximately 688 feet of 36" reinforced concrete culvert pipe is needed for the completion. The acquisition of this pipe under the normal procedure of advertising for bids would require an additional period of at least two weeks to complete the job. He stated that section 1307 of the Charter authorized the purchase of materials necessary for public works projects without advertising for bids. Councilman Annan introduced

RESOLUTION NO. 10,031-N.S.

which was seconded by Councilman Mellis, declaring that the purchase of said materials is urgently necessary for the preservation of life, health and property and authorizing the City Manager to enter into a contract on behalf of the city, to purchase this material at once at the best available price without advertising for bids, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

Councilman M. Adams introduced

RESOLUTION NO. 10,032-N.S.

which was seconded by Councilman Arata approving plans and specifications for the construction of a sanitary sewer trunk line on Emerald Avenue and Maze Boulevard and authorizing the City Clerk to call for bids for the installation of 36" reinforced concrete culvert pipe furnished by the city and for the furnishing and installing of 8" vitrified clay sewer pipe, 4" steel pipe and construction of manholes. The bids for this project are to be opened at 2:00 P.M. on Tuesday, December 23, and any award made or contract entered into shall be by action of the Council, meeting in regular session at a subsequent meeting, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

Director of Public Works Ray stated that with this type of purchase two weeks could be saved and he had set the completion date of the project for approximately Feb. 14, 1953.

3
ORDINANCE AMENDING ORD. NO. 891-N.S. REGULATE RENTAL FEES FOR HANGARS AT MUNICIPAL AIRPORT

The City Attorney presented a proposed ordinance for the consideration of the Council which would increase the rental of hangars and/or lean-tos at the Municipal Airport to \$6.00 per month, beginning January 1, 1953. Airport Manager Sham stated that this proposed change in rates from \$5.00 to \$6.00 had been checked with owners of planes and no objections had been raised. Councilman Mellis introduced

ORDINANCE NO. 1054-N.S.

entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 891-N.S. OF THE CITY OF MODESTO, ENTITLED, "AN ORDINANCE PRESCRIBING RULES AND REGULATIONS FOR THE USE AND CONDUCT OF MODESTO MUNICIPAL AIRPORT, DECLARING VIOLATIONS OF SAID RULES AND REGULATIONS TO BE A MISDEMEANOR AND PROVIDING PUNISHMENT THEREFOR, AND FIXING LANDING, RENTAL AND OTHER FEES TO BE PAID FOR USING SAID AIRPORT AND PROVIDING FOR THE COLLECTION OF SAID FEES AND REPEALING ORDINANCES NO. 321-N.S., 328-N.S., 519-N.S., 795-N.S. and 800 N.S. OF THE CITY OF MODESTO" AS AMENDED BY AMENDING ITEM 6 OF SECTION 2 THEREOF, AND REPEALING ORDINANCE NO. 998-N.S." and moved its adoption and passage to print, which motion being duly seconded by Councilman Merrill, it was upon roll call carried and the ordinance ordered printed and published by the following vote:
Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None

Absent: Councilmen: R. Adams

H
PETITION FILED BY RESIDENTS OF THE JOHN MUIR SCHOOL DISTRICT

A group of residents of the John Muir School District appeared before the Council and Herbert E. Paul, spokesman for the group, filed a petition signed by 237 residents in that area, requesting that the old John Muir School property be converted into a park to be operated by the City of Modesto. He stated that this would be the last opportunity that this area would have to acquire a park.

Councilman Mellis stated that he had met with this group last Tuesday and he wished to recommend to the Council that this matter be taken up with the school board, since he considered this a worth while project and that the neighborhood needed park facilities.

Mayor Marks stated that most of the members of the Council had been out to inspect this property in the last few days and felt that the area needed park facilities and the city would try to acquire the land if it could be obtained at a reasonable price. He suggested that representatives from the Council and from the John Muir School district appear before the school board next Monday night, Dec. 15, at its meeting, to show their interest that this land should not leave public ownership.

City Attorney Grimes stated that the law provided that public land could be transferred from one public agency to another without advertising for bids.

Carrol M. Fulkerth, 506 Castle Street, stated that a great many more signatures to the petition could be obtained.

Councilman Annan suggested that the matter be taken up with the school board to see if the property could be purchased.

Councilman Arata suggested that the Council appear at the next school board meeting.

The City Manager expressed his pleasure at the show of interest in parks and stated that the group present would be interested to know that the Council would consider a proposal later at this meeting to purchase land in another area to be used for park purposes. "We stand ready to look out for parks," he stated.

Councilman R. Adams arrived at the meeting at this time.

The Mayor appointed a committee from the Council to appear before the Board of Education at its meeting to be held on Monday, December 15, of Councilmen R. Adams, Mellis, Arata and himself.

5
PROPOSED TRANSFER OF ASSESSING AND TAX COLLECTING FUNCTIONS TO THE COUNTY

Mayor Marks re-read the report filed with the Council by the City Manager and Director of Finance on "property Assessment and Tax Collection."

County Assessor K. V. Broadwell and Deputy Auditor Steve Hossli were present.

The City Manager stated that he had checked the estimated cost for a complete re-appraisal of all taxable property in the city with Herbert A. Olson, of the Public Administration Service, who had made the analysis of the existing organization structure of the city government and that the amount shown in the report of \$30/40,000 was of the right order.

Mayor Marks asked the audience if they had any questions to raise and both Herbert Paul and Fred S. Curtis expressed their approval of the transfer of these functions to the county, since it would eliminate a duplication of work by the county and the city, which would be a savings to the tax payers.

Mayor Marks pointed out the importance that the property owners in the city should know that if they had a complaint about any assessments that they would have a right to appear before the Council, since the Council had been elected to represent them. The Council should hold an informal hearing on assessments, he stated, and if it felt that any complaint was justified, make proper recommendations to the County Assessor and County Board of Equalization. The property owners would have "the strength of seven instead of one." The city has had 100% cooperation from the County Assessor, he stated, who was also interested in saving money for the tax payers.

The City Attorney presented a proposed resolution for the consideration of the Council which provided that the Council declared its intention to fix a time and place each year for the hearing of the comments and protests of property owners regarding assessment of their property and to bring its conclusions and recommendations to the attention of the responsible county officials.

He pointed out that it would be voluntary on the part of the citizen to appear before the Council and that the body which would have the power to make any change would be the County Board of Equalization. He also pointed out that at the Board of Equalization hearing held by the City of Modesto in August, no one had appeared to protest any assessment although it had been adequately advertised and publicized.

Mayor Marks stated that the proposed transfer of the tax collecting and assessing had been considered by the Council for one and one half years and that it was provided for in the new charter and that it had been recommended by the Public Administration Service in its survey.

The City Attorney read the proposed ordinance for the consideration of the Council which would authorize the transfer of these functions

Director of Finance Lawrence stated that it would be desirable for the city to continue handling the collection of assessments for local improvement districts, since this tax is based on the cost of the improvement and not on the value of the property. He stated that he had checked with other cities in the state and found out that some of them had transferred the collection of improvement district assessments to the counties and others had not. He pointed out that the due dates of the principal and interest on improvement bonds would not tie in with the dates on ad valorem taxes. There could be an additional charge made by the county against the taxpayer for the collection of the improvement district assessments. At the present time, he stated, there is only one improvement district in the city and it could be taken care of by the city rather than to transfer it to the county. If a great number of improvement districts developed and the city desired to transfer this function to the county, it could be arranged later on.

Vernon L. Withuhn from the audience, expressed his approval of the transfer of the functions to the county which would simplify procedure for the taxpayers and he brought up the question of how the city planned on allowing credit to business concerns on personal property taxes paid on fixtures, stock, etc. as provided by the business license ordinance.

The City Attorney pointed out the inequalities of the provisions of the license ordinance in this regard since it penalized the "honest man" and it worked a hardship on the professional men who had a small credit on personal property tax. This ordinance should be modernized, he stated and suggested that the cooperation of the citizens would be extremely helpful. There would be six months to study the revision of the business license ordinance before the new taxes would become effective, so it would be satisfactory to all persons interested and concerned.

It was brought out in the discussion that the transferring of these functions to the county would have no bearing on the provisions of the business license ordinance allowing credit for personal property taxes paid on mill license returns. It was the decision of the Council to appoint a Citizens Advisory Committee to work on the problem of "remodeling" the business license ordinance. Councilman Mellis introduced

ORDINANCE NO. 1055-N.S.

entitled: "AN ORDINANCE OF THE CITY OF MODESTO AUTHORIZING THE TRANSFER TO AND THE ASSUMPTION AND DISCHARGE BY OFFICERS OF THE COUNTY OF STANISLAUS OF CERTAIN FUNCTIONS OF THE CITY RELATING TO THE ASSESSMENT OF PROPERTY FOR PURPOSES OF AD VALOREM TAXATION AND EQUALIZATION OF SUCH ASSESSMENTS THE COLLECTION OF TAXES LEVIED FOR MUNICIPAL PURPOSES, THE SALE OF PROPERTY FOR NON-PAYMENT OF TAXES, LEVIED FOR MUNICIPAL PURPOSES, AND THE REDEMPTION OF PROPERTY FROM SALE FOR EITHER OF SAID PURPOSES AND REPEALING ORDINANCE NO. 396-N.S. OF SAID CITY, AND ORDINANCES AMENDATORY THEREOF, INSOFAR AS IN CONFLICT HEREWITH." and moved its adoption and passage to print, which motion being duly seconded by Councilman R. Adams, it was upon roll call carried and the ordinance ordered published and printed by the following vote:

Ayes: Councilman: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman Mellis introduced

RESOLUTION NO. 10, 033-N.S.

which was seconded by Councilman Arata, declaring that it is the intention of the Council to fix a time and place each year for the hearing of the comments and protests of property owners within the city regarding the assessments of their property and that the Council will receive and fully consider all such comments and protests presented to it and bring its conclusions and recommendations to the attention of the responsible county officials, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

PURCHASE OF ADDITIONAL PARK AREA IN ROOSEVELT TRACT

The City Manager reported that Lem and Nora Crook had offered to sell a five acre tract of land (lot 18 of Weil Colony) to the City for \$15,000, which adjoined the five acres purchased recently by the city for park purposes. This would make a ten acre park area in this district and it would probably be the last chance to acquire sufficient land for a park. He stated this area is rapidly coming a part of the city. Councilman Arata stated that the city owed it to that section to purchase this five acres for park purposes and any other area if there is land available, land should be purchased for them if they come into the city.

The City Manager stated it would be necessary to make a transfer from the general reserve. He pointed out that part of this reserve had been set up for this kind of thing and money was available. "I think Mr. Arata has said it very well, the City Manager stated, let us assure these areas that if they come in the city while land is still vacant, the city will make it its business to see that a park is provided."

Councilman Merrill introduced

RESOLUTION NO. 10,034-N.S.

which was seconded by Councilman M. Adams, authorizing the necessary legal procedure to purchase the five acres of land from Lem and Nora Crook for \$15,000. as outlined in their offer to the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Mayor Marks stated Mr. Arata's statement was of sufficient importance that a declaration of policy could be considered by the Council that when these areas come into the city, it was an obligation to secure park space for them if they get in while land is vacant. Councilman Arata introduced

RESOLUTION NO. 10,035-N.S.

which was seconded by Councilman Merrill directing the City Attorney to prepare a resolution establishing the policy of the Council for the future acquisition of land to be used for parks for new areas annexing to the city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

1
REQUEST FOR CONSENT TO COMMENCE PROCEEDINGS TO ANNEX INHABITED TERRITORY TO THE CITY OF MODESTO (Fairmont Addition)

The City Manager reported that a request for consent to commence proceedings to annex inhabited territory to the city had been filed by property owners in an 80 acre tract, bounded on the north by Roseburg Avenue, west by McHenry Avenue, east by Sunrise Avenue and south by the city limits.

The Directory of Public Works stated that the furnishing of sewer service to this tract would tie in with the trunk line located on Roseburg Avenue.

Councilman Merrill introduced

RESOLUTION NO. 10,036-N.S.

seconded by Councilman R. Adams, that this request be referred to the Planning Commission for its report and recommendation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

8
REPORT ON EFFORTS OF MODESTO GARBAGE COMPANY TO OBTAIN A NEW DISPOSAL SITE

The City Manager reported on the efforts made by the Modesto Garbage Company to find a new disposal site. An option had been obtained by the company on a site approximately 13 miles southwest of Modesto, near West Main and Carpenter Roads. The County Planning Commission had granted a use permit but protests had been filed and the County Board of Supervisors had overruled the Commission at a hearing held recently.

The City Manager stated that he had appeared at the hearing and had been able to straighten out some incorrect statements which had been made to the people who signed the protest, one of which was that the city was planning on using the disposal site later for a ponding area for sewage disposal. He assured the people at the hearing that this statement was false since the city had no such plans and could not finance such a program. He also pointed out to the Board that the present disposal site was not only being used by the people of the city of Modesto but also by the people in the area surrounding the city and that it would be necessary to obtain a new site at once at the least objectionable location.

John R. Borghello, representing the Modesto Garbage Company, appeared before the Council and stated that after the hearing held by the county, one of the Supervisors had suggested that the company prohibit dumping by private individuals residing out of the city, at the present site. The Supervisor had also suggested that several loads each day be hauled by the company to the public dumping grounds at Hughson, which would help them to drag along a few more months at the present site until a suitable location could be found.

Mr. Borghello stated that before the hearing was held by the Board, his company had filed a statement with the Board, signed by 17 property owners within a two mile radius of the proposed disposal site, stating that they would not object to the locating of a disposal site on the 65 acres of land, but the Board did not consider or mention this statement at the hearing. He pointed out that some of the people who signed the protest lived miles from the area, some even in Ceres and Turlock. It will be impossible, Mr. Borghello stated to continue covering garbage at the present site and it will be necessary to burn it in the very near future.

A discussion was held by the Council on the possibility of prohibiting private dumping at the present site since there were public dumping grounds which could be used by people outside the city, located at Hughson, Riverbank, Oakdale and Patterson. The Council expressed its objection to the burning of garbage until it was absolutely necessary.

The City Manager stated that it should be made clear to the Board that the Council is powerless to act in this matter; that it is willing to contract with the Modesto Garbage Company, who is willing to pay any suitable price for a new disposal site; that the city is reluctant to continue operations at the present site, since it will soon be necessary to incinerate; and to urge the county to approve a suitable site at the earliest possible moment. Councilman Merrill introduced

RESOLUTION NO. 10,037-N.S.

which was seconded by Councilman Arata, expressing appreciation to the County Planning Commission and its staff for their cooperation and earnest efforts to make available an alternate site for the disposal of such refuse: urging the Board of Supervisors to make available an alternate site where such refuse may be placed; appointing a committee of the Council, composed of Lyndall Merrill, Merrill Adams and Clifford Annan to confer with the County Supervisors to stress the urgency of the provision of an alternate site and to offer their cooperation, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent:None

The City Attorney was directed to make a report to the Council on the legal technicalities of the contract with the Modesto Garbage Company to determine if public dumping by persons outside the city could be prohibited.

CLAIMS FOR MONTH OF NOVEMBER-CHAMBER OF COMMERCE AND FOURTH OF JULY COMMITTEE

The City Manager reported that the claims of the Chamber of Commerce and Retail Merchants Bureau had not been cleared as yet and would be considered later.

The City Manager stated that a claim of \$500. from the Fourth of July Committee, as well as the claims for the month of November, had been placed on the agenda for consideration of the Council. These claims have been approved by the Director of Finance and Auditor and he wished to raise the question if the Council wished these claims presented to the Council for formal clearing. He stated that he could not find any legal basis for this requirement. Councilman Merrill moved, seconded by Councilman M. Adams that it will not be necessary for the Council to consider claims for expenditures which have been budgeted.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent:Councilmen: None

REPORT ON BIDS ON RUBBER TIRED TRACTOR LOADER

The City Manager reported that bids on a rubber tired Tractor Loader had been opened at 3:00P.M. Monday, Dec. 8 and the Director of Public Works had recommended that the bid of the Mixermobile Sales and Service of \$5,446.13, less \$450.00 for trade-in allowance for city's 1947 Dodge Scoopmobile, making a net cost to the city of \$4,996.13, be accepted as it was the lowest bid. Councilman Arata introduced

RESOLUTION NO. 10,038-N.S.

which was seconded by Councilman Annan, accepting the bid of the Mixermobile Sales & Service,

as recommended by the Director of Public Works, as this was the lowest and best bid received, which resolution was regularly adopted by the following vote:
Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

11 AWARD BID ON TRAFFIC SIGNALS AT McHENRY AND MORRIS AVENUES

The City Manager reported that bids for the constructing of traffic signals and street lighting at McHenry and Morris Avenues, had been opened on Monday, Dec. 8 at 2:00 P.M. The Director of Public Works had tabulated the bids and recommended that the bid of \$8,666.00 of the Industrial Electrical Company be accepted as it was the lowest and best bid received. Councilman Arata introduced
RESOLUTION NO. 10, 039-N.S.

which was seconded by Councilman M. Adams, accepting the bid of the Industrial Electrical Company, as recommended by the Director of Public Works, as it was the lowest and best bid received, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

12 CALL FOR BIDS ON GASOLINE

Upon the recommendation of the City Manager, Councilman M. Adams introduced

RESOLUTION NO. 10, 040-N.S.

which was seconded by Councilman Mellis, authorizing the City Clerk to call for bids on furnishing approximately 25,000 gallons of first grade gasoline (Ethyl) and approximately 40,000 gallons of second grade gasoline (regular) during the period from Jan. 16, 1953 to Jan. 15, 1954, said bids to be opened on Monday, Jan. 5, 1953, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

13 FINAL ADOPTION OF ORDINANCE NO. 1049-N.S. (REGULATION OF MOTOR BUSES)

Ordinance No. 1049-N. S. entitled: "AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 1039-N.S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE AMENDING ORDINANCE NO. 306-N.S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE PROVIDING FOR THE SUPERVISION AND REGULATION OF MOTOR BUSES OPERATING ON FIXED SCHEDULES AND OVER ESTABLISHED ROUTES WITHIN THE CITY OF MODESTO, PROVIDING FOR THE ISSUANCE OF PERMITS AND LICENSES FOR SUCH OPERATION OF MOTOR BUSES AND PROVIDING FOR THE PUNISHMENT OF VIOLATIONS OF THIS ORDINANCE' AS AMENDED, BY AMENDING SUBSECTION (b) of SECTION 1 and SECTION 4 THEREOF," having been heretofore introduced and ordered printed and published at the regular meeting of November 26, 1952, Councilman Annan moved, seconded by Councilman M. Adams, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

14
FINAL ADOPTION ORDINANCE NO. 1050-N.S. (HOUSE MOVING REGULATIONS)

Ordinance No. 1050-N.S. entitled: "AN ORDINANCE REGULATING THE MOVING OF BUILDINGS IN THE CITY OF MODESTO AND REPEALING ORDINANCE NO. 37-N.S." having been heretofore introduced and ordered printed and published at the regular meeting of November 26, 1952, Councilman M. Adams moved, seconded by Councilman R. Adams, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

15
FINAL ADOPTION ORDINANCE NO. 1051-N.S. (REGULATIONS FOR FIRE PREVENTION)

Ordinance No. 1051-N.S. entitled: "AN ORDINANCE PRESCRIBING REGULATIONS FOR FIRE PREVENTION AND LIFE SAFETY IN CONNECTION WITH HAZARDOUS MATERIALS AND PROCESSES, PRESCRIBING A PENALTY FOR VIOLATION THEREOF, AND REPEALING CERTAIN ORDINANCES," having been heretofore introduced and ordered printed and published at the regular meeting of November 26, 1952, Councilman Mellis moved, seconded by Councilman R. Adams, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager reported that at a meeting held with the engineers of the Board of Fire Underwriters, a few days ago, they were optimistic that the city would be able to get a #2 fire rating. There would be no chance to continue the fire protection contracts for concerns outside the city, if a #2 fire rating was given to the city, they stated. A report would be furnished the Council shortly, the City Manager stated.

16
FINAL ADOPTION ORDINANCE NO. 1052-N.S. LEASE PORTION AIRPORT TO JAMES C. SORENSEN

Ordinance No. 1052-N.S. entitled: "AN ORDINANCE PROVIDING FOR THE LEASE OF CERTAIN CITY OWNED PROPERTY TO JAMES C. SORENSEN AND AUTHORIZING THE EXECUTION OF AN AGREEMENT IN CONNECTION THEREWITH", having been heretofore introduced and ordered printed and published at the regular meeting of November 26, 1952, Councilman R. Adams moved, seconded by Councilman M. Adams, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

17
CONSENT TO COMMENCEMENT OF PROCEEDINGS TO ANNEX THE NORTH CENTRAL ADDITION

The City Manager stated that a report approving the boundaries of the North Central Addition had been filed by the Boundary Commission of the County of Stanislaus. Councilman Merrill introduced

RESOLUTION NO. 10,041-N.S.

which was seconded by Councilman R. Adams consenting to the commencement of proceedings to annex the territory described in the request and consenting to the publication by the proponents for annexation of "Notice of Intention to Circulate Petition," which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

RENEWAL OF LEASE WITH ELVIN YORK ON PERCOLATION BEDS

The City Attorney presented the renewal of the lease with Elvin York for the leasing of the percolation beds at the sewer plant for the 1953 planting season for the consideration of the Council. Councilman Mellis introduced

RESOLUTION NO. 10,042-N.S.

which was seconded by Councilman R. Adams, approving the lease as prepared by the City Attorney and authorizing the execution of same on behalf of the city, which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- Noes: Councilmen: None
- Absent: Councilmen: None

A

CLARIFY TERMS OF MEMBERS ON THE PERSONNEL COMMISSION

The City Attorney presented a resolution for the consideration of the Council as requested, clarifying the terms of the members of the Personnel Commission. He stated that the charter provided that members of boards or commissions should be appointed for a term of four years only, said terms to expire on January 1st under a plan for staggered terms. Councilman Merrill introduced

RESOLUTION NO. 10,043-N.S.

which was seconded by Councilman R. Adams, reappointing the following named persons to the Personnel Commission and providing for the terms of office of the respective members to terminate as follows:

<u>NAME</u>	<u>Expiration Date</u>
Ray W. Jones	January 1, 1953
Fred D. Condit	January 1, 1955
Frank C. Damrell	January 1, 1956

and repealing all resolutions in conflict, which resolution was regularly adopted by the following vote:

- Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- Noes: Councilmen: None
- Absent: Councilmen: None

The City Manager reported on the difficulty encountered in recruiting a Park Superintendent. He stated that the Personnel Commission had recommended, at a recent special meeting, that the salary for this classification be approved for any range up to and including a range with a top of \$530.00 per month, and that the maintenance of the golf course be under the direction of the Director of Public Works so that it would not be necessary to rate the classification of Greenskeeper so high. He requested that the Council informally agree to the recommendation of the Personnel Commission so that recruitment for a Park Superintendent could get under way. Councilman M. Adams moved, seconded by Councilman Annan, that the recommendation of the Personnel Commission for approval of a change in proposed salary range for the position of Park Superintendent be approved up to and including a range with a top of \$530. per month with the exact range to be established later.

- Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- Noes: Councilmen: None
- Absent: Councilmen: None

20
DIRECTOR OF PLANNING FRANKLIN J. BILLS INTRODUCED TO COUNCIL

Director of Planning Franklin J. Bills was introduced to the Council by the City Manager.

21
REPORT ON INCREASE IN POLICE COVERAGE BY POLICE CHIEF NEEL

Police Chief Neel reported on the increase of police coverage under a new system during the period from 2 P.M. to 6 A.M. He stated that the city had been divided into four districts; one west of 7th Street, which will be patrolled by one man patrol car; one in the central business district which will be patrolled by 2 man patrol car; and that the area east of the central business district had been divided into two districts, each of which would be patrolled by a one man car. This would give the city four car coverage at night at no increase in cost except gasoline, instead of two car coverage formerly provided with a two man patrol. He stated that these men were not expected to handle dangerous cases alone but if they felt for any reason they needed help a car would be dispatched to their aid.

The City Manager brought up the possibility of using a loud speaker to control traffic in the business area. He stated this speaker could also be used for other things, such as control at a fire, and big crowds. The approximate cost of a loud speaker would be \$300. and that a savings had been made on a budgeted expenditure at the dog pound for an execution chamber for dogs, which could be used to purchase this speaker.

The City Manager reported that it had been suggested by a member of the Police Department that each month a special phase of traffic control be worked on, such as jay walking.

22
CITY MANAGER TO PRESENT EXAMPLES OF SAVINGS TO THE COUNCIL

The City Manager asked the Council if they desired to have him present examples of savings that are being made on expenditures. The Council concurred in this suggestion.

23
REPORT ON INSTALLATION OF GAS TANK J. RUGGEIRO, 328 MAPLE STREET

The City Manager reported that an investigation had been made of the gasoline tank which had been installed by the Richfield Oil Company for J. Ruggeiro, 328 Maple Street, in the residential district, to service his truck. A permit for the installation of the tank had not been obtained from either the building inspector or the Fire Department. This installation is in violation of a city ordinance and if a permit had been requested before installation had been made, denial would have been recommended.

The Fire Chief stated that the size of the tank and the plumbing installation could not be checked since the tank was already covered.

Director of Public Works Ray pointed out that if a permission was granted in this case, other requests would be made for installation in the residential districts throughout the city. Councilman Arata moved, seconded by R. Adams that request for the installation of the tank be denied.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman M. Adams moved, seconded by Councilman Arata, directing the City Attorney to check the ordinance regulating the installation of gas tanks in residential area for the servicing of trucks.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

24
REPORT ON D. ELLIS WATER COMPANY REQUEST PERMIT INSTALL WATER SYSTEM IN COLLEGE VILLAGE TRACT

The City Manager reported that a meeting had been held with Mr. Ellis of the D. Ellis Water Company regarding his request to the Public Utilities Commission for permit to operate a water system in the College Village Tract. The area proposed to be served by this water company is contiguous to the city and Mr. Ellis had agreed to the annexation of this area providing the city would be willing to furnish sewer and water service and the city would buy out his water well and lot, which might amount to approximately \$4,000. Mr. Ellis is planning to build 300 homes, and will need water service to some immediately and sewer service possibly by June or July.

The City Manager stated that it would cost the city approximately \$125,000. to extend the city trunk sewer so that this area could be served but that this trunk would serve additional areas also. He requested an expression from the Council as to whether a further study should be made by the Director of Finance on available funds for extension of sewer lines to this area.

A discussion was held by the Council on the proposed purchase of the water system from Mr. Ellis. It was the decision of the Council that a further study and report on these matters be made by the City Manager.

25
REPORT ON SALES AND USE TAX-ALCOHOLIC BEVERAGES

It was the decision of the Council to hold over the report on the proposed amending of the sales tax ordinance to provide for sales and use tax on alcoholic beverages until a later Council meeting.

26
REPORT ON DISCUSSION OF TUOLUMNE RIVER REQUIRED BY STATE HELD OVER

The City Manager reported that he had met with Col. J. S. Gorlinsky of the Central Valley Regional Pollution Control Board and discussed the state requirements for Tuolumne River between the Empire-Hughson bridge and the city limits and that a report would be furnished the Council shortly.

27
REPORT ON REQUEST OF THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY TO THE PUBLIC UTILITIES COMMISSION FOR INCREASE IN RATES

The City Manager stated that a notice had been received that the Pacific Telephone and Telegraph Company had applied to the Public Utilities Commission for an increase in rates.

28
ESTABLISH LOADING ZONE FOR CRIPPLED CHILDREN AT WASHINGTON SCHOOL

Police Chief Neel reported that he had investigated the request of Hal West for the establishment of a reserved parking area to be used by the parents of crippled children being taken to the Washington School for treatment and that it would be better to establish a parking area rather than a loading area since the parents have to remain with the child for 30-45 minutes. The request had been made for 4-5 spaces on Washington Street near the school building. He stated that a sign could be put on these parking spaces during the time they were needed, which would be from 9:00 A.M. to 5:00 P.M., 5 days a week and that the sign could be made by the parents of the crippled children. Councilman Mellis introduced

RESOLUTION NO. 10,044-N.S.

which was seconded by Councilman R. Adams, authorizing the establishment of this special parking zone under the supervision of the City Manager and the Chief of Police, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

29

RECOMMENDATION BY COUNCILMAN M. ADAMS THAT TREES AT MUNICIPAL GOLF COURSE BE DECORATED DURING CHRISTMAS SEASON

Councilman M. Adams recommended that a program be considered for next Christmas season, of decorating some of the trees in the city, especially the trees around the Municipal Golf Course and Ball Park. After a discussion by the Council, Councilman M. Adams was delegated to confer with various clubs and organization, especially the Garden Club, to work out a program for next year.

30

REPORT BY CITY MANAGER ON UNPAID CLAIM FOR SEWER SERVICE BY THE PACIFIC GRAPE PRODUCTS COMPANY

The City Manager reported that the Pacific Grape Products Company owed the city approximately \$1640.93 for fees for discharging waste into the city sewer system, prior to Sept. 1, 1952 and that statements of amounts processed at the cannery for the months of September, October and November had not been filed with the Department of Finance. After a discussion by the Council, Councilman Annan moved, seconded by Councilman M. Adams, that the City Attorney, together with Councilman Annan, should personally call on the manager of the Pacific Grape Products Company to discuss an arrangement for the payment of the fees without any further delay and that if a satisfactory settlement could not be made that the City Attorney be authorized to proceed with legal action for the collection.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ADJOURNMENT

There being no further business to come before the Council, the meeting was regularly and duly adjourned.

ATTEST: 
REX E. GAILFUS, CITY CLERK

Council Meeting
December 17, 1952

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Absent: Councilmen: None

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

APPROVE CLAIMS OF CHAMBER OF COMMERCE

The City Manager stated that the Chamber of Commerce had filed a report of expenditures and activities for the quarter ending September 30, 1952, in accordance with the provisions of the contract and there was due and payable at this time, an amount of \$4,750.00. Councilman Mellis introduced

RESOLUTION NO. 10,045-N.S.

which was seconded by Councilman Arata, approving the report and authorizing payment of the claim as provided by the contract, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

2 AWARD BID ON RUBBER-TIRED TRACTOR TO COMBER & MINDACH FARM MACHINERY CO. INC.

The City Manager reported that bids for a new rubber-tired tractor had been opened at 10:00 A.M. Dec. 10, 1952. The Director of Public Works had recommended that the bid of Comber & Mindach Farm Machinery Company, Inc. of \$2,884.00, less trade-in on 1938 model BI John Deere Tractor of \$225.00, making a net cost to the city of \$2,659.00, be accepted as the equipment bid on met the requirements of the call for bids and it was the lowest bid submitted.

The City Manager stated that all the tractors had been tried out and all of the equipment bid on could do the work satisfactorily.

Councilman Merrill stated that on the tabulation of the bids it was difficult to understand why the amounts allowed for trade-in on the city equipment varied from \$225. to \$727.62, since none of the information on the requirements of the equipment were shown on the tabulation.

The City Manager pointed out that information on the specifications was available to anyone who wished to see it and that he would be happy to have any of the Council members be present when equipment was demonstrated. It was also brought out in the discussion that the charter provided that this equipment could be purchased without even calling for bids if the Council desired. Councilman Mellis introduced

RESOLUTION NO. 10,046-N.S.

which was seconded by Councilman Annan accepting the bid of Comber and Mindach Farm Machinery Co. Inc. of \$2,659.00 as this was the lowest and best bid received, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

3 FINAL ADOPTION ORDINANCE NO. 1053-N.S. REGULATION OF TAXICABS

Ordinance No. 1053-N.S. entitled: "AN ORDINANCE REGULATING THE USE AND OPERATION OF TAXICABS UPON THE PUBLIC STREETS OF THE CITY OF MODESTO: PROVIDING FOR DRIVER'S PERMITS, AND AUTHORIZING THE COUNCIL TO HOLD PUBLIC HEARINGS AND TO GRANT OR DENY APPLICATIONS FOR OWNER'S CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICABS: REGULATING THE RATES OF FARES TO BE CHARGED FOR THE USE OF TAXICABS: PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH." having been heretofore introduced and ordered printed and published at the regular meeting of December 3, 1952, Councilman M. Adams moved, seconded by Councilman Arata, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: R. Adams

Councilman R. Adams arrived at the meeting at this time.

4 ORDINANCE PROVIDE FOR THE PURCHASE OF PARK AREA IN WEIL COLONY

The City Attorney presented an ordinance to the Council for its consideration providing for the purchase of lot 18 of Weil Colony for \$15,000. from Lem and Nora Crook to be used for park purposes and authorizing the City Manager to sign the escrow agreement on behalf of the city. He stated that this ordinance

was an emergency ordinance due to the limited time given by the seller for the purchase of the property and it would become effective immediately upon adoption by the Council.

Councilman Annan introduced

ORDINANCE NO. 1056-N.S.

entitled: "AN ORDINANCE PROVIDING FOR THE PURCHASE OF CERTAIN REAL PROPERTY FOR USE AS A CITY PARK", and moved its adoption and passage to print and publish, which motion was seconded by Councilman Mellis, and it was upon roll call ordered published and printed by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

AUTHORIZE APPROPRIATION TRANSFER \$15,000 FOR ACQUISITION OF PARK SITE

Upon the recommendation of the City Manager, Councilman Merrill introduced

RESOLUTION NO. 10,047-N.S.

which was seconded by Councilman M. Adams, authorizing the appropriation transfer of \$15,000 from the general reserve to the capital outlay Parks budget for the acquisition of a park site in the Weil Colony from Lem and Nora Crook, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ACCEPT ANNUAL AUDIT FROM C. D. NATTINGER, C.P.A. AND AUTHORIZE PAYMENT OF CLAIM FOR AUDIT

Councilman Arata introduced

RESOLUTION NO. 10,048-N.S.

which was seconded by Councilman R. Adams, accepting the audit made by C. D. Nattinger, C.P.A. of the accounts of the City of Modesto for the fiscal year ending June 30, 1952 and authorizing payment for auditing services of \$750.00, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

ESTABLISH POLICY RELATING TO PURCHASE OF PARK SITES IN AREAS ANNEXING TO CITY

The City Attorney presented for the consideration of the Council, a resolution setting forth the policy of the Council relating to the purchase of park sites in areas annexing to the city as requested at the last Council meeting which read as follows:

"Whereas, the City Council of the City of Modesto believes that parks are a necessary facility for a first-class community, and

Whereas, adequate provision has not been made for parks in much of the area outside of the City, and

Whereas, the City Council has publicly emphasized to all concerned, the importance of acquiring land for parks in all of these areas while vacant land is still available,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it is the intention of the City Council to purchase the land necessary for parks in those areas which chose to become a part of the city, and

BE IT FURTHER RESOLVED that the Council accepts this responsibility for the provision of land in such areas coming into the city, provided that suitable sites are available at a reasonable price and the areas joining the city are of sufficient size to warrant the purchase of a park.

The City Manager stated that it is important that this resolution be worded properly to set forth the Council's policy. It was brought out in the discussion that the policy of the Council was that if enough area would annex, the city would be obligated to "seek out and find" property that would be suitable at a reasonable price to provide parks,

if the land is available. It would not mean that the city would be obligated to provide large 30-40 acre parks since the city could not financially afford this.

The City Attorney pointed out that the availability of funds was not mentioned in the resolution. It is possible, he stated, that the Council would feel bound under this to raise the tax rate in order to provide adequate funds. Also that during a depression in the country, funds might be scarce.

Councilman Arata stated if that would be the case, the city would not take the area into the city.

It was brought out in the discussion that three things would be considered in the acquisition of park areas, 1) sites must be suitable, 2) price suitable, 3) area annexed to be of sufficient size to justify such purchase. Councilman Arata introduced

RESOLUTION NO. 10,049-N.S.

which was seconded by Councilman M. Adams adopting the resolution prepared by the City Attorney as outlined above, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

The City Manager stated, "I do not think we should leave this subject with any impression of doubt, that the city will be able to buy the parks, as long as I am Manager, if the Council wishes, we will always be in shape to scrape up enough money to buy parks."

8 AUTHORIZE CANCELLATION OF ERRONEOUS ASSESSMENTS OF PERSONAL PROPERTY ON UNSECURED ROLL 1952-53

Upon the recommendation of the Director of Finance, Councilman R. Adams introduced

RESOLUTION NO. 10,050-N.S.

which was seconded by Councilman Arata, authorizing the cancellation of the erroneous assessments of personal property on the 1952-53 unsecured roll, including those on agricultural products in temporary storage here, but owned at the site where they are grown, and authorizing the Director of Finance to refund any taxes paid on such agricultural products as listed to the tax payer, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

9 AUTHORIZE CANCELLATION OF CERTAIN ASSESSMENTS MADE IN ERROR ON SECURED TAX ROLL FOR 1952-53

Upon the recommendation of the Director of Finance, Councilman Merrill introduced

RESOLUTION NO. 10,051-N.S.

which was seconded by Councilman Annan, authorizing the cancellation of certain assessments on the 1952-53 secured tax roll which had been made in error, as listed in the resolution, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

10

REPORT ON SALES AND USE TAX ON ALCOHOLIC BEVERAGES

The City Attorney reported on the matter of preparing the necessary legislation to tax alcoholic beverages in the city. He stated that the tax was based on the "use" of the beverage rather than on the "sale" and it would not be possible to amend the city sales tax ordinance making the sale of beverages taxable. Legislation could be adopted, however, to tax the use of beverages. Some cities have adopted ordinances which provide for a sales tax and a corresponding use tax but this was not true of the city of Modesto and if it was the decision of the Council to establish a use tax, an ordinance could be prepared for its consideration. He stated that normally sales tax and use tax go hand in hand. He outlined the provisions, collection and enforcement of use tax legislation and stated that not only alcoholic beverages would be taxed but all other merchandise purchased out of the city and used in the city, such as automobiles. He pointed out that the local merchants would be protected since the buyer could not go outside the city and make purchases and be free from paying a use tax.

Mayor Marks asked if the Council desired to refer this problem to the Merchants Association to determine its wishes in this regard.

Councilman Mellis expressed his approval of the adoption of legislation to provide for the use tax to protect the merchants in the city. He stated that it would be a benefit to the people in the city as a whole instead of a few individuals. He urged that the adoption of the legislation not be delayed since the city would lose the tax for a whole quarter.

The City Attorney stated that it would not be possible to make the tax effective as of the first of the year. He suggested that the Merchants Association be consulted as suggested by the Mayor. Consideration of the tax should be speeded up in order to have it become effective for the second quarter of the year.

A discussion was held on the problems of collecting the tax and it was suggested that the merchants outside the city could be given the opportunity to collect the tax at the point of sale so that it would not be necessary to follow up the customer and collect the use tax, since the individual is personally liable to pay the tax to the city. Councilman R. Adams moved, seconded by Councilman Mellis that the City Manager, Director of Finance and the City Attorney prepare a general report on uses and collection of the tax and present it to the Retail Merchants Association to determine what they think of it.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

11

REPORT ON COST OF PARTICIPATING IN COST OF FRANCHISE LITIGATION WITH THE CITY OF PETALUMA AGAINST THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY

The City Attorney reported that he had received a bulletin, dated Dec. 10, 1952 from the League of California Cities regarding cities jointly participating in the cost of litigation with the City of Petaluma against the Pacific Telephone & Telegraph Company relating to franchises. He stated that the approximate cost of hiring special counsel would be \$150. per day not to exceed \$7,000., exclusive of the cost of printing briefs. He stated that it would be impossible to determine how much of that amount would be allocated to each city until it could be determined the number of cities participating. The League would like to know at once, the cities willing to express willingness to participate in the financial cost and to what extent. The cost would be allocated on the population basis.

He stated that he recommended the city participate in this litigation because he felt the benefits to be derived from a successful conclusion of the case would be sufficient to far more than justify the cost that it involved. This would establish the right of the City of Modesto to require a franchise of the Pacific Telephone & Telegraph Company for the privilege of doing business in the city and for using the city streets, as well as any other public utility company.

The City Manager suggested that the city indicate its willingness to participate on a reasonable basis and retain any right to discuss about how much when a firm amount is determined. The city could imply its willingness to go along if a substantial number of cities go along.

The City Attorney pointed out that several cities would not participate due to the fact their charters were adopted prior to 1905 and the provisions of Civil Code #536 would not apply to those cities.

Councilman Annan pointed out that the cost of defending these suits brought against the public utility companies is added onto the cost of the service to the people and he voiced his objection to "molesting these companies." These big corporations are able to furnish excellent services to the people at a minimum of cost.

The City Manager stated that on that basis, the question might be raised as to whether or not the city should levy any franchise taxes. The question is whether the public utility companies should pay the city for the privilege of using the city streets. He stated it is generally accepted that the cities have the right to require a franchise agreement with a public utility. This case is to decide whether the cities have the right to collect franchise fees from the Telephone Company. The cities are really charging the public utility companies for use of the streets.

Councilman Mellis moved, seconded by Councilman R. Adams that the League of California Cities be notified that the City of Modesto will participate on a reasonable cost basis providing a satisfactory number of cities participate.
Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

12 REPORT ON COLLECTION OF INDUSTRIAL WASTE FEES FROM PACIFIC GRAPE PRODUCTS CO.

Councilman Annan reported that City Attorney Grimes and he had called on the Pacific Grape Products Company, as directed by the Council at its last meeting, and had collected a payment of \$800. on the fees due for industrial waste. The balance will be paid by the company in a maximum of four months with a payment to be made each month. If these payments are not made, litigation will be started to collect the fees. Councilman Arata moved, seconded by Councilman M. Adams, approving report made by Mr. Annan and asking the City Attorney to follow through.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

The City Manager stated that an ordinance was being drafted which will provide for the payment of a penalty on unpaid industrial waste fees.

13

REPORT ON SEWER AND WATER SERVICE REQUEST FOR THE COLLEGE VILLAGE TRACT

The City Manager stated that Dalton P. Ellis had requested sewer and water service for the College Village tract which he is developing north of the city and had signified his desire to annex this tract to the city.

The approximate cost to the city for extending the sewer trunk line from the Kearney Street sewer line to the tract would be of the order of \$55,000., with an additional \$125 000. to extend the Emerald Avenue sewer trunk line to connect with the Kearney Street line. There would also be an additional cost for extending the water line to this tract. It would probably be necessary to lay these sewer lines so that service could be granted by next summer and water would be needed to some homes right away.

The City Manager stated that this tract would be the extreme limit that the city proposed to extend sewer service with the sewer system as presently planned. One of the conditions in the consideration of extending these trunk lines would be that the city would be assured that the whole tract is to be developed in due course.

Councilman R. Adams stated a property owner in a tract adjacent to the park area recently purchased by the city in the Weil Colony, had informed him that a petition requesting annexation had been circulated in an 80 house area and all but four had signed the petition and that plans were being made to bring in a larger tract in this area. He stated that a ruling had been handed down by the Federal Housing Administration that in all new territories contiguous to a city, houses must have city sewer service before a loan is approved.

The City Manager stated that he had advised Mr. Ellis that the city would be interested in acquiring the lot and well only which had been developed and only on the provision that the well met the test of the city requirements.

The Council expressed its unwillingness to pay for any cost which Mr. Ellis may have incurred in the litigation in forming the D. Ellis Water Company.

Councilman M. Adams moved, seconded by Councilman Annan, that the program be approved as outlined by the City Manager for the furnishing of sewer and water service to the College Village tract, providing the area is annexed to the city and that some assurance is given to the city that the whole subdivision will be developed and that the lot and well be purchased from Dalton P. Ellis if it meets the test made by the city.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

14

REPORT ON USE OF GARBAGE DISPOSAL AREA BY PERSONS OUTSIDE CITY

The City Manager reported that the City Attorney had investigated the agreement between the city and the Modesto Garbage Company for the rental of the disposal area and stated that it would be possible under the contract to prohibit the use of the area by people residing outside the city if the Council desired to do so. He recommended that in the interest of the public that this action be delayed until the matter is further developed. The Council concurred in this suggestion.

15

REPORT ON ECONOMIES IN THE OFFICE OF THE CITY CLERK

The City Manager reported on a plan for the keeping of the record in the office of the City Clerk which would save an estimated \$600. per year. This plan provided for the permanent record of the minutes of the Council to be prepared on the Multilith machine at the same time that the copies are being made, instead of typing the minutes in record books.

These multilith copies will be bound in permanent record books. Also the final draft of the ordinances will be printed by the printer on the same size special paper used for the minutes at the time extra copies are being printed of the ordinance. These copies of the ordinance will also be bound in permanent record books. Councilman Arata moved, seconded by Councilman Annan that the plan for the recording of the minutes and ordinances be approved.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

16 POLICY TO BE ESTABLISHED ON CITY PARTICIPATION IN PAVING IMPROVEMENT FOR ALLEYS

The City Manager suggested that the Council consider the establishment of a policy of city participation in paving improvement of alleys. He suggested that if the property owners paid the paving costs that the city would, as its share of the improvement, provide grading. He stated that the city's estimated cost for a typical alley would be approximately 10%. Councilman M. Adams moved, seconded by Councilman Mellis that the City Attorney prepare a resolution for the consideration of the Council along these lines.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

17 CLOSING CITY OFFICES ON DECEMBER 26

The City Manager reported that after checking with the Public Works, Finance, Planning and Health Departments, it was determined that the substitution of Saturday, Dec. 20th for Friday, Dec. 26, could not create any particular administrative problems and he requested permission to hold the offices of these departments open on Dec. 20 and to close them on December 26. Councilman Annan moved, seconded by Councilman Arata, approving the suggestion of the City Manager as outlined above.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

18 NO MEETING TO BE HELD BY THE COUNCIL ON WEDNESDAY, DECEMBER 24th

Since the next regular meeting of the Council falls on December 24th, Christmas Eve, it was the decision of the Council to dispense with the regular meeting scheduled for this date.

ADJOURNMENT

Councilman Merrill moved, seconded by Councilman Annan, that this regular Council meeting be adjourned to 4:00 P.M., Tuesday, December 23rd.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes; Councilmen: None

Absent: Councilmen: None

ATTEST:


REX E. GAILFUS, City Clerk

December 23, 1952

The Council of the City of Modesto met in adjourned session this date at 4:00 P.M. as provided by Ordinance No. 1042-N.S.

Present: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill Mayor Marks

Absent: Councilmen: None

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

FINAL ADOPTION ORDINANCE NO. 1054-N.S. (Municipal Airport Rates)

Ordinance No. 1054-N.S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 891-N.S. OF THE CITY OF MODESTO, ENTITLED, "AN ORDINANCE PRESCRIBING RULES AND REGULATIONS FOR THE USE AND CONDUCT OF MODESTO MUNICIPAL AIRPORT, DECLARING VIOLATIONS OF SAID RULES AND REGULATIONS TO BE A MISDEMEANOR AND PROVIDING PUNISHMENT THEREFOR, AND FIXING LANDING, RENTAL AND OTHER FEES TO BE PAID FOR USING SAID AIRPORT AND PROVIDING FOR THE COLLECTION OF SAID FEES AND REPEALING ORDINANCES NO. 321-N.S., 328-N.S., 519-N.S., 795-N.S., and 800-N.S. OF THE CITY OF MODESTO", AS AMENDED BY AMENDING ITEM 6 OF SECTION 2 THEREOF, AND REPEALING ORDINANCE NO. 998-N.S.", having been heretofore introduced and ordered printed and published at the regular meeting of December 10, 1952, Councilman R. Adams moved, seconded by Councilman Arata, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, Arata, Merrill and Mayor Marks, R. Adams

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

FINAL ADOPTION ORDINANCE NO. 1055-N.S. TRANSFER ASSESSMENT AND COLLECTION OF TAXES TO THE COUNTY

Ordinance No. 1055-N.S. entitled: "AN ORDINANCE OF THE CITY OF MODESTO AUTHORIZING THE TRANSFER TO AND THE ASSUMPTION AND DISCHARGE BY OFFICERS OF THE COUNTY OF STANISLAUS OF CERTAIN FUNCTIONS OF THE CITY RELATING TO THE ASSESSMENT OF PROPERTY FOR PURPOSES OF AD VALOREM TAXATION AND EQUALIZATION OF SUCH ASSESSMENTS THE COLLECTION OF TAXES LEVIED FOR MUNICIPAL PURPOSES, THE SALE OF PROPERTY FOR NON-PAYMENT OF TAXES, LEVIED FOR MUNICIPAL PURPOSES AND THE REDEMPTION OF PROPERTY FROM SALES FOR EITHER OF SAID PURPOSES AND REPEALING ORDINANCE NO. 396-N.S. OF SAID CITY AND ORDINANCES AMENDATORY THEREOF, INSOFAR AS IN CONFLICT HEREWITH" having been heretofore introduced and ordered printed and published at the regular meeting of December 10, 1952, Councilman Arata moved, seconded by Councilman M. Adams, that the ordinance be finally adopted and it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: None

Absent: Councilmen: Annan and Mellis

ESTABLISHING POLICY OF CITY WITH RESPECT TO PARTICIPATION IN THE COST OF PAVING ALLEYS IN THE CITY

As requested by the Council, City Attorney Grimes presented a resolution for the consideration of the Council establishing a policy for the City of Modesto with respect to participation in the cost of paving alleys in the city. Councilman M. Adams introduced

RESOLUTION NO. 10,052-N.S.

which was seconded by Councilman Arata, declaring that it is the policy of the city to share in the cost of improving alleys in the city to the extent of providing the grading for alley construction provided however that the abutting property owners agree to complete the improvement at their own expense, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan and Mellis

Councilmen Annan and Mellis arrived at this time.

4 RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACTS FOR PURCHASE OF SUPPLIES AND MATERIALS AND THE DOING OF WORK NECESSARY TO COMPLETE CONSTRUCTION OF THE MADDUX YOUTH CENTER

The City Manager stated that certain materials and labor required for the completion of the Maddux Youth Center building, located in the West Side Park, will be furnished by local suppliers and labor organizations but it would be necessary for the city to furnish some materials and supplies and to have some work done to complete the project if such material supplies and work are not furnished or donated by others. He stated that section 1307 of the Charter of the city authorized the purchase of materials necessary for public works projects without advertising for bids if such work is deemed by the Council to be of urgent necessity for the preservation of life, health or property and authorized by resolution passed by at least five affirmative votes of the Council. Councilman Arata introduced

RESOLUTION NO. 10,053-N.S.

which was seconded by Councilman R. Adams, declaring that the furnishing of such materials, supplies and work by the city, as are required to complete the building is urgently necessary for the preservation of life, health or property. The City Manager is authorized to enter into contracts on behalf of the city to purchase such materials, supplies and to have such work done, at the best available prices to complete the construction of said building without advertising for bids, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

5 REQUEST FOR USED CAR LOT PERMIT, JAMES P. LUCIDO, 1018 NEEDHAM AVENUE

James P. Lucido filed a request for permission to operate a used car lot at 1018 Needham Avenue. Councilman Merrill introduced

RESOLUTION NO. 10,054-N.S.

which was seconded by Councilman Annan, granting permit to the applicant providing all provisions of ordinances regulating the operation of used car lots in the city be complied with, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

6 REQUEST FOR SEWER AND WATER SERVICE-COLLEGE VILLAGE TRACT, DALTON P. ELLIS

Dalton P. Ellis, filed a request with the Council, a copy of which is on file in the office of the City Clerk, for sewer and water service to the College Village Tract. He stated that he had started action to annex this area to the city by requesting the County Boundary Commission to approve the legal description.

The City Manager stated that it was expedient to start proceedings for the annexation of this land before 12 or more persons resided in the tract so

that it could be done under the Uninhabited Territory Annexation proceedings. He stated that there was one question which he wished to clear with the Council before any action was taken and that that was the problem of whether the houses now under construction should conform with the city building code. Legally Mr. Ellis could not be required to do this until the tract was a part of the city. The City Manager stated that Mr. Ellis should not be required to go back and make the corrections necessary in these houses, since the changes would be minor changes. The plans have been approved by the Federal Housing Administration. Most of the houses now under construction would be completed by the time the tract was annexed. There will be 58 houses in Tract No. 1 completed by the time the tract is annexed and the houses which are started subsequent to annexation will be built in strict compliance with the city code. It is only fair to the Council, the City Manager stated, to understand that as a matter of policy Mr. Ellis should be allowed to complete the houses presently under construction, as planned. In other words Mr. Ellis plans on building about 300 houses in the College Village Tract, he stated, 58 of these would not be built under the city building code and 242 would.

The Council concurred in the suggestion that Mr. Ellis would not be required to complete the houses already under construction in accordance with the city code.

The City Manager pointed out that there were several differences in the city and the county subdivision ordinances:

- | | |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1-Street lights | The county does not require installation of street lights.
The city requires the subdivider to furnish the material and the city installs the lights. |
| 2-Alleys | The county does not require improvement of alleys.
The city requires that the alleys be graded and oiled as approved by the City Engineer. |
| 3-Sidewalks | The county does not require sidewalks.
The city requires sidewalks installed along major thoroughfares, along the frontage of all business properties and locations where the Planning Commission deems that they are necessary. |
| 4-Street trees | The county may require the subdivider to plant trees.
The city puts the trees in. |

The City Attorney inquired as to whether the final subdivision map of the tract had been approved by the County Planning Commission. In such event the city subdivision improvement requirements would not apply to this tract, he stated.

Mr. Ellis stated that the tentative map had been approved by the County and City Planning Commissions and that he had one year to improve the tract before the final map would have to be approved. He stated that possibly the Planning Commission would extend the year limit.

The City Attorney stated that if the area was annexed prior to the expiration of the year limit for the approval of the final map, it would be necessary for Mr. Ellis to come before the City Planning Commission. If all the improvements required by the city had not been made, the City Planning Commission would have the authority to recommend the basis on which the final map of the tract could be approved and that if both the Council and City Planning Commission were in agreement on this matter, certain exceptions could be worked out.

Mr. Ellis expressed his desire to finish his plans for the development of the entire tract under the original plans as approved jointly by the County and City Planning Commission.

Mayor Marks stated the Council was interested in seeing that the development of the tract is completed since the city would be required to expend a considerable amount of money to furnish sewers and water.

It was brought out in the discussion by the Council that if water and sewer services were available to this area, it would be developed in the due course of time.

Mayor Marks stated that it was his understanding:

- 1-If Mr. Ellis does not put the street lights in, the people who buy the houses will be required to pay for them and the city will furnish the labor.
- 2-Alleys, graded and oiled. City would grade them and oil them if the property owners would furnish the material.

After Director of Public Works Ray pointed out that the fee for oiling the alleys was only 4¢ per lineal foot for each property owners, Mr. Ellis stated that he would be willing to pay \$4.00 per lot for the oiling of the alleys if the city would grade them.

Mr. Ellis stated that there was a provision for a park in the tract of approximately four acres. He stated that possibly the city would want to change the location due to the fact that there were some large trees in another location in the tract. He was advised by the City Manager that this could be taken up with the Planning Commission later on.

The City Manager explained to the Council that the extension of the sewer line from Orangeburg and Kearney to Granger and Tully would probably be necessary shortly to serve adjacent areas and that the cost of this would be about \$35,000. It would cost about \$20,000. to extend the line from there to the nearest point in this tract.

The Council requested assurance that more than the planned 58 houses now under construction in tract #1 be completed. The City Attorney suggested that an agreement could be worked out between Mr. Ellis and the city setting forth the basis under which the city would agree to furnish sewer and water service to the College Village Tract.

Mr. Ellis agreed to plant the type of trees approved by the city.

It was brought out in the discussion that Mr. Ellis would not be required to build sidewalks since there would be no major thoroughfares or business properties in the tract.

Councilman Annan brought up the point that in the granting of these special concessions to Mr. Ellis, the Council could establish a precedent for other subdivisions coming into the city. He stated that he believed if city services were extended to a subdivision outside the city that the city ordinance should be abided by.

It was brought out in the discussion that this was a special situation since Mr. Ellis had been unable to get services from the city and had organized his own water company and had applied to the Public Utilities Commission for a permit to operate the water company to serve this tract and that he had purchased materials to be used for the water system and also septic tanks and that it was the city which had more recently brought up the question of furnishing city services.

Councilman Annan stated that when this matter came up for final vote, he would be governed by the houses actually built not on how many Mr. Ellis planned to build. The City Manager stated that that could be covered in the contract.

The City Manager stated that another point that needed to be cleared is whether or not the bonded indebtedness of the city should be assumed by the property owners in this tract and it was agreed that this should be a consideration in the annexation of the tract.

Councilman Annan moved, seconded by Councilman R. Adams, that the City Attorney prepare an agreement for the approval of Mr. Ellis and the Council.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

7
PURCHASE OF OLD JOHN MUIR SCHOOL PROPERTY

Councilman Mellis reported that a committee from the Council had appeared before the Board of Education at its meeting Monday, Dec. 22 regarding the acquisition by the city of the old John Muir School property in Block 603. An offer of \$18,000. was made for the property which was accepted by the Board. Councilman Mellis moved, seconded by Councilman M. Adams that the City Attorney be authorized to work with the County Counsel on the legal requirements for the transfer of the property to the city.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

8
RESOLUTION APPROVING CIRCULATION OF PETITION FOR ANNEXATION OF THE NORTH CENTRAL ADDITION

The City Manager reported that the bonded indebtedness of the City, at the present time, was approximately \$1,336,000. He stated that the charge last year for the redemption of bonded indebtedness was 12¢ per hundred dollars of assessed valuation. He recommended that all future areas annexed to the city be required to participate in the redemption of the present bonded indebtedness. He reported that a copy of the notice and accompanying statement and receipt of the affidavit of publication on the proposed annexation of the North Central Addition to the City of Modesto had been filed with the City Clerk. Councilman Arata introduced

RESOLUTION NO. 10,055-N.S.

which was seconded by Councilman Merrill approving the circulation of the petition for annexation of the North Central Addition, with the understanding that if the territory is annexed to the city, it shall be subject to taxation for bonded indebtedness now owed by said city, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

9
RESOLUTION CONSENTING TO COMMENCEMENT OF PROCEEDINGS TO ANNEX FAIRMONT ADDITION TO CITY

A report was received from the City Planning Commission recommending that the Council grant its consent to the initiation of proceedings to annex the Fairmont Addition to the City. A report was also filed by the County Boundary Commission approving the boundaries as to "definiteness and certainty" and Councilman Annan introduced

RESOLUTION NO. 10,056-N.S.

which was seconded by Councilman M. Adams, consenting to commencement of proceedings to annex inhabited territory to the City of Modesto under the annexation act of 1913 (Fairmont Addition), which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

Councilman Mellis left the meeting at this time.

10 AWARD BID ON MATERIAL FOR HANGARS TO DRESSER-STACEY COMPANY

The City Manager stated that one bid had been received for the furnishing of material for the building of steel T Hangar at the Municipal Airport, which had been opened on Monday, Dec. 22 at 2:00 P.M. He stated there was only one supplier for the type of material required, namely the Dresser-Stacy Co. Ideco Division. It was the recommendation of the Director of Public Works that the bid of \$18,540., which called for the materials to be delivered to and unloaded at the airport be accepted.

The City Manager stated that it was important that the material be unloaded on the site in good condition, since the cost for the erection of the hangar would be greater, if the material was damaged.

The Director of Finance filed a report, on the funds available for the construction of the hangar, a copy of which is on file in the office of the City Clerk. Councilman R. Adams introduced

RESOLUTION NO. 10,057-N.S.

which was seconded by Councilman Merrill, accepting the bid of \$18,540. of the Dresser-Stacey Company, Ideco Division, for material to be used in the construction of 10 unit portable steel T Hangar, which is to be delivered to and unloaded at the Modesto Municipal Airport, since this bidder was a responsible bidder, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

// AWARD BID ON CONSTRUCTION OF A SANITARY SEWER TRUNK LINE ON EMERALD AVENUE AND MAZE BOULEVARD TO ATLAS PIPE COMPANY

The City Manager reported that bids for the construction of sanitary sewer trunk line on Emerald Avenue and Maze Boulevard had been opened at 2:00 P.M. on Dec. 23 and that six bids had been received. The Atlas Pipe Company of Walnut Creek had submitted the lowest bid, which was \$8,089.85.

The City Manager stated that the original estimate for the building of this trunk line had been \$22,000. The Director of Public Works was able to redesign the plans so that the line went over the M.I.D. canal instead of under the canal with other changes. A pump now owned by the city was being used and a savings had been effected by the purchasing of pipe, making a total cost for the line of approximately \$12,500., which was a "solid saving" of approximately \$9,000. on the original estimate. Councilman Merrill introduced

RESOLUTION NO. 10,058-N.S.

which was seconded by Councilman M. Adams, accepting the bid of the Atlas Pipe Company of Walnut Creek for \$8,089.85, as this was the lowest and best bid received, which resolution was regularly adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

// CONSIDER BIDS ON REMODELING OF CITY HALL

The City Manager reported that three bids had been received for the remodeling of the City Hall and had been opened at 2:00 P.M. on Tuesday, Dec. 16.

A discussion was held by the Council on what use could be made of the old John Muir School building for city offices on a temporary basis.

The City Manager reported that the use of the school building would only be on temporary basis and that the plans for laying out of a suitable civic center for the City of Modesto, which would include a city hall and auditorium, would be carried on. Councilman Merrill moved, seconded by Councilman Arata that action be deferred on the remodeling of the present city hall.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

13 CITY MANAGER TO MAKE STUDY OF OLD JOHN MUIR SCHOOL FOR USE OF CITY

Councilman Arata moved, seconded by Councilman Merrill that the City Manager be directed to make a thorough study of the Old John Muir School building to determine how it can be used for city purposes.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

14 REQUEST OF A. A. CARDOZA FOR REMOVAL OF TREE AT 812-13th STREET

A. A. Cardoza filed a request for the removal of a diseased Sycamore tree in front of his building under construction at 812 13th Street. After a discussion by the Council it was agreed that permission be granted to Mr. Cardoza to remove the tree at his own expense providing a space be left in the parking area for the planting of an ornamental tree of a type approved by the city. Councilman Arata moved, seconded by Councilman Merrill that permit be granted for the removal of the tree on the above stated conditions.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

15 REPORT ON TYPE OF TREES TO BE APPROVED FOR PLANTING

The City Manager stated that a report would be filed shortly on the types of ornamental trees to be approved for planting in the city.

16 REPORT ON MISTLETOE IN TREES

Councilman Merrill reported that several trees at Virginia and Stoddard Avenues were loaded with mistletoe. It was pointed out that a great many trees along the river outside the city limits were also full of mistletoe.

The City Manager stated that he had personally checked the place of business of Councilman Merrill and he was happy to note that he had some nice trees out in front of the building and that he was "practicing what he is preaching."

17 CITY MANAGER REPORT ON IMPROVEMENT OF APPEARANCE OF CORPORATION YARD

The City Manager reported on the improvement in the appearance of the Corporation Yard and invited the Council to inspect the yard.

18 CITY MANAGER REPORT ON NEW PROCEDURE IN PROCESSING CLAIMS AND INVOICES FOR PAYMENT

The City Manager reported on a new system established by the Finance Department for the payment of claims. All invoices and claims filed with the Director of Finance on or before Friday of each week will be processed and paid the following week, if found to be in order.

POLICE CHIEF NEEL ON LICENSING OF BICYCLES

Police Chief Neel reported that he had met with school officials and discussed the possibility of licensing bicycles at the schools instead of requiring children to bring their bicycles to the police station for licensing. The main problem, he stated, is that 10 of the schools are located outside the city limits.

The City Manager suggested that 1) "we do this with schools in the city. 2) With the Council approval we offer to do this in schools outside the city where we are requested to do it. Leave it up to the school principal."

Councilman M. Adams moved, seconded by Councilman Merrill that the Police Department be authorized to go out to the schools in the city and license the bicycles on a voluntary basis and that this service be authorized to schools outside and that if the principal of the school and the Parent Teacher's Association request the service, that the Police Department be authorized to go out to the schools.

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Mellis

The Council directed that each school be notified of the action taken by the city on the licensing of bicycles.

CITY MANAGER REPORT ON STUDY TO BE MADE OF CERTAIN INTERSECTIONS

The City Manager reported that arrangements had been made with a University of California graduate student from the Traffic Engineering School, to make a study and to prepare preliminary report on a number of intersections in the city where specific traffic problems exist, such as Seventh and ~~and~~ B Streets and Downey Avenue at 19th Street.

REPORT ON APPOINTMENT OF NEW ASSISTANT DIRECTOR OF PUBLIC WORKS

The City Manager stated that Roy E. Fredricksen had been appointed the new Assistant Director of Public Works.

ADJOURNMENT

There being no further business to come before the Council, the meeting was duly and regularly adjourned.

ATTEST:


REX E. GAILFUS, CITY CLERK