

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 2, 1973 AT 4:00 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies
Absent: None

Pledge of allegiance to the Flag
Invocation by Reverend John Becker, Geneva Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 1, 2, 4, 5, 6, 7, 8, 9, 10, XL,
Item 5 dropped from agenda. 12
Items 3 and 11 removed from consent.
Simon/Dixon, unan.

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of adjourned regular meeting, December 20, 1972.
(Motion approving needed)

ACTION: By motion, minutes approved.

HEARINGS

2. Matters for the good of the Community. 4:00 P.M.
(These may be presented by interested persons in the audience)

NONE

ORDINANCES

CONSENT

3. Introduction of Ordinance amending bicycle regulations.
(Memo and copy of ordinance with agenda. Introduction of ordinance needed)

ACTION: Ord. No. 1249-C.S. introduced (Simon/Elliott, unan.) amending Chapter 3 of Title III of the Modesto Municipal Code relating to bicycles. (Clerk to handle)

NEW BUSINESS

CONSENT

4. Consider approval of Right of Way Certificate for the Improvement of Scenic Drive from Downey Avenue to County Hospital.
(In order for the State to proceed with the approval of this project it is necessary for the City to certify that it has acquired all the necessary right of way and to agree to hold the State of California harmless from any liability which may result in the event the right of way is not clear as certified. Resolution approving right of way certificate needed)

ACTION: Res. 73-1 adopted approving right of way certificate. (P/W to handle)

~~CONSENT~~

5. Resolution approving savings account for Deferred Compensation Plan at Fidelity Savings & Loan Association.
(Deferred Compensation funds are now approved for deposit at the State Savings and Loan Association. Because the maximum amount protected by insurance is \$20,000, it is requested that approval be given to also deposit Deferred Compensation funds at Fidelity Savings and Loan Association. Resolution approving needed)

DROPPED FROM AGENDA

CONSENT

6. A resolution approving the final map of the Coffee Plaza No. 8 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Coffee Plaza No. 8 Subdivision is located at the northwest corner of Rose Ave. and Briggsmore Ave. It contains 26.306 Acres. Copy of environmental assessment showing no impact statement required distributed with agenda. Adoption of resolution approving final map and authorizing execution of agreement)

ACTION: Res. 73-2 adopted approving final map. (Clerk to handle)

CONSENT

7. Consider request for sewer service to property at 1407 Standiford Avenue. Property owners: Lance E. Ellis, Lee and June Bloxham.
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to the City and property owners must extend a sewer lateral for service. Resolution approving agreement needed)

ACTION: Res. 73-3 adopted approving agreement. (P/W to handle)

CONSENT

8. Consider amendment to Airport Security Program.
(Memo with agenda. Resolution approving amendment needed)

ACTION: Res. 73-4 adopted approving amendment to Modesto City-County Airport Security Program.

CONSENT

9. Rescind Resolution No. 72-1296 providing a transfer from the Special Fund for Capital Outlays to the Tuolumne River Park Fund and increase the transfer budgeted in the General Fund to the Tuolumne River Park Fund by \$1,966.
(Memo with agenda. Resolution increasing the transfer from the General Fund to the Tuolumne River Park Fund from \$30,155 to \$32,121 and rescinding Res. No. 72-1296 needed)

ACTION: Res. 73-5 adopted increasing transfer from the General Fund to the Tuolumne River Regional Park Fund from \$30,155 to \$32,121 and rescinding Resolution No. 72-1296. (Finance to handle)

REPORTS

CONSENT

10. Report regarding audit of Rudy Bonzi Enterprises.
(Memos with agenda. Motion accepting report needed)

ACTION: By motion, report accepted. (Finance to handle)

REPORTS FROM THE PLANNING COMMISSION

~~CONSENT~~

11. Recommendation from Planning Commission that Council determine that Public Works approved ponding systems fulfill requirement for "positive storm drainage" for P-D(77), P-D(82) and P-D(106).
(At time of approval of P-D(77) and P-D(82), which contained requirements for "positive storm drainage", it was envisioned but not expressly required that storm sewer lines drain above properties to Dry Creek. The Planning Commission, by Resolution No. 72-172, adopted on December 19, 1972, recommended that Council approve ponding systems. Resolution approving ponding systems as positive storm drainage for P-D(77), P-D(82) and P-D(106) needed. Public Works does not object if they have final approval.

ACTION: Res. 73-6 adopted (Dixon/Smith, maj. - Elliott, no) approving ponding systems as positive storm drainage for P-D(77), P-D(82) and P-D(106) subject to final approval of systems by Public Works Department. (P/W to handle)

CONSENT

12. County Referral of Open Space Contract Applications No. 73-1415, Hans Wagner, McDonald Avenue between Morse Road and Dakota Avenue and No. 73-1424, Norman J. Vlach, Paradise Road at Pauline Avenue.
(Memo with agenda. Two resolutions expressing recommendation of no opposition to the County Board of Supervisors needed)

ACTION: Res. 73-7 adopted expressing no opposition to No. 73-1415, Hans Wagner.

Res. 73-8 adopted expressing no opposition to No. 73-1424, Norman J. Vlach. (Clerk to handle)

MISCELLANEOUS

13. Appointments

ACTION: Res. 73-9 adopted (Dixon/Newton, unan.) appointing Councilman Elliott as City of Modesto representative and Councilman Newton as alternate representative on the Board of Community Action Commission for the period January 2 to February 28, 1973. (Clerk to handle)

The Council retired to executive session at 4:20 P.M. to consider appointments and returned to open meeting at 4:29 P.M.

Res. 73-10 adopted (Dixon/Elliott, unan) reappointing John Sutton and Kenneth Marple as members of the Planning Commission for a term ending January 1, 1977. (Clerk to handle)

14. Matters too late for the agenda.

NONE

Adjournment at 4:30 P.M.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 8, 1973 AT 7:30 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies

Absent: None

Councilman Dixon arrived at 7:35 P.M.

Pledge of allegiance to the Flag

Invocation by Reverend Robert Woodburn, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 8, 13,
Smith/Elliott, unan. - Dixon, absent 16, 17, 18, 19, 21, 22, 23, 25,
26, 27, 28

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

INTRODUCTION OF SPECIAL GUESTS:

Gonzalo Arroyo, Mexico

Angela Occhino, Italy

J. Raul Ruiz, Mexico

APPROVAL OF MINUTES

CONSENT

1. Minutes of December 26, 1972 and January 2, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Appeal by Setliff Brothers to Board of Zoning Adjustment decision eliminating two driveway approaches to coin-operated car wash on Yosemite Boulevard.
(Resolution setting February 5, 1973 at 4:05 P.M. for hearing needed)

ACTION: Res. 73-11 adopted setting hearing. (Clerk to handle)

CONSENT

3. Application of Ecology Action Educational Institute for license to collect salvageable waste.
(Resolution setting January 22, 1973 at 7:45 P.M. for hearing needed)

ACTION: Res. 73-12 adopted setting hearing. (Clerk to handle)

4. Proposal by Modesto Bee for city participation in special edition to be published January 26, 1973.

ACTION: By motion (Elliott/Newton, unan.) 1/2 page advertisement approved. (C/Mgr to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for construction of an arbor in Mancini Park.
(Suggested bid opening date January 23, 1973 at 10:00 A.M. This project is part of the planned development of Mancini Park. Copy of environmental assessment showing no impact statement required with agenda. Resolution needed. Estimated cost \$8,000 (\$7,500 Const., \$500 Eng.). Funds budgeted in Account 6331-324, Mancini Park Develop.)

ACTION: Res. 73-13 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider award of contract for installation of waterlines in West Rumble Road and Sunset County Estates.
(Bids were opened January 2, 1973. The low bid submitted by Joe Martin, which is 33% under the Engineer's Estimate, is considered acceptable. It is recommended that contract be awarded to him. Resolution needed. Estimated cost \$17,106.50. Funds budgeted in Account 6804-50-101, Water line Extension, and 5301-50-101, New Services)

ACTION: Res. 73-14 adopted awarding contract to Joe Martin. (P/W to handle)

CONSENT

7. Accept Ferrero Electric, Inc. contract for revision of street lights circuits from Station No. 4 and Station No. 3.
(Original contract, \$35,487. All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file notice of completion. Resolution needed. Final cost: Unit No. 1: \$16,158.60; Unit 2: \$16,636.70. Funds budgeted in Accounts 6635-41-321, St. Light Structure Stn 4 and 6634-41-321, St. Light Structures Stn 3)

ACTION: Res. 73-15 adopted accepting contract. (Clerk to handle)

CONSENT

8. Accept Modesto Industrial Electrical Co. Inc. contract for revision of street lights and circuits on Tenth St. from G to D Street.
(All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file a notice of completion. Resolution accepting work as complete needed. Final cost \$19,722.24. Funds budgeted in Account 6626-41-321, Modernize City Lighting, Stage 5)

ACTION: Res. 73-16 adopted accepting contract. (Clerk to handle)

HEARINGS

9. Hearing on appeal to decision of the Board of Zoning Adjustment denying an application for a use permit to allow a freestanding illuminated sign on the north side of McHenry Village adjacent to Briggsmore Avenue. 7:35 P.M.

ACTION: Councilman Dunlap was excused from consideration of this item due to a possible conflict of interest. Following discussion, the hearing was closed. By motion (Dixon/Smith, unan. - Dunlap, absent) hearing reopened and continued to January 15, 1973 at 4:15 P.M. for the purpose of allowing proponents to make a study of the impact of the proposed illumination on the neighboring residences. (Clerk to handle)

10. Continued hearing on appeal by Naraghi Farms to denial by Planning Commission of request for rezoning to P-D to allow construction of a neighborhood shopping center on the east side of Oakdale Road between Merle Avenue and M.I.D. Lateral No. 3. 7:35 P.M.

ACTION: Wendell Naraghi, representing Naraghi Farms, requested permission to withdraw the appeal. By motion (Simon/Newton, unan.) request granted.

11. Matters for the good of the community. 7:40 P.M.

ACTION: John Funnell, member of the Farm-City Advisory Committee, was introduced.

12. Hearing on formation of Improvement District No. 20. 8:00 P.M.

ACTION: Res. 1245-S.P. adopted (Elliott/Newton, unan.) determining that public convenience and necessity require formation of district without compliance with Majority Protest Act of 1931. (Clerk to handle)
Res. 1246-S.P. adopted (Elliott/Newton, unan.) ordering work. (Clerk to handle)
Res. 1247-S.P. adopted (Elliott/Newton, unan.) setting February 6 at 2:00 P.M. as time for receiving bids. (Clerk to handle)

ORDINANCES

CONSENT

13. Final adoption of Ord. No. 1249-C.S. - bicycles. (Motion adopting needed)

ACTION: By motion, Ord. No. 1249-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

14. Further consideration of E.R.M.E. Report.

ACTION: By motion (Dixon/Dunlap, unan.) Alternate 2, (Page 15 of Second Preliminary Draft) approved in principle subject to the exceptions recommended, a copy of which is on file with the records of this meeting.

15. Further consideration of request of Cliff Humphrey for:

(1) Adoption of proposed ordinance known as Modesto Environmental Quality Act, or

(2) Direction to City Clerk to place proposed ordinance on ballot for April 17, 1973 municipal election.
(Memos with agenda)

ACTION: By motion (Dixon/Elliott, unan.) request for adoption of ordinance or placement on April 17, 1973 ballot denied.

NEW BUSINESS

CONSENT

16. Announcement that electric bus will be demonstrated at city hall on January 12, 1973 between 11 a.m. and 2 p.m.
(The bus will give test rides from 11th and H Streets during the above period. Councilmen and the general public are invited to ride this new type bus. A Monday demonstration could not be arranged. No action required)

NO ACTION

CONSENT

17. A resolution approving the final map of The Smoke Tree No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. The Smoke Tree No. 1 Subdivision is located on the north side of Orangeburg Avenue east of Lakewood Avenue. It contains 18.492 acres. A copy of the environmental assessment showing no impact statement required distributed with agenda. Resolution approving final map needed)

ACTION: Res. 73-17 adopted approving final map. (Clerk to handle)

CONSENT

18. Approve filing final subdivision map of "The Newporter", a condominium project.
(All fees have been paid. The Newporter is located on the west side of Tully Road, north of Leonard Avenue. A copy of the environmental assessment showing no impact statement required distributed with agenda. Resolution approving filing of final subdivision map needed)

ACTION: Res. 73-18 adopted approving final map. (Clerk to handle)

CONSENT

19. Consider request for sewer service to property outside the City at 1311 Standiford Avenue. Property owners Lance E. and Carol L. Ellis, and Norris L. and Doris M. Klink have signed an agreement to annex to the City when requested to do so by City. The property is contiguous to the City and a sewer line exists to serve the portion connecting to the sewer. Resolution approving agreement needed)

ACTION: Res. 73-19 adopted approving agreement. (P/W to handle)

20. Authorization to negotiate contract. (Memo with agenda. Authorization to negotiate contract for design of shower, dressing and restroom facilities at Del Webb Field. Motion authorizing staff to negotiate agreement needed. Estimated cost \$3,500. Funds budgeted in Account 6400-31-321. Funds budgeted in Account 6400-31-321, Del Webb-Shower, Dressing Room, Fence, p.127)

ACTION: By motion (Dixon/Elliott, unan.) staff authorized to negotiate agreement. (P & R to handle)

CONSENT

21. Changes to Deferred Compensation Plan.
(a) Deposits at State Savings and Loan Association have reached the maximum amount protected by insurance. A resolution is needed authorizing a new savings account at the Fidelity Savings and Loan Association.

ACTION: Res. 73-20 adopted authorizing savings account at Fidelity Savings & Loan Association. (Finance to handle)
(b) A resolution appointing Ross Campbell, Director of Public Works, as chairman of the Deferred Compensation Plan Committee, replacing Charles V. Bird, Director of Finance. This change is necessary because under the IRS rules an employee cannot serve on the Committee if he participates in the plan. Memo with agenda. Two resolutions needed)

ACTION: Res. 73-21 adopted appointing Ross Campbell as member and chairman of Deferred Compensation Plan Committee to replace Charles V. Bird. (Clerk to handle)

CONSENT

22. Disposal of City's interest in property on Briggsmore Ave. to Save Mart of Modesto, Inc.
(Memo with agenda. Resolution authorizing execution of quit claim deed needed)

ACTION: Res. 73-22 adopted authorizing execution of quit claim deed to Save Mart of Modesto, Inc. (Clerk to handle)

REPORTS

CONSENT

23. Report on annual retirement and service award dinner.
(Memo with agenda. Motion approving city sponsorship of dinner needed. Estimated cost, \$280 in addition to the \$808 budgeted)

ACTION: By motion, City sponsorship of dinner approved. (Personnel to handle)

24. Reports on nitrate in water.

(a) Letter from State Department of Public Health.

(b) Further presentation by W. S. Witzke and George Kell.

ACTION: Following the presentation, Dr. Watson, County Health Officer, presented his views. No action was taken by the Council.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

25. Recommendation from the Planning Commission for the appointment of Kenneth Marple to the Board of Zoning Adjustment as a representative of the Planning Commission.
(At its meeting of January 2, 1973 the Planning Commission adopted Resolution No. 73-1 recommending to the City Council the appointment of Kenneth Marple to the Board of Zoning Adjustment as a representative of the Planning Commission for one year, his term to expire January 1, 1974. Resolution needed)

ACTION: Res. 73-23 adopted appointing Kenneth Marple. (Clerk to handle)

CONSENT

26. County referral of open space contract application No. 72-1439, May Morrow, Woodland Ave. between Morse Road and Dakota Ave.
(Memo with agenda. Resolution expressing recommendation of no opposition needed)

ACTION: Res. 73-24 adopted expressing recommendation of no opposition. (Clerk to handle)

CONSENT

27. Storm drainage master plan.
(Memo from Secretary of Planning Commission with agenda. Motion referring to staff for report needed)

ACTION: By motion, master plan referred to staff for report. (P/W to handle)

CONSENT

28. Recommend amendment to Section 9-3-9 of the zoning map.
(Stone Brothers and Associates)
(By resolution No. 73-3 adopted January 2, 1973 the Planning Commission recommends an amendment to Section 9-3-9 of the zoning map as requested by Stone Brothers and Associates to reclassify from One-Family Residential Zone, R-1, and Planned Development Zones P-D(48) P-D (50), and P-D (51), to Planned Development, property located west of Coffee Road and north of Sylvan Avenue. An environmental impact report has been prepared and copies will accompany the agenda on which the public hearing has been scheduled. Resolution setting February 5, 1973 at 4:10 P.M. for hearing needed)

ACTION: Res. 73-25 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

29. Appointments.

NONE

CONSENT

- (a) Notification that Algin C. Hurst, member of Personnel Commission is leaving area.
(Motion declaring position vacant needed)

ACTION: By motion, position declared vacant.

- (b) Others.

NONE

30. Matters too late for the agenda.

ACTION: Councilman Newton reminded those present of a musical concert to be held January 18 at Modesto Junior College to assist in the fight against sickle cell anemia.

Councilman Elliott requested further information on open-space contracts.

Adjournment at 10:35 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 15, 1973 AT 4:00 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies

Absent: None

Councilman Dixon arrived at 4:10 P.M. and Councilman
Newton arrived at 4:15 P.M.

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 6, 7, 8, 14, 15,
Elliott/Smith, unan. - Dixon and 18, 19, 20, 21, 22, 23, 24, 25, 26,
Newton, absent 27, 29

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Approval of minutes of January 8, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

2. Letter from National League of Cities re increase in membership dues from \$350.00 to \$750.00 annually beginning January 1, 1973.

ACTION: By motion (Elliott/Smith, unan.) City Manager directed to write to National League of Cities to the effect that \$350 was budgeted for this and that any increases should be announced far enough ahead of time to consider at budget time. (C/Mgr to handle)

CONSENT

3. Request of Mrs. Josephine Leal and Everett Costa for an extended payment for costs of construction of curb, gutter and sidewalk at 930 El Terino.
(Costs are \$438.45. Resolution approving payment over a nine-year period needed)

ACTION: Res. 73-26 adopted approving payment over a nine-year period.
(Finance to handle)

CONSENT

4. Request of Modesto Affiliated Church Housing Corporation for thirty-day delay in public hearing on P-D(83)
(NOTE: This is on the agenda at this time for information only. Action on the request should be taken at the time of the hearing which is 7:40 P.M. on January 22, 1973.)

NO ACTION

5. Request that questions concerning sewer service to Empire area be referred to staff for review and report, and that the subject be discussed at the January 22 council meeting.

ACTION: Res. 73-27 adopted (Simon/Elliott, unan. - Dixon and Newton, absent) fixing February 12, 1973 at 7:35 P.M. as time for discussion and for staff report on Sanitary Sewer System Analysis presented by Attorney Azevedo on behalf of Empire residents. (P/W to handle)

BIDS

CONSENT

6. Approve specifications and call for bids for bus.
(Bids are to be opened February 20, 1973 at 2:00 P.M. and delivery of the bus is expected September 1, 1973. Resolution approving specifications and call for bids needed. Estimated cost \$33,600. Funds budgeted in Account 6067-56-321)

ACTION: Res. 73-28 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

7. Consider acceptance of A. C. Construction Co. contract for construction of play areas, internal walks and picnic units at Marshall and Sherwood Parks.
(Original contract \$50,862. All work on this project has been completed to the satisfaction of the Parks and Recreation Department and the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution needed. Final cost \$50,862.00. Funds budgeted in Accounts 6274-31-321, Marshall Park Development, and 6301-31-321, Sherwood Park Development, Stage 3)

ACTION: Res. 73-29 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider acceptance of W. M. Lyles Co. contract for adjustment of gate valve stands.
(Original contract \$9,033.50. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution accepting work needed. Final cost, contract, \$10,631.00. Funds budgeted in Account 50-5409, Gate Valve Stands)

ACTION: Res. 73-30 adopted accepting contract. (Clerk to handle)

HEARINGS

9. Hearing, annexation of Old Oakdale No. 2 Addition to City of Modesto. 4:05 P.M.

ACTION: Res. 73-31 adopted (Dixon/Simon, unan. - Newton, absent) declaring that majority protest has not been made.
(Adoption of ordinance annexing territory delayed until March 12, 1973, or perhaps sooner depending on status of Soelling rezoning.)
(Clerk to handle)

10. Hearings on cost of installation of sidewalks and/or curbs and gutters at the following locations: 4:10 P.M.

- (a) Sidewalk at 1536 College Avenue, Lot 17, Block 6121.
(Randall K. Anderson - \$150.00)

(Paid - drop from agenda)
DROPPED

- (b) Sidewalk at 1505 Del Monte Avenue, Lot 19, Block 931.
(David A. Azevedo - \$327.80)
(Payment over 7-year period recommended)

ACTION: Res. 73-32 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection (over a 7-year period)
(Finance to handle)

- (c) Sidewalk along W. Roseburg Avenue at 1130 Amherst Avenue, a portion of Block 830. (Phillip B. Berry - \$298.40)

ACTION: Res. 73-33 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (d) Sidewalk along Westland Drive and Oakwood Drive at 1626 Oakwood Drive, Lot 1, Block 6022. (Edward A. Borba - \$407.60)
(Payment over an 8-year period recommended)

ACTION: Res. 73-34 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection (over an 8-year period)
(Finance to handle)

- (e) Sidewalk along Tully Road at 1326 Del Rey Ave., Lot 1, Block 6027. (Joseph Carota - \$290.00)
(Payment over a six-year period recommended)

ACTION: Res. 73-35 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection (over a 6-year period)
(Finance to handle)

- (f) Sidewalk at 1612 Tully Road, Lot 16, Block 6142.
(Mario Cannizzaro - \$490.00)

ACTION: Res. 73-36 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (g) Curb and gutter along Bodem Street at 128 Bodem St., Lot 6, Block 596 (Manuel S. Cardoza, Jr. - \$438.00)

ACTION: Res. 73-37 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (h) Sidewalk at 1542 Glenwood Drive, Lot 26, Block 6112,
(Avril C. Chandler - \$123.00)

ACTION: Res. 73-38 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

10. Hearings, cost, sidewalks etc. (cont'd)

- (i) Sidewalk at 1528 Glenwood Drive, Lot 21 of Block 6112.
(James R. Cooper - \$118.00)

ACTION: Res. 73-39 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (j) Sidewalk along W. Granger Ave. at 1601 Stetson Ave.,
Lot 12 of Block 6121. (John C. Cooper - \$469.00)
(Paid - drop from agenda)

DROPPED

- (k) Sidewalk along Griswold Ave. and Hackberry Ave. at 904
Hackberry Ave., the sout 67 feet of Lot 11 of Block
719. (Leo Ermoian - \$668.00)
(Paid - drop from agenda)

DROPPED

- (l) Sidewalk along Floyd Ave. at 800 Floyd Ave., a portion of
Block 12921. (Henry Esau - \$360.00)
(Payment over a seven-year period recommended)

ACTION: Res. 73-40 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection (over a 7-year period)
(Finance to handle)

- (m) Sidewalk at 1530 Glenwood Drive, Lot 22 of Block 6112.
(Robert E. Crawford, formerly Muriel M. Farris - \$123.00)

ACTION: Res. 73-41 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (n) Sidewalk at 1532 Glenwood Drive, Lot 23 of Block 6112.
Goldie B. Fischer - \$123.00)

ACTION: Res. 73-42 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (o) Sidewalk at 1705 College Ave., a portion of Block 6139.
(Gerard N. Follettie - \$178.00)
(Payment over a three-year period recommended)

ACTION: Res. 73-43 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection (over a 3-year period)
(Finance to handle)

- (p) Sidewalk along W. Granger Ave. and Tully Road at
1562 Tully Road, Lots 18, 19 and 20 of Block 6117.
(Frank J. Francek - \$1,554.00)

ACTION: By motion (Dixon/Simon, unan.) hearing continued to January 22,
1973 at 8:00 P.M. (Clerk to handle)

- (q) Sidewalk at 815 Coldwell Ave., Lot 12, Block 800.
(Henry D. Garaventa - \$491.50)

ACTION: Res. 73-44 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (r) Sidewalk along Kearney Ave. at 1429 Del Vista Ave., Lot 9
of Block 918. (Iva Mae Gause - \$301.00)

ACTION: Res. 73-45 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

10. Cost hearings, sidewalks, etc. (cont'd)

- (s) Sidewalk at 1625-27 Tully Road, a portion of Block 6116. 4:10 P.M.
(Kenneth C. Geist - \$185.00)

ACTION: Res. 73-46 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (t) Sidewalk along College Ave. at 1105 Yale Ave., Lot 8 of Block 808. (Hazel I. Gotshall - \$326.00)
(Paid - drop from agenda)

DROPPED

- (u) Sidewalk along W. Roseburg Ave. at 1021 W. Roseburg Ave., Lot 11, Block 6010.
(Harry W. Hall - \$353.00).
(Payment over a period of seven years recommended)

ACTION: Res. 73-47 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (over a 7-year period)
(Finance to handle)

- (v) Sidewalk along College Ave. at 1045 Princeton Ave., Lot 8, Block 820. (Gladys Hansen - \$669.80)

ACTION: Res. 73-48 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (w) Sidewalk along W. Roseburg Ave. at 1536 W. Roseburg Ave., Lot 10, Block 931. (Charles E. Harnden - \$253.00)
(Payment over a period of five years recommended)

ACTION: Res. 73-49 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (over a 5-year period)
(Finance to handle)

- (x) Sidewalk at 1525 Carver Road, Lot 3, Block 6108.
(Edwin G. Hartley - \$139.50)

ACTION: Res. 73-50 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (y) Sidewalk at 1521 Carver Road, Lot 4, Block 6108.
(Reginald Hartley - \$122.00)

ACTION: Res. 73-51 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (z) Sidewalk at 1319 Carver Road, a portion of Block 6252. (Kenneth L. Hill, Jr. - \$430.00)

ACTION: Res. 73-52 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (aa) Sidewalk along Kearney Ave. at 1417 Cherrywood Dr., Lot 6 of Block 6025. (Milan G. Koetting - \$342.50)
(Payment over a seven year period recommended)

ACTION: Res. 73-53 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection (over a 7-year period)
(Finance to handle)

- (ab) Sidewalk along College Ave. and Princeton Ave. at 1046 Princeton Ave., Lot 10, Block 813. (George S. Kounias - \$764.40)

ACTION: Res. 73-54 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

10. Hearings, cost, sidewalks, etc. (cont'd)

4:10 P.M.

- (ac) Sidewalk at 1513 W. Orangeburg Ave., Lot 11, Block 6079.
(Larry R. Lee - \$143.00)

ACTION: Res. 73-55 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (ad) Sidewalk at 715 Hackberry Ave., a portion of Block 717A. (James Lillie - \$151.60)
(Payment over a three-year period recommended)

ACTION: Res. 73-56 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection (over a 3-year period) (Finance to handle)

- (ae) Sidewalk at 1540 College Ave., Lot 18 of Block 6121.
(Bill W. Love - \$150.00)

ACTION: Res. 73-57 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (af) Sidewalk along Kearney Ave. at 1428 Del Vista Ave., Lot 8, Block 917. (Kenneth Madderra - \$402.00)

ACTION: Res. 73-58 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (ag) Sidewalk along College Ave. at 1025 Pearl St., Lot 11 of Block 6121. (Donald E. Nelson - \$124.80)

ACTION: Res. 73-59 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (ah) Sidewalk at 1536 Glenwood Dr., Lot 24 of Block 6112.
(Leo F. Nowak - \$123.00)

ACTION: Res. 73-60 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (ai) Sidewalk along College Ave. and Princeton Ave. at 1106 Princeton Ave., Lot 7, Block 808. (Florence H. Peters - \$385.20)

ACTION: Res. 73-61 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (aj) Sidewalk along Tully Road at 1317 Greenwood Drive, Lot 12, Block 6027. (Aurelia P. Pigeon - \$300.50)

ACTION: Res. 73-62 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (ak) Sidewalk at 1413 Del Vista Ave., Lot 13, Block 918.
(David Ramczyk, Sr. - \$224.00)
(Payment over a four-year period recommended)

ACTION: Res. 73-63 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection (over a 4-year period) (Finance to handle)

- (al) Sidewalk at 921 College Ave., a portion of Block 824.
(Marion L. Randall - \$269.50)

ACTION: Res. 73-64 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

10. Hearings, cost, sidewalks, etc. (cont'd)

4:10 P.M.

- (am) Sidewalk at 1504 Glenwood Dr., Lot 16 of Block 6112.
(Joseph R. Randy - \$123.00)

ACTION: Res. 73-65 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (an) Sidewalk along W. Granger Ave. at 1550 Ardmore Ave., Lot 20 of Block 6122. (Darrell Reid - \$360.00)
(Payment over a seven-year period recommended)

ACTION: Res. 73-66 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection (over a 7-year period)
(Finance to handle)

- (ao) Sidewalk along College Ave. at 1030 Stanford Ave., Lot 10 of Block 820. (Robert W. Rolfe - \$367.00)

ACTION: Res. 73-67 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (ap) Sidewalk at 1430 Tully Road, a portion of Block 6074.
(Walter H. Sanford - \$342.50)

ACTION: Res. 73-68 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (over a 7-year period)
(Finance to handle)

- (aq) Sidewalk along Myron Ave. and Virginia Ave. at 616 Virginia Ave., a portion of Block 916. (Kathryne V. Smith - \$476.20)
(Payment over a 10-year period recommended)

ACTION: Res. 73-69 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection (over a 10-year period)
(Finance to handle)

- (ar) Sidewalk along Kearney Ave. and Princeton Ave. at 1437 Princeton Ave., Lot 1, Block 913. (Charles B. Toledo - \$461.50)

ACTION: Res. 73-70 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (as) Sidewalk along Carver Road at 1533 Carver Road, Lot 1 of Block 6108. (L. R. Van Horn, Jr. - \$356.50)

ACTION: Res. 73-71 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (at) Sidewalk at 1540 Glenwood Drive, Lot 25 of Block 6112.
(John F. Webber - \$123.00)

ACTION: Res. 73-72 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (au) Sidewalk along Glenwood Drive at 1516 Del Vale Ave., Lot 28, Block 6112. (Donald A. Wells - \$150.00)

ACTION: Res. 73-73 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (av) Sidewalk along W. Granger Ave. at 1549 Ardmore Ave., Lot 11, Block 6121. (Lee Wetter - \$545.50)
(Payment over a 10-year period recommended)

ACTION: Res. 73-74 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection (over a 10-year period)
(Finance to handle)

10. Hearings, cost, sidewalks, etc. (cont'd)

4:10 P.M.

- (aw) Sidewalk at 1439 Kearney Ave., a portion of Block 6080. (Teresa Wilen - \$167.60)

ACTION: Res. 73-75 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (ax) Sidewalk at 1520 Glenwood Drive, Lot 20 of Block 6112. (Billy Willis - \$104.00)

ACTION: Res. 73-76 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (ay) Sidewalk at 1604 Tully Road, Lot 14 of Block 6142. (Alma E. Woodman - \$490.00)

ACTION: Res. 73-77 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

- (az) Sidewalk at 1608 Tully Road, Lot 15 of Block 6142. (Alma E. Woodman - \$490.00)

ACTION: Res. 73-78 adopted (Dixon/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

11. Hearing on abandonment of 5-foot public utility easement in Coffee Plaza No. 4 subdivision.

4:12 P.M.

ACTION: Res. 1248-S.P. adopted (Dunlap/Elliott, unan.) abandoning Public Utility Easement in Coffee Plaza No. 4 Subdivision. (Clerk to handle)

12. Further hearing on appeal to decision of Board of Zoning Adjustment denying illumination of a freestanding sign on the north side of McHenry Village adjacent to Briggsmore Avenue.

4:15 P.M.

ACTION: Res. 73-79 adopted (Dixon/Elliott, unan. - Dunlap, absent) granting appeal and permitting illumination of sign subject to certain modifications of lighting in area. (P/W to handle)
By motion (Dixon/Elliott, unan. - Dunlap, absent) staff to make study of safety measures at McHenry Village entrance located at Briggsmore Avenue. (P & T to handle)
(Councilman Dunlap was excused from consideration of this item)

13. Matters for the good of the community.

4:20 P.M.

(These may be presented by interested people in the audience)

ACTION: By motion (Simon/Newton, unan.) plan approved whereby a police officer from Barranquilla, Colombia, would come to Modesto to work with our police department and then take a one-week crash course at Cal Poly. It was pointed out that Barranquilla would pay the salary and transportation costs and that local residents would host the officer.

NEW BUSINESS

CONSENT

14. Consider request for sewer service to property outside the City at 921 Houser Lane.
Property owner Joseph C. Dell has signed an agreement to annex to City when requested to do so by City. The property is not contiguous to the City but a sewer line exists to serve it.
Resolution approving agreement needed)

ACTION: Res. 73-80 adopted approving agreement. (P/W to handle)

CONSENT

15. Land transfer - Riverside Neighborhood Park.
(Memo with agenda. Resolution requesting authorization from the Dept. of Housing & Urban Development for conversion of certain open space lands by exchange of properties - Riverside Park)

ACTION: Res. 73-81 adopted requesting Department of Housing and Urban Development to authorize exchange of properties. (C/Mgr to handle)

16. Announcement that Board of Supervisors is holding a public hearing Tuesday, January 16, concerning possible take-over of C.A.C.
(A representative of the City Council should appear at the hearing to state City's recommendations. Oral report will be made by members of the City-County Liaison Committee)

ACTION: By motion (Newton/Simon, unan.) Councilman Elliott authorized to appear at hearing on behalf of the Council and support the proposal that the Board of Supervisors take over the C.A.C.

17. Recommendation by members of City-County Liaison Committee concerning 11th and G Streets parking lot, which is part of the future County courthouse expansion.
(Oral report will be made at the meeting. Motion instructing staff needed)

ACTION: By motion (Dixon/Newton, unan.) staff authorized to negotiate with County. It was informally agreed that the lot should be used for public parking and that there should be a reversionary clause restricting the use to parking. (C/Mgr to handle)

CONSENT

18. A resolution approving final map of Dragoo Park No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Dragoo Park No. 2 subdivision is located west of Coffee Road. It contains 13.274 acres. A copy of the environmental assessment showing no impact statement required distributed with agenda. Resolution approving final map and agreement needed)

ACTION: Res. 73-82 adopted approving final map of Dragoo Park No. 2. (Clerk to handle)

CONSENT

19. Consider request by Gould Medical Group to close alley adjacent to their facilities between 8:00 A.M. and 5:00 P.M., Monday through Friday, during their current construction program. (Request from Gould Medical Group with agenda. Resolution setting informal hearing for January 22, 1973 at 7:50 P.M. needed)

ACTION: Res. 73-83 adopted setting hearing. (Clerk to handle)

CONSENT

20. Approval of final map of Eastridge No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Eastridge No. 2 Subdivision is located on the east side of Sonoma Avenue north of Scenic Drive. It contains 13.99 acres. A copy of the environmental assessment showing no impact statement required with agenda. Adoption of resolution approving final map and agreement needed)

ACTION: Res. 73-84 adopted approving final map. (Clerk to handle)

CONSENT

21. Consider approval of right of way certificate for the improvement of G Street from First Street to Sixteenth Street. (In order for the State to proceed with the approval of this project it is necessary for the City to certify that it has acquired all the necessary right of way and to agree to hold the State of California harmless from any liability which may result in the event the right of way is not clear as certified. Resolution approving right of way certificate needed)

ACTION: Res. 73-85 adopted approving right of way certificate. (P/W to handle)

CONSENT

22. Consider extension of agreement with bus company. (Memo with agenda. Present agreement is on a month-to-month extension. Bus company wants a new agreement pending their presentation of an offer to sell out. A new agreement is needed to allow some of the payments to the company permitted under the old agreement. There is no change in the features of the agreement. Resolution approving new agreement needed. Estimated cost \$7,000. Funds budgeted in Account 232-65-100, Bus Subsidy)

ACTION: Res. 73-86 adopted approving agreement with Willis Kleinenbroich, dba Modesto Motor Bus Service. (Clerk to handle)

CONSENT

23. Consider request by Valley Construction Co. to maintain an existing fence encroachment within the public right of way for a period of six months or until model homes located on Rose Avenue are sold, whichever occurs first. Resolution setting hearing January 22, 1973 at 7:55 P.M. needed)

ACTION: Res. 73-87 adopted setting hearing. (Clerk to handle)

CONSENT

24. Consider approval of City-County cooperative agreement for the reconstruction of Carpenter Road from Paradise to Maze Boulevard. (A portion of the street area is in the City and the agreement provides for the City to pay its proportionate share of the contract cost. The County prepared plans and will contract to resurface the existing pavement. The agreement is a standard form of joint work. Resolution approving agreement and authorizing City Manager to execute on behalf of City needed. Estimated cost \$6,074.00 (contract \$5,522.00; Engr. \$552.00). Funds budgeted in Account 6647-207, Misc. Right of Way and Improvements)

ACTION: Res. 73-88 adopted approving agreement. (Clerk to handle)

CONSENT

25. Accept improvements in Coffee Plaza No. 5 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods, and accept one bond for remaining improvements. (Coffee Plaza No. 5 Subdivision is located west of Rose Avenue and south of Floyd Avenue. All improvements have been completed to the satisfaction of the Public Works Department, or bonded for satisfactory completion, and all fees have been paid. Memo with agenda. Resolution accepting improvements and approving letter agreement and bond to cover possible payment failures needed)

ACTION: Res. 73-89 adopted accepting improvements and approving letter agreement and bond in connection with possible pavement failure. (Clerk to handle)

CONSENT

26. Approval of agreement for right of way acquisition services - Thomas Quinn. (Memo with agenda. Resolution approving letter agreement needed. Funds budgeted under project Spec. Gas Tax Street Impr. Fund, Needham/Hackberry to Nellie, Account 207-6700)

ACTION: Res. 73-90 adopted approving letter agreement. (Clerk to handle)

REPORTS

CONSENT

27. Presentation of financial statement for December, 1972. (Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion, report accepted.

APPROPRIATION TRANSFERS

CONSENT

29. Consider transfers in the Airport Fund. (Memo with agenda. Resolution approving appropriation transfer of \$10,000 from Account 6523-46-230 to Account 60-46-230, and resolution approving appropriation transfer from Account 60-46-230 to Account 5201-46-230 (\$500) and to Account 6489-46-230(\$1,000)

ACTION: Res. 73-91 adopted approving appropriation transfer of \$10,000 from Account 6523-46-230 to Account 60-46-230. Res. 73-92 adopted approving appropriation transfer of \$1,500 from Account 60-46-230 to Account 5201-46-230 (\$500) and Account 6489-46-230 (\$1,000). (Finance to handle)

MISCELLANEOUS

30. Legislation.

NONE

31. Appointments.

NONE

32. Matters too late for the agenda.

ACTION: At the request of Councilman Newton, the Mayor agreed to issue a proclamation delcaring the second week of February as "Black History Week."

The matter of train speeds through Modesto was discussed. It was suggested that possibly this should be taken to the I.C.C. as was done in Hammond, Indiana. Staff was directed to make a status report to Council. (P & T to handle)

The City Attorney reported that Bruce Liedstrand, Assistant City Attorney, was leaving to become City Attorney for Mountain View.

33. Executive session to consider acquisition of property owned by First Church of the Nazarene.

ACTION: The Council retired to executive session at 6:15 P.M. and returned to open meeting at 6:20 P.M.

(Dunlap/Elliott, maj. - Davies, no)

Res. 73-93 adopted/authorizing purchase agreement for acquisition of property adjacent to the Lincoln School site from the Church of the Nazarene for \$83,000. (C/Mgr to handle)

(Dunlap/Elliott, maj. - Davies, no)

Res. 73-94 adopted/approving appropriation transfer of \$85,000 from Account 61-321 to Account 6406-31-321. (Finance to handle)

Adjournment at 6:25 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY CLERK

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 22, 1973 AT 7:30 P.M.

Roll call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies
Absent: None

Pledge of allegiance to the Flag.

Invocation by Captain Ron Bawden, Salvation Army.

Following the invocation, those present observed a moment of silent prayer in respect to the memory of President Lyndon B. Johnson.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8,
Item 4 removed from consent, Item 8 17, 18, 19, 20, 21, 22, 23, 25,
dropped from agenda. 26, 28, 29
Smith/Dunlap, unan.

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

Introduction of special guests:

Makoto Nakagawa, Japan

Alex Fung, Hong Kong

APPROVAL OF MINUTES

CONSENT

1. Minutes of January 15, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Camellia Society of Modesto that City again donate the Sweepstakes Trophy for Camellia Show.
(Motion granting request needed)

ACTION: By motion, request granted. (Finance to handle)

CONSENT

3. Appeal by Dr. Soelling to denial by Planning Commission of request for rezoning the southwest corner of Old Oakdale and Briggsmore.
(Resolution setting February 12, 1973 at 7:40 P.M. for hearing needed)

ACTION: Res. 73-95 adopted setting hearing. (Clerk to handle)

~~CONSENT~~

4. Announcement of Congressional-City Conference to be held in Washington, D.C. March 4 - 6, 1973.
(Motion ordering filed needed)

ACTION: By motion (Dixon/Newton, unan.) Councilman Dunlap authorized to attend. It was pointed out that Ex-Councilman Mitchell had offered to arrange a meeting between Modesto's representative and a representative from Russia.

CONSENT

5. Invitation from Stanislaus County Department of Public Works for Council and staff to attend a program on problems of solid waste collection and disposal.
(Meeting to be at the McHenry Library on January 24, 1973 at 7:30 P.M. Motion ordering letter filed needed)

ACTION: By motion, letter ordered filed.

BIDS

CONSENT

6. Consider award to low bidders for furnishing water pipe for a one-year term commencing February 1, 1973.
(Cast iron pipe - United States Pipe and Foundry Co.; 4 inch, 1.65/ft and 6 inch, \$2.21/ft; Asbestos Cement Pipe: Voss International Corp.; 4 inch, \$.93/ft; 6 inch, \$1.24/ft.; 8 inch, \$1.93/ft; 10 inch, \$2.70/ft, and 12 inch, \$3.68/ft. Memo and tabulation with agenda. Two resolutions needed. Estimated cost \$166,353.00. Funds budgeted in Account 438-512, Revolving Fund, not shown in budget)

ACTION: Res. 73-96 adopted awarding contract for cast iron pipe to U.S. Pipe and Foundry Co.
Res. 73-97 adopted awarding contract for asbestos cement pipe to Voss International Corp. (Finance to handle)

CONSENT

7. Consider award to low bidder, Western Plumbing Supply Co., for furnishing fire hydrants and allied material for a one-year term commencing February 1, 1973.
(Hydrants: \$184.31 each; Burys, 6" x 36", \$52.32 each. Extensions, each: 6" x 4" - \$16.43; 6" x 6" - \$17.59; 6" x 8", \$19.10; 6" x 10" \$20.34; 6" x 12", \$22.47. Memo and bid tabulation with agenda. Resolution needed. Estimated cost \$34,350.00; funds budgeted in Account 438-512, Revolving fund)

ACTION: Res. 73-98 adopted awarding contract to Western Plumbing Supply Co. (Finance to handle)

~~CONSENT~~

8. Consider approval of plans, specifications and call for bids for the installation of waterlines in Daisy Park No. 2. Suggested bid opening February 6, 1973 at 10:00 A.M.
(Costs and Revenues: Construction, \$23,014.66; Conn. Charges, \$10,875.00; New Revenue, \$1,392.00.) Resolution needed. Estimated cost \$23,014.66 (\$12,719.66; Matl \$10,295.00). Funds budgeted in Account 6804-50-101, Waterlines Extensions, and 5301-50-101, New Services)

DROPPED FROM AGENDA

HEARINGS

9. Hearing on corridor for Needham-Kansas connection. 7:35 P.M.
ACTION: The hearing was closed after all who wished to make a presentation had done so.
10. Hearing on amendment to P-D(83), Modesto Affiliated Church Housing Corporation, for approval of revised plot plan. 7:40 P.M.
(Proponents have requested a 30-day delay)
ACTION: By motion (Simon/Dunlap, unan.) hearing continued to February 20, 1973 at 4:05 P.M. (Clerk to handle)
11. Hearing on E.I.R. for P-D(83). 7:40 P.M.
ACTION: By motion (Simon/Dunlap, unan.) hearing continued to February 20, 1973 at 4:05 P.M. (Clerk to handle)
12. Hearing on application of Ecology Action Educational Institute for license to collect salvageable waste. 7:45 P.M.
ACTION: By motion (Dixon/Dunlap, unan.) hearing continued to February 5, 1973 at 4:15 P.M. to permit staff and/or applicant to report to Council on; plan of operation; financial statement; present operation and ruling from State on minimum wage law as it applies to volunteer workers. (C/Mgr to handle)
13. Informal hearing, Gould Medical Group request to close alley adjacent to their facilities between 8:00 A.M. and 5:00 P.M. Monday through Friday, during their current construction program. 7:50 P.M.
ACTION: By motion (Elliott/Dunlap, unan.) plan of Director of Public Works to permit closure approved. (P/W to handle)
14. Valley Construction Co. request to maintain existing fence encroachment within the right of way. 7:55 P.M.
ACTION: Res. 73-99 adopted (Simon/Elliott, unan.) granting encroachment permit. (P/W to handle)
15. Continued hearing on cost of construction of sidewalk along West Granger and Tully at 1562 Tully Road, Lots 18, 19, and 20 of Block 6117 (Francek - \$1,554) 8:00 P.M.
ACTION: By motion (Simon/Smith, unan.) hearing continued to February 5, 1973 at 4:20 P.M. at the request of Mr. Francek. (Clerk to handle)
16. Matters for the good of the community. 8:05 P.M.
(These may be presented by interested persons in the audience)
ACTION: Joe Hart, Chairman of the Farm-City Advisory Committee, was introduced.

NEW BUSINESS

CONSENT

17. Consider request for sewer service to property outside the City at 1601 Couchman Lane.
(Property owners Alvin W. and Esther Kay Bell, have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City but a sewer main must be extended by the property owners to serve the property. Resolution approving agreement needed)

ACTION: Res. 73-100 adopted approving agreement. (P/W to handle)

CONSENT

18. Approval of final map of the Capistrano Park No. 1 Subdivision of the City of Modesto and authorize an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees are paid. Capistrano Park No. 1 Subdivision is located at the southeast corner of Riverside Drive and Haddon Avenue. It contains 5.029 acres. A copy of the environmental assessment showing no impact statement required distributed with agenda. Resolution approving final map needed)

ACTION: Res. 73-101 adopted approving final map of Capistrano Park No. 1. (Clerk to handle)

CONSENT

19. Accept improvements in Coffee Plaza No. 6 Subdivision and authorize City Clerk to record notice of completion and release bonds upon expiration of statutory periods.
(This subdivision is located west of Rose Avenue and north of Celeste Drive. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-102 adopted accepting improvements in Coffee Plaza No. 6 Subdivision. (Clerk to handle)

CONSENT

20. Error in estimated population of City of Modesto.
(The State Controller's office has failed to give Modesto credit for the Sunrise-Granger Addition in allocating state funds. Copy of letter to State Controller with agenda. Motion authorizing transmittal of letter and motion requesting Senator Berryhill and Assemblyman Thurman to intercede on behalf of City needed)

ACTION: By motion, transmittal of letter authorized. (Clerk to handle)
By motion, staff authorized to request legislators to intercede.
(Clerk to handle)

CONSENT

21. Public Personnel Intern Program.
(To permit City of Modesto to use two students from Stanislaus State College under the federally funded Intergovernmental Personnel Act of 1970. Resolution approving agreement with Stanislaus State College Foundation needed. Funds budgeted in Account 120-17-101)

ACTION: Res. 73-103 adopted approving agreement with Stanislaus State College Foundation. (Personnel to handle)

CONSENT

22. Property acquisition - Sylvan Improvement Club - McHenry Avenue.
(Memo with agenda. Resolution authorizing execution of right of way agreement and accepting grant deed needed. Estimated cost \$688.60)

ACTION: Res. 73-104 adopted approving agreement and accepting grant deed. (Clerk to handle)

CONSENT

23. Property acquisition - Mr. and Mrs. Santa J. Cataline - Needham St.
(Memo with agenda. Resolution authorizing execution of the right of way agreement and accepting grant deed needed. Estimated cost \$4,305.00)

ACTION: Res. 73-105 adopted approving agreement and accepting grant deed. (Clerk to handle)

REPORTS

24. Report regarding Modesto Cemetery Association.
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Newton/Simon, unan.) staff directed to refer this to the State Cemetery Board for possible action under the California Cemetery Act. (C/Atty to handle)

CONSENT

25. Greater Modesto Chamber of Commerce annual accounting of the convention fund.
(Motion accepting report needed)

ACTION: By motion, report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

26. Tentative subdivision maps: (a) Kingswood Estates No. 2 and 3 subdivisions; (b) Pine Tree Village Subdivision; (c) Sylvan Meadows Subdivision.
(On January 16, 1973 the Planning Commission approved the tentative maps of the above subdivisions and found that said subdivisions, together with their designs and improvements, are consistent with applicable general and specific plans of the City. The City Council is required to make the same findings. Copies of environmental assessment on (a) and (b) showing no significant environmental effects, with agenda. Copies of the Environmental Impact Report pertaining to Planned Development zoning of (c) was previously distributed to Council. Three resolutions making findings needed)

ACTION: Res. 73-106 adopted approving tentative subdivision map of Kingswood Estates No. 2 and 3.

Res. 73-107 adopted approving tentative subdivision map of Pine Tree Village Subdivision.

Res. 73-108 adopted approving tentative subdivision map of Sylvan Meadows Subdivision. (Clerk to handle)

27. Recommend letter be sent to the Resources Agency of California regarding proposed guidelines for Environmental Impact Reports. (Attached memo with draft letter. Motion approving draft letter with modifications as necessary, and directing staff to complete the letter and send to the Resources Agency of California needed)

ACTION: By motion (Smith/Elliott, unan.) draft letter approved and staff directed to forward it to Resources Agency of California. (C/Mgr to handle)

CONSENT

28. Recommend amendment to Section 8-3-9 of the zoning map - Ernest Addimando, Standiford Avenue.
(By Resolution No. 73-11 adopted January 16, 1973 the Planning Commission recommends an amendment to Section 8-3-9 of the zoning map as requested by Ernest Addimando, to rezone from One-family Residential Zone, R-1, to Multiple-Family Residential Zone, R-3, property located on the south side of Standiford Avenue, west of McHenry Avenue. Resolution setting February 12, 1973 at 7:45 P.M. for public hearing needed)

ACTION: Res. 73-109 adopted setting hearing. (Clerk to handle)

CONSENT

29. Recommend amendment to Sections 25-3-9 and 26-3-9 of the zoning map (Harold M. Duffy - Lincoln Avenue)
(By Resolution No. 73-12 adopted by the Planning Commission on January 16, 1973 it recommends an amendment to Sections 25-3-9 and 26-3-9 of the zoning map as requested by Harold M. Duffy, to rezone from One-family Residential Zone, R-1, to Two-family Residential, R-2, property located on the west side of Lincoln Avenue north of Poppypatch Drive. Resolution setting February 12, 1973 at 7:50 P.M. needed)

ACTION: Res. 73-110 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

30. Legislation.

NONE

31. Appointments.

NONE

32. Matters too late for the agenda.

ACTION: Res. 73-111 adopted (Dixon/Dunlap, unan.) approving plans and specifications for expansion of Fire Station No. 5 and setting February 13, 1973 at 10:00 A.M. as time for receiving bids. (Clerk to handle)

Parking problems were briefly discussed.

Councilman Dixon stated that he would announce whether or not he would run for Council after attending a seminar on January 24.

33. Executive session to consider Tocalino property.
(Motion directing staff needed)

ACTION: The Council retired to executive session at 9:25 P.M. with the announcement that they would not return to open meeting.

Adjournment at 9:25 P.M.

ATTEST:

W. T. Chyroweth
W. T. CHYROWETH, City Clerk
1/22/73

Page 6

January 24, 1973

The Council of the City of Modesto met at 4:30 P.M. in a special meeting called pursuant to Sec. 2-1.02 of the Modesto Municipal Code for the purpose of declaring Thursday, January 25, 1973, a day of mourning in respect to the memory of the late President Johnson.

PRESENT: Councilmen Elliott, Newton, Smith and Mayor Davies

ABSENT: Councilmen Dixon, Dunlap and Simon

Res. 73-112 adopted (Smith/Newton, unan. - Dixon, Dunlap and Simon, absent) declaring Thursday, January 25, 1973, a day of mourning in respect to the memory of former President Lyndon B. Johnson.

There being no further business, the meeting was adjourned at 4:32 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 5, 1973 AT 4:00 P.M.

Roll call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies
Absent: None
Councilman Newton arrived at 4:15 P.M.

Pledge of allegiance to the Flag

Invocation by Reverend John Hunter, Church of the Brethren

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 8, 15,
Item 34 removed from consent 16, 17, 18, 19, 20, 21, 22, 23, 24,
Elliott/Dunlap, unan. - Newton, 25, 26, 27, 28, 29, 30, 31, 32, 33,
absent 34, 35, 36, 37, 38, 39, 40, 41

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of regular meeting of January 22, 1973 and special meeting of January 24, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Notice from Community Action Commission of intention to vacate premises at 800 East Morris.
(Motion ordering filed needed)

ACTION: By motion, notice ordered filed.

BIDS

CONSENT

3. Consider approval of plans and specifications and call for bids for installation of waterlines in Daisy Park No. 2 and Authorize City Manager to sign Easement-Agreement with M.I.D. to allow for a waterline crossing of their facilities.
(Suggested bid opening February 20, 1973 at 10:05 A.M. Copy of environmental Assessment showing no impact statement required distributed with agenda. Costs and Revenues: Construction, \$23,014.66; Conn. charges, \$10,875.00; new revenue, \$1,392.00. Resolutions required: (1) Authorizing City Manager to sign easement agreement; approving plans, specifications and call for bids. Estimated cost \$23,014.66 (Labor \$10,295; Matl. \$12,719.66). Funds budgeted in Account 6804-50-101, Waterlines Extensions, and 5301-50-101, New Services)

ACTION: Res. 73-113 adopted approving plans and specifications and bid call. (Clerk to handle)

Res. 73-113-A adopted approving easement agreement with M.I.D. (Clerk to handle)

CONSENT

4. Consider award of contract for construction of an arbor in Mancini Park.
(Bids were opened January 23, 1973. The low bid submitted by E. J. Opinski, which was 21% under the Engineer's Estimate, is considered acceptable. It is therefore recommended that the contract be awarded to low bidder. Resolution needed. Estimated cost \$5,900. Funds budgeted in Account 6331-324, Mancini Park Development)

ACTION: Res. 73-114 adopted awarding contract to E. J. Opinski.
(P/W to handle)

CONSENT

5. Consider acceptance of Shield Construction Company's contract for construction of catch basins at various locations.
(Original contract \$8,280. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept work as complete and authorize recordation of notice of completion. Resolution accepting work as complete needed. Final cost \$7,030. Funds budgeted in Account 5305-51, Replace Catch Basins)

ACTION: Res. 73-115 adopted accepting contract. (Clerk to handle)

CONSENT

6. Approve plans and specifications and call for bids for service yard expansion improvements at Elm and Washington Streets in the City of Modesto.
(Bid opening February 27, 1973 at 10:00 A.M. This project is for the refurbishing of the old shop building which will be used for sweeper and other heavy equipment maintenance. A copy of the environmental assessment showing no impact statement required with agenda. Resolution approving plans, specifications and call for bids needed. Estimated cost \$29,000, Contract; \$500; Eng. & Inspection. Funds budgeted in Account 6543-41-321, Service Yard Exp., Misc. Imp. and 6547-41-321, Ser. Yd. Exp., Refurbish Shop Bldg.)

ACTION: Res. 73-116 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for construction of a subtrunk sewer on Dale Road.
(Suggested bid opening date February 20, 1973 at 10:00 A.M. This subtrunk is needed to provide sewer service for the commercial development which is taking place along Dale Road. Copy of environmental assessment showing no impact statement required with agenda. Resolution needed. Estimated cost \$39,464. (\$35,864, Const.; \$3,600 Eng.) Funds budgeted in Account 6561-212, Ext. Subtrunk Sewers)

ACTION: Res. 73-117 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

9. Hearing on appeal of Setliff Bros. from Board of Zoning decision eliminating two of four driveway approaches to coin-operated car wash on Yosemite Boulevard at Rosina. 4:05 P.M.

ACTION: Res. 73-118 adopted (Smith/Simon, unan. - Newton, absent) granting appeal and modifying Conditional Use Permit to allow additional driveway approach from Yosemite Blvd. (Planning to handle)

10. Hearing on request for amendment to Section 9-3-9 of zoning map to rezone from R-1, P-D(48), P-D (50), and P-D(51) to P-D, Planned Development, to allow a 189-unit, one and two-story condominium development west of Coffee Road and north of Sylvan Avenue (Stone Brothers) 4:10 P.M.

ACTION: Ord. No. 1250-C.S. introduced (Dunlap/Simon, unan.) amending Sec. 9-3-9 of the zoning map. (Clerk to handle)
Res. 73-119 adopted (Dunlap/Simon, unan.) approving development plan. (Planning to handle)

11. Continued hearing on application of Ecology Action Educational Institute for license to collect salvageable waste. 4:15 P.M.

ACTION: Ord. No. 1251-C.S. introduced (Smith/Elliott, unan.) granting limited license for a one-year period commencing April 1, 1973 with the condition that applicant make quarterly reports to the City. (P/W to handle) (It was agreed that staff would also make reports to Council on this project)

12. Continued hearing on cost of construction of sidewalk along West Granger and Tully at 1562 Tully, Lots 18, 19 and 20 of Block 6117. (Francek - \$1,554) 4:20 P.M.

ACTION: Res. 73-120 adopted (Smith/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

13. Matters for the good of the community. 4:25 P.M.
(These may be presented by interested citizens in the audience)

ACTION: Charles Donnelly complained of wrong-way drivers on K & L Streets and the fact that materials such as cardboard are not picked up by the garbage collectors. He also requested that publicity be given to the possibility of low-income people receiving a rebate on their Utility Users Tax.

Roger Barrett, 517 El Vista, expressed his appreciation for the traffic signals at El Vista/Encina.

UNFINISHED BUSINESS

14. Acceptance of written comments on Kansas-Needham corridor. (Written comments by the Director of Parking and Traffic and from Fred Hill Plumbing are with agenda. Motion accepting comments needed)

ACTION: By motion (Simon/Dunlap, unan.) comments accepted.

By motion (Dixon/Smith, unan.) staff authorized to proceed with project. (P/W to handle)

NEW BUSINESS

CONSENT

15. Request of City Clerk for vacation February 20 to 23, inclusive.
(Motion granting request needed)

ACTION: By motion, request granted.

CONSENT

16. Resolution of Intention to call special election for annexation of East Coolidge No. 2 Addition to City of Modesto.
(A petition containing 138 valid signatures and requesting that the East Coolidge No. 2 Addition be annexed to the City of Modesto has been filed with the City Clerk. This represents 41.8% of the registered voters. Resolution setting February 26, 1973 at 7:35 P.M. for hearing protests to this annexation needed)

ACTION: Res. 73-121 adopted setting hearing. (Clerk to handle)

CONSENT

17. Resolution authorizing application for \$42,124 grant for third year funding of the Neighborhood Youth Advisor Program to the California Council on Criminal Justice for funds made available through the Omnibus Crime Control and Safe Streets Act of 1968.
Resolution needed)

ACTION: Res. 73-122 adopted authorizing application for grant.
(C/Mgr to handle)

CONSENT

18. Changes to Deferred Compensation Plan.
(a) A resolution is needed authorizing a new savings account at Fresno Guarantee Savings and Loan Association, since deposits at State Savings & Loan and Fidelity Savings & Loan have reached the maximum amount protected by insurance.

ACTION: Res. 73-123 adopted authorizing new savings account at Fresno Guarantee Savings and Loan Ass'n. (Finance to handle)

- (b) A resolution is needed authorizing a new signature card for State Savings & Loan in order to make that account consistent with accounts at the other companies. The new signature card will add the following: Pauline P. Stanley, Assistant City Clerk; Marvin Ray, Deputy City Manager; Elwyn L. Johnson, Acting City Manager.)

ACTION: Res. 73-124 adopted authorizing new signature card for State Savings and Loan. (Finance to handle)

CONSENT

19. Request for permission to print and distribute the Council's annual "Report to the People."
(It is recommended that the reports be mailed with the water and sewer bills the last of February, using the County's equipment for inserting the bills and reports into envelopes as in previous year. Motion approving request needed. Estimated cost \$750. Funds budgeted in Account 427-65-101, Annual Report, p. 97 of budget)

ACTION: By motion, request approved. (Finance to handle)

CONSENT

20. Resolution withdrawing the Sylvan School No. 2 Addition from the Riverbank Fire District.
(Resolution withdrawing Sylvan School No. 2 Addition from the Riverbank Fire District needed)

ACTION: Res. 73-125 adopted withdrawing Sylvan School No. 2 Addition from the Riverbank Fire Protection District effective December 31, 1973. (Clerk to handle)

CONSENT

21. A resolution determining that the public interest and convenience require that Sylvan School Addition No. 2 be annexed to the Modesto Municipal Sewer District No. 1 and naming time and place for hearing. (It is now necessary to commence proceedings to annex this Addition to the Modesto Municipal Sewer District No. 1. Suggested hearing date March 26, 1973 at 7:35 P.M. needed. Resolution setting hearing - two-third affirmative vote needed)

ACTION: Res. 73-126 adopted setting hearing. (Clerk to handle)

CONSENT

22. Consider referral of report by Airport Manager and report on airport accidents in vicinity of airports prepared for the State Assembly Committee on Natural Resources and Conservation to the County Board of Supervisors with a request that the matter of Land Use Planning in the vicinity of Modesto City-County Airport be considered by the County Planning Commission.
(Memo and Assembly Report with agenda. Motion directing City Manager to transmit the material to the County Board of Supervisors needed)

ACTION: By motion, City Manager directed to transmit material to Stanislaus County Board of Supervisors. (C/Mgr to handle)

CONSENT

23. Land acquisition - Revard Manor Park Site - Emma E. Richman.
(Memo with agenda. Resolution approving purchase agreement and accepting grant deed needed. Estimated cost \$17,500 plus costs for curbs, gutters and sidewalks, and lot split cost, if any. Funds budgeted in Account 6417-31, Standiford Park No. 2, Land Acquisition)

ACTION: Res. 73-127 adopted approving agreement and accepting deed. (Clerk to handle)

CONSENT

24. Consider the adoption of prevailing wage rates.
(The City must require that prevailing wages be paid on all its contract work; therefore, Council must determine the prevailing wages in the local area once each year. The State has determined the prevailing wages in the various districts of the State and Staff has extracted those which apply in the City area. Resolution adopting the prevailing wage rates needed)

ACTION: Res. 73-128 adopted adopting prevailing wage rates. (Clerk to handle)

CONSENT

25. Consider request for sewer service to property at 909 Wycliffe Court.
(Owners Edward T. Taylor III and Christine A. Taylor have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City and a line does not exist to serve it. The sewer main must be extended by the property owners to serve the property. Resolution approving agreement needed)

ACTION: Res. 73-129 adopted approving agreement. (P/W to handle)

CONSENT

26. Consider agreement with Tidewater Southern Railway Company for the construction and maintenance of Rumble Road across the right of way of the railroad.
(Memo with agenda. Resolution approving the agreement needed)

ACTION: Res. 73-130 adopted approving agreement. (P/W to handle)

CONSENT

27. Consider approval of Common Use Agreement of Virginia and Morris Avenues crossing of the M.I.D. Lateral No. 4.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-131 adopted approving agreement. (Clerk to handle)

CONSENT

28. Consider authorizing appraisals of property across alley from City Hall.
(These properties are being considered for a city hall parking annex. Memo with agenda. Resolution transferring \$800 from Account 60-321 to Account 6043-41-321 needed)

ACTION: Res. 73-132 adopted approving appropriation transfer of \$800 from Account 60-321 to Account 6043-41-321. (Finance to handle)

CONSENT

29. Consider request by Mr. A. J. Wurster to maintain an existing fence encroachment within the public right of way.
(Resolution setting February 12, 1973 at 7:55 P.M. for informal hearing needed)

ACTION: Res. 73-133 adopted setting hearing. (Clerk to handle)

CONSENT

30. Consider approval of agreement between City of Modesto and International Engineering Company, Inc. for design work and preparation of plans and specifications for airport projects. (Memo with agenda. Resolution approving agreement. Estimated cost \$5,300. Funds budgeted in various accounts, Airport Fund)

ACTION: Res. 73-134 adopted approving agreement. (Clerk to handle)

REPORTS

CONSENT

31. Report on proposed Employer-Employee Relations resolution. (Memo with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

32. Quarterly report of the Greater Modesto Chamber of Commerce. (Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

33. Report on traffic accidents at McHenry Village driveway intersection with Briggsmore Avenue. (The Council requested a report on these accidents. Report with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

~~CONSENT~~

34. Report on regulation of train speeds. (Report with agenda. Motion approving recommendations in report needed)

ACTION: By motion (Simon/Dixon, unan.) staff directed to prepare an ordinance regulating train speeds in the City of Modesto and to withdraw pending application to P.U.C. (C/Atty to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

35. Environmental Impact Report and Parking Requirement Data for P-D(83) 11-story downtown retirement center. (The applicant has now submitted an environmental impact report for P-D(83) for which a joint hearing has been set for February 20, 1973 at 4:05 P.M. for both the E.I.R. and the revised P-D zone. Copies of the E.I.R. plus parking data for the project are attached for the Council's information. No action necessary, for information only. Council should retain the report for the February 20 hearing)

NO ACTION AT THIS TIME.

CONSENT

36. Recommend amendment to Section 16-3-9 of the zoning map (John G. Alvarado - P-D Norwegian and Sunrise)
(By Resolution No. 73-10 adopted by the Planning Commission January 16, 1973 it recommends an amendment to Section 16-3-9 of the zoning map as requested by John G. Alvarado, to rezone from one-family residential zone, R-1, to Planned Development, P-D, property located at the southwest corner of Norwegian and Sunrise Avenue. Resolution setting February 26, 1973 at 7:40 P.M. for public hearing needed)

ACTION: Res. 73-135 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

37. Appropriation transfer from the General Reserve of the Public Employment Program Fund to Accounts 422-05 and 422-06, Dental Insurance.
(\$1,223 is needed in Account 422-05 and \$252 is needed in account 422-06 to provide funds for dental insurance. Funds were not provided when the 1972-73 budget was approved. Resolution approving transfer needed)

ACTION: Res. 73-136 adopted approving appropriation transfer of \$1,475 from Account 60-220 to Account 422-05-220 (\$1,223) and Account 422-06-220 (\$252) (Finance to handle)

CONSENT

38. 1972-73 operating budget adjustment based on revised method of sales tax accounting.
(Memo with agenda. Resolution estimating an additional \$20,000 sales tax revenue and appropriating the amount in the General Fund.needed)

ACTION: Res. 73-137 adopted estimating additional \$20,000 sales tax revenue and appropriating an additional \$20,000 in Appropriation Account 431-65. (Finance to handle)

CONSENT

39. Budget adjustment to increase the maintenance transfer in the Special Gas Tax Street Improvement Fund.
(Memo with agenda. Resolution amending budget needed)

ACTION: Res. 73-138 adopted amending budget to increase the street maintenance transfer \$100,000 from \$181,900 to \$281,900.
(Finance to handle)

CONSENT

40. Establish budget for the Neighborhood Youth Advisors program for the balance of the 1972-73 fiscal year based on grant funds recently made available.
(Memo with agenda. Resolution amending budget needed)

ACTION: Res. 73-139 adopted amending budget for Neighborhood Youth Advisors (Fund 221). (Finance to handle)

CONSENT

41. Appropriation transfer of \$120 from General Fund, General Reserve to Account 401-65-101, Memberships and Dues, for increase in League of California Cities dues from the estimated \$2,380 to \$2,500. The increase is due to the increase in the City's population, on which the dues schedule is based.
(Resolution approving appropriation transfer needed. Estimated cost \$120 in addition to the \$2,380 budgeted)

ACTION: Res. 73-140 adopted approving appropriation transfer of \$120 from Account 60-101 to Account 401-65-101. (Finance to handle)

MISCELLANEOUS

42. Legislation.

NONE

43. Appointments.

NONE

44. Matters too late for the agenda.

ACTION: Councilman Newton reported that there would be a meeting concerning sickle-cell anemia on February 7 at the King-Kennedy Memorial Center.

Adjournment at 5:10 P.M.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 12, 1973 AT 7:30 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies

Absent: None

Mayor Davies was excused at 8:25 P.M. and Vice Mayor
Smith presided for the balance of the meeting.

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 7, 8, 15, 16,
Dixon/Smith, unan. 17, 18, 19, 20, 21, 23

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of February 5, 1973. (Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

2. Application for leave to present late claim on behalf of Walter W. Freeman.
(Resolution denying request needed)

ACTION: Res. 73-141 adopted (Smith/Elliott, unan. - Simon, absent) denying request. (Clerk to handle)
(Councilman Simon disqualified himself from consideration of this item)

CONSENT

3. Letter from Community Action Commission regarding claim of City for fire damage at Community Center and amortization of costs of alterations made to Community Center.
(Motion referring to staff needed)

ACTION: By motion, letter referred to staff. (P & R and C/Atty to handle)

CONSENT

4. Resignation of Donald J. Mayol as a member of the Personnel Commission.
(Resolution accepting with regret needed)

ACTION: Res. 73-142 adopted accepting resignation with regret.
(Clerk to handle)

CONSENT

5. Announcement of Annual Conference of Mayors to be held in San Francisco June 16-20. (Motion ordering filed needed)

ACTION: By motion, announcement ordered filed.

6. Presentation by Stanislaus Zoological Society.

ACTION: By motion (Simon/Newton, unan. - Davies, absent) approval given to concept of Zoo Society working with City Staff to develop plans for a zoo in Dry Creek Park with the understanding that there is no commitment of City funds at this time. (P & R to handle)

BIDS

CONSENT

7. Requests by bus suppliers for approval to supply equal items on new bus.
(The specifications allow approved equal items, and suppliers have requested approval of several items. Some items should be approved and some disapproved. Report with agenda. Resolution approving some modifications of the specifications as recommended, and postponing bid opening to March 20, 1973 at 2:00 P.M. needed. Estimated cost \$36,000. Funds budgeted in Account 6067-56-321)

ACTION: Res. 73-143 adopted approving modification of specifications and postponing bid opening to March 20, 1973 at 2:00 P.M.
(P & T to handle)

CONSENT

8. Consider rejecting all bids received December 27, 1972 for microfilm equipment, and authorize new call for bids to be opened February 27, 1973 at 2:00 P.M. using modified and improved specifications.
(The staff feels the original specifications were not properly prepared. Resolution rejecting bids and resolution approving specifications and bid call needed. Estimated cost \$12,000. Funds budgeted in Account 6905-41-321, Special Fund for Capital Outlays, p. 128)

ACTION: Res. 73-144 adopted rejecting all bids.

Res. 73-145 adopted approving specifications and bid call.
(Clerk to handle)

HEARINGS

9. Discussion of sewer service to Empire. 7:35 P.M.

ACTION: By motion (Smith/Newton, unan.) referred to staff for study and report to Council. (P/W to handle)

10. Hearing - appeal by Warner M. Soelling to denial by Planning Commission of request for rezoning to P-P-D. 7:40 P.M.
for construction of a neighborhood shopping center at the southwest corner of Old Oakdale and Briggsmore Ave.

ACTION: Mayor Davies was excused from the balance of the meeting after this hearing was opened and Vice Mayor Smith presided.

Res. 73-146 adopted (Elliott/Dunlap, maj. - Simon, no - Davies, absent) denying appeal and directing Planning Commission to waive one-year limit for new application for this property by applicant.
(Planning to handle)

By motion (Elliott/Dixon, maj. - Dunlap & Smith, no - Davies, absent) commercial use at this corner approved in concept along with multi-family use on a portion of this property.

The Council took a 10-minute recess at 10:23 P.M. and returned at 10:33 P.M.

11. Hearing on amendment to Section 8-3-9 of zoning map to rezone from R-1 to R-3 property located on the south side of Standiford west of McHenry Ave. (Addimondo) 7:45 P.M.

ACTION: Ord. No. 1252-C.S. introduced (Elliott/Dixon, unan. - Davies, absent) amending Section 8-3-9 of zoning map. (Clerk to handle)

12. Hearing on amendment to Sections 25-3-9 and 26-3-9 of zoning map to rezone from R-1 to R-2 property located on the west side of Lincoln north of Poppypatch Drive. (Duffy) 7:50 P.M.

ACTION: Ord. 1253-C.S. introduced (Dunlap/Elliott, unan. - Davies, absent) amending Sections 25-3-9 and 26-3-9 of zoning map. (Clerk to handle)

13. Hearing on request of A. J. Wurster for encroachment permit to allow a fence to remain in the right of way at 1604 Fairington. 7:55 P.M.

ACTION: By motion (Simon/Elliott, unan.) hearing continued to February 26 at 7:45 P.M. due to the illness of the applicant. (Clerk to handle)

14. Matters for the good of the community. (These may be presented by citizens in the audience) 8:00 P.M.

ACTION: Mrs. Helen Greener and her Cadet Girl Scout Troop No. 581 of Ceres were introduced.

Donald DeCosta, representing the Hi-Way Village Community Service District, requested a permit for the use of amusement devices in the building owned by the District. By motion (Dixon/Newton, unan.) request referred to staff for study and report to Council. (P & R and Police Chief to handle)

Wm. Witzke again spoke of nitrates and nitrites in the local drinking water. It was agreed that if Mr. Witzke were to bring an M.D. into City Hall on this matter that the City Manager would meet with him and report to Council. (C/Mgr to handle)

ORDINANCES

CONSENT

15. Consideration of an ordinance amending various sections of Chapter 4 of Title IV of the Municipal Code pertaining to subdivision regulations.
(By Resolution No. 73-17 adopted February 6, 1973, the Planning Commission recommends the adoption of an ordinance amending various sections of the Subdivision regulations to maintain consistency with the Subdivision Map Act and current subdivision practice. Memo and copy of ordinance with agenda. Introduction of ordinance needed)

ACTION: Ord. No. 1254-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

16. Consider adoption of the following resolutions regarding Improvement District No. 20 (Street Lighting in various areas of the City)
(a) (M20-16) Resolution awarding contract to Modesto Industrial Electrical Co. Inc., whose bid is 30% below the Engineer's Estimate;

ACTION: Res. 1249-S.P. adopted awarding contract to Modesto Industrial Electrical Co. Inc. (P/W to handle)

CONSENT

16. (b) (M20-16A) Resolution authorizing Superintendent of Streets to order certain changes to the work, under Section 5236 Streets and Highway Code. Adoption of Resolution M-16 and M20-16A needed. Estimated cost: \$138,630.60; Contract \$107,840.60; 1/3 cost to Improvement District 20; 1/3 cost to M.I.D.; 1/3 cost to City Street Light, Unlighted Area, Stage 3, Account 6322-41-321)

ACTION: Res. 1250-S.P. adopted authorizing Superintendent of Streets to order certain changes in work. (P/W to handle)

NEW BUSINESS

CONSENT

17. Authorize payment for City's share of cost of participating in Amicus Curiae Brief - Hober vs. City of Thousand Oaks, et al. (Appeal to the Supreme Court of the Decision by the District Court of Appeals holding the California Unincorporated Annexation Act unconstitutional. Memo with agenda. Motion authorizing payment needed. Estimated cost \$55.00. Funds budgeted in Account 235-13-101, Services, Professional and Others)

ACTION: By motion, payment of \$55 authorized. (Finance to handle)

CONSENT

18. Consider request for sewer service to property at 832 California. (Property owners Matilde R. & Jessie P. Jimenez have signed an agreement to annex when requested to do so by City. The property is not contiguous to the City; however, a line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 73-147 adopted approving agreement. (P/W to handle)

CONSENT

19. Requirement for construction of sidewalks at the locations listed below. (72/42-43)
(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting 4:05 P.M. March 5, 1973 for hearings needed)

- (a) Sidewalk on LaLoma at 207 No. Santa Cruz Avenue, Lots 5 and 6, Block 2061-1 (Melva A. Davenport)
- (b) Sidewalk on LaLoma at 320 Las Flores Ave., Lot 4 of Block 232. (Mary Demicheli)
- (c) Sidewalk at 1403 La Loma, a portion of Block 2087. (Elburnus W. Garke)
- (d) Sidewalk at 1215 LaLoma, a portion of Block 2061-1. (Benjamin B. Holgate)
- (e) Sidewalk on LaLoma at 316 N. Santa Rosa Avenue, a portion of Block 2022. (Mary L. Hudelson)
- (f) Sidewalk at 727 LaLoma, Lot 5 of Block 231. (Harold S. Parsons, Jr.)
- (g) Sidewalk at 1213 LaLoma, a portion of Block 2061-1. (Ralph Heinrich)

CONSENT

19. Requirement for construction of sidewalks. (continued)

(h) Sidewalk on LaLoma at 406 Bonita Avenue, Lot 1, Block 231. (Aron Saks)

(i) Sidewalk at 723 LaLoma, Lot 6 of Block 231. (Ray C. Varnhell)

(j) Sidewalk at 1002 LaLoma, a portion of Block 2030 (Lester O. Wheeler)

ACTION: Res. 73-148 adopted setting hearings. (P/W to handle)

REPORTS

CONSENT

20. Presentation of financial statement for January 1973.
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion, report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

21. Downtown County Administration Center Expansion, determination of compliance with the General Plan.
(Planning Commission Resolution No. 73-14 attached. Resolution expressing determination that Downtown County Administration Center Expansion is in compliance with the General Plan needed)

ACTION: Res. 73-149 adopted determining that County Administration Center expansion on Block 82 is in compliance with Modesto Urban Area General Plan. (Clerk to handle)

22. County referral of open space contract applications:
No. 73-1523 - Ora Skiles, Jr., et ux, Bangs Ave. near Carver Rd.
No. 73-1527 - John Klink, et ux, Blue Gum Ave. near Morse Road.
No. 73-1544 - Noah Miller, et al, Beckwith Rd. near Dakota Ave.
(Memo from Director of Planning with agenda. Three Resolutions needed: Resolution expressing opposition to Application 73-1523; expressing no opposition to applications 73-1527 and 1544 to County Board of Supervisors)

ACTION: Res. 73-150 adopted (Simon/Dunlap, unan. - Davies, absent) expressing opposition to 73-1523.
Res. 73-151 adopted (Simon/Dunlap, unan. - Davies, absent) expressing no opposition to 73-1527.
Res. 73-152 adopted (Simon/Dunlap, unan. - Davies, absent) expressing no opposition to 73-1544. (Clerk to handle)

Councilman Dunlap suggested that staff study possible changes in the policy on Open Space. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

23. Appropriation transfer of \$98 from Account 308-26-101, Disaster and Civil Defense, to Account 429-22-101, Other Special Charges. (The funds are necessary to cover cost of mandatory training the Police Reserves will be receiving at Modesto Junior College. Resolution approving appropriation transfer needed. Estimated cost \$98.00)

ACTION: Res. 73-153 adopted approving appropriation transfer of \$98 from Account 308-26-101 to Account 429-22-101. (Finance to handle)

MISCELLANEOUS

24. Legislation.

NONE

25. Appointments.

NONE

26. Matters too late for the agenda.

ACTION: Res 73-154 adopted (Dixon/Elliott, unan. - Davies, absent) expressing regret over the shooting of Officer Willert of the Turlock Police Department. (Clerk to handle)

By motion (Simon/Elliott, unan.) staff directed to prepare an ordinance amending the Municipal Code to give the Council the right to waive the one-year waiting period for reapplying for rezoning. (C/Atty to handle)

Adjournment at 11:40 P.M.

ATTEST:



W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 20, 1973 AT 4:00 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies

Absent: None

Councilman Newton arrived at 4:11 P.M.

Pledge of allegiance to the Flag

Invocation: Reverend Douglas Vander Wall, Christian Reformed Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 6-A, 7, 8, 9,
Item 22 removed from consent 12, 13, 14, 16, 17, 18, 19, 20,
Smith/Elliott, unan. - Newton, absent 22, 23, 24

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of February 12, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Letter from Yokut Wilderness Group favoring protection of prime agricultural lands.
(Motion ordering filed needed)

ACTION: By motion, letter ordered filed.

CONSENT

3. Request of Stanislaus County Superintendent of Schools for consolidation of school district elections with Modesto Municipal Election, April 17, 1973.
(Resolution needed)

ACTION: Res. No. 73-155 adopted approving consolidation of School District Election with General Municipal Election. (Clerk to handle)

CONSENT

4. Request of Frank J. Francek for payment of costs of installation of sidewalk at 1562 Tully Road over a 10-year period.
(Resolution needed)

ACTION: Res. No. 73-156 adopted approving payment of costs of installation of sidewalk over a 10-year period. (Finance to handle)

5. Request of homeowners of Mineni Manor for removal of City trees from the vicinity of sewer lines.

ACTION: By motion (Dixon/Dunlap, unan.) held over for two weeks. (C/Mgr to handle)

Councilman Newton arrived at 4:11 P.M.

6. Request of Mill Minders Kart Club for permission to hold a go-cart street race on Kearney, Leonard and Princeton, September 2, 1973.
(Motion referring to staff for report needed)

ACTION: By motion (Dunlap/Dixon, unan.) referred to staff for report and recommendation. (P & R to handle)

CONSENT

- 6A. Request of Downtown Improvement District for approval of new agreement with Tom Berglund to provide for wage increase from \$1137 to \$1180.
(Resolution approving agreement needed)

ACTION: Res. No. 73-157 adopted approving agreement. (Finance to handle)

CONSENT

7. Accept as complete the construction of traffic signals and street lights at El Vista and Encina.
(Contract price \$10,575. The work has been satisfactorily completed by Ferrero Electric, Inc. Resolution accepting construction as complete needed. Estimated cost \$10,575, contract - no additions. Funds budgeted in Account 6160-56-321, Construction of Traffic Signals and Street Lights - El Vista-Encina)

ACTION: Res. No. 73-158 adopted accepting construction as complete.
(Clerk to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for construction of play area at Pike Park.
(Suggested bid opening March 6, 1973 at 10:00 A.M. This is a project which has been budgeted for the current fiscal year. Resolution needed. Estimated cost \$7,300. (Contract \$7,000; Eng. & Inspection \$300. Funds budgeted in Account 6383-31-321, Pike/Play apparatus)

ACTION: Res. No. 73-159 adopted approving plans, specifications and call for bid. (P/W to handle)

CONSENT

9. Consider award of bid for construction of additions to Fire Station No. 5.
(Bids were opened February 13. The low bid submitted by B. J. Rommel was 15.5% below the Architect's estimate and is considered acceptable. The Public Works Department recommends that bid be awarded to him. Resolution awarding bid, resolution approving appropriation transfer and resolution approving fund transfer of \$114,000 needed. Contract \$124,890; funds budgeted in Account 6130-41-321, Fire Stn. 5 Construction Addition)

ACTION: Res. No. 73-160 adopted approving award of bid. (P/W to handle)
Res. No. 73-161 adopted approving appropriation transfer of \$90,000 from Account 60-321 to 6130-41-321. (Finance to handle)
Res. No. 73-162 adopted approving fund transfer of \$114,000 from Revenue Sharing Fund (611) to Special Fund for Capital Outlays (321) for expansion of Fire Station #5. (Finance to handle)

HEARINGS

10. Continued hearing on amendment to P-D(83), Modesto Affiliated Church Housing Corp. for approval of revised plot plan and E.I.R. for P-D(83) 4:05 PM

ACTION: Ord. No. 1255-C.S. introduced (Elliott/Dixon, unan.) amending P-D(83) - revised plot plan. (Planning to handle)

Res. No. 73-163 adopted (Elliott/Dixon, unan.) approving revised development plan for P-D(83). (Planning to handle)

11. Matters for the good of the community. 4:10 P.M.
(These may be presented by interested people in the audience)

NONE

ORDINANCES

CONSENT

12. Final adoption of the following ordinances:

(a) Ord. 1250-C.S. - amending Section 9-3-9, (Stone Bros.)

ACTION: By motion, ordinance adopted. (Clerk to handle)

(b) Ord. No. 1251-C.S. - ecology action waste collection license.

ACTION: By motion, ordinance adopted. (Clerk to handle)

(c) Ord. 1252-C.S. - amending Section 8-3-9, (Addimondo)

ACTION: By motion, ordinance adopted. (Clerk to handle)

(d) 1253-C.S. - amending Sections 25-3-9 and 26-3-9 (Duffy)

ACTION: By motion, ordinance adopted. (Clerk to handle)

(e) Ord. 1254-C.S. - amending subdivision regulations.
(Motions adopting needed)

ACTION: By motion, ordinance adopted. (Clerk to handle)

CONSENT

13. Proposed revision of Municipal Code to allow model rocketry.
(Memo with agenda. Introduction of ordinance needed)

ACTION: Ord. No. 1256-C.S. introduced approving revision of code to allow model rocketry. (Clerk to handle)

CONSENT

14. Annexation of Old Oakdale No. 2 Addition to City of Modesto.
(Memo with agenda. Introduction and adoption of ordinance needed)

ACTION: Ord. No. 1257-C.S. adopted approving annexation of Old Oakdale No. 2 Addition to City of Modesto. (Clerk to handle)

15. Consideration of proposed initiative ordinance.
(Memo, proposed initiative ordinance and letter from Cliff Humphrey with agenda. Either a motion introducing the ordinance or a resolution ordering the ordinance submitted to voters at the regular municipal election on April 17, 1973 needed)

ACTION: Res. 73-164 adopted (Dunlap/Elliott, unan.) ordering the ordinance be submitted to voters at the General Municipal election on April 17, 1973. (C/Atty to handle)

By motion (Dixon/Elliott, unan.) City Attorney directed to prepare statement outlining Council policy on environmental matters for review and possible action. (C/Atty to handle)

NEW BUSINESS

CONSENT

16. Easement for construction of Sonoma Storm Drain - Mr. and Mrs. Blaque Haston.
(Memo with agenda. Resolution accepting easement and approving right of way agreement needed)(Estimated cost \$400)

ACTION: Res. No. 73-165 adopted accepting easement and approving right of way agreement. (Clerk to handle)

CONSENT

17. Greyhound application for increase in rates.
(Memo with agenda. No action required)

NO ACTION TAKEN

CONSENT

18. Resolution authorizing application for grant from the U.S. Department of Housing and Urban Development for Comprehensive Planning Assistance Funds.
(Copy of resolution with agenda. Resolution needed)

ACTION: Res. No. 73-166 adopted authorizing application of grant for Comprehensive Planning Assistance Funds. (C/Mgr to handle)

CONSENT

19. Grant deed for parcel needed for Standiford Park #2 (Revard Manor Park)
(Memo with agenda. Resolution accepting grant deed and authorizing City Manager to execute purchase agreement. Estimated cost \$2,925; funds budgeted in Account 321-6417-31, Standiford Park #2 Land Acquisition)

ACTION: Res. No. 73-167 adopted accepting grant deed and approving purchase agreement. (C/Atty to handle)

CONSENT

20. Consider agreement between City and R. B. Welty and Associates for engineering services pertaining to the construction of Del Webb Field shower, dressing room, and rest room facilities.
(An agreement for engineering services has been prepared. The fee for the work of providing working drawings and specifications along with bid documents and contract supervision is set at a flat fee of \$2,000. Resolution approving agreement needed. Funds budgeted in Account 6400-31-321, Del Webb/Shower/Dressing Rooms/Fence, p. 127)

ACTION: Res. No. 73-168 adopted approving agreement with R. B. Welty and Associates for engineering services pertaining to construction of Del Webb Field improvements. (P/W to handle)

REPORTS

21. Presentation of final report by Project Greater Modesto.
(Copies of report to be distributed at council meeting. Motion accepting report needed)

ACTION: By motion (Elliott/Newton, unan.) receipt of report acknowledged with appreciation and to consider before middle of April.

REPORTS FROM PLANNING COMMISSION

CONSENT

22. Recommend amendment to Section 11-3-8 of the zoning map (Ernest W. Hahn, Inc.)
(By Resolution No. 73-21 adopted February 7, 1973 the Planning Commission recommends an amendment to Section 11-3-8 of the zoning map as requested by Ernest W. Hahn, Inc. to prezone to Planned Development Zone, P-D, to allow construction of a regional shopping center, property located on the west side of Dale Road north of MID Lateral #7. A copy of the Environmental Impact Report will accompany the council agenda on which the public hearing will be scheduled. Resolution setting March 12, 1973 at 7:35 P.M. for hearing needed)

ACTION: Res. No. 73-169 adopted (Dixon/Elliott, unan. - Dunlap, absent) setting March 12, 1973 at 7:45 P.M. as hearing time for proposed amendment to Section 11-3-8 of zoning map. (Clerk to handle)
(Councilman Dunlap was excused from consideration of item due to possible conflict of interest)

APPROPRIATION TRANSFERS

CONSENT

23. Consider approval of appropriation transfer in the amount of \$1,500 from Airport Fund Reserve to a new account "Airport Security Service."
(It is necessary to create a new expenditure account within the Airport Fund and transfer funds into the account to provide for the time spent by the Police Department at the airport implementing the federal requirements for airport security. Resolution approving appropriation transfer needed)

ACTION: Res. No. 73-170 adopted approving appropriation transfer of \$1,500 from Account 60-46-230 to Account 233-46-230 for police time spent at airport (Airport Security). (Finance to handle)

CONSENT

24. Consider approval of appropriation transfer to provide an additional \$50,000 in the Water Line Extension budget.
(Subdivision development has been of such a magnitude that existing budgeted funds have been depleted and additional funds are needed to provide for water line extensions in subdivisions. Resolution approving needed)

ACTION: Res. No. 73-171 adopted approving appropriation transfer of \$50,000 additional funds for waterline extension budget from Account 60-101 to Account 6804-50-101. (Finance to handle)

MISCELLANEOUS

25. Legislation.

NONE

26. Appointments.

NONE

27. Matters too late for the agenda.

NONE

Adjournment at 4:32 P.M.

ATTEST: Pauline P. Stanley
PAULINE P. STANLEY, Acting City
Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 26, 1973 AT 7:30 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies
Absent: None

Pledge of allegiance to the Flag.

Invocation: Reverend J. T. Zamrazil, Christian Missionary Alliance Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 10, 12, 13, 14,
Smith/Dunlap, unan. 15, 17, 18, 19, 20, 21, 23

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of February 20, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

2. Letter from City of Montclair regarding possible litigation on distribution of sales tax to cities.

ACTION: By motion (Dunlap/Simon, unan.) Mayor Davies authorized to write letter to Mayor of Montclair supporting position of Montclair City Council in wishing retention of present sales tax apportionment formula. (C/Mgr to handle)

BIDS

CONSENT

3. Consider approval of specifications and authorize call for bids to be opened March 13, 1973 at 2:10 P.M. for annual requirements of liquid anhydrous ammonia to be used for treatment of industrial and residential sewage.
(Due to anticipated material shortages during the 1973 crop year, we believe it is necessary to assure adequate supplies earlier than normal. Resolution needed. Estimated cost \$38,000. Funds budgeted in Account 312-53-101, Chemicals, Drugs, and Lab Supplies)

ACTION: Res. 73-172 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

4. Consider approval of specifications and authorize call for bids to be opened March 13, 1973 at 2:00 P.M. for annual requirements of liquid ammonium phosphate to be used for treatment of industrial and residential sewage.
(Due to anticipated material shortages during the 1973 crop year, we believe it is necessary to assure adequate supplies earlier than normal. Resolution needed. Estimated cost \$4,500. Funds budgeted in Account 312-53-101, Chemicals, Drugs and Lab Supplies)

ACTION: Res. 73-173 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

5. Consider award of bid for installation of waterlines in Daisy Park No. 2 Subdivision.
(Bids were opened on February 20, 1973. The low bid submitted by Joe Martin which is 10% below the Engineer's Estimate is considered acceptable. It is recommended that the contract be awarded to low bidder. Resolution awarding bid needed. Estimated cost \$11,320. Funds budgeted in Account 6804-50-101, Waterlines Extension and 5301-50-101, New Services)

ACTION: Res. 73-174 adopted awarding contract to Joe Martin. (P/W to handle)

HEARINGS

6. Hearing on annexation of East Coolidge No. 2 Addition to City of Modesto. (inhabited) 7:35 P.M.

ACTION: Res. 73-175 adopted (Elliott/Dunlap, unan.) declaring that a majority protest has been made. (Clerk to handle)

7. Hearing on amendment to Section 16-3-9 of the zoning map to prezone to Planned Development, P-D, property located at the southwest corner of Norwegian & Sunrise. (Alvarado) 7:40 P.M.

ACTION: Ord. No. 1258-C.S. introduced (Simon/Newton, unan.) amending Section 16-3-9 of the zoning map. (Clerk to handle)

Res. 73-176 adopted (Simon/Newton, unan.) approving development plan. (Planning to handle)

8. Continued informal hearing on request of A. J. Wurster for encroachment permit for fence in right of way at 1604 Fairington Avenue. 7:45 P.M.

ACTION: Res. 73-177 adopted (Smith/Dunlap, unan.) granting encroachment permit subject to the conditions approved by Council and on file with the records of this meeting. (Clerk to handle)

9. Matters for the good of the community. 7:50 P.M.
(These may be presented by interested persons in the audience)

NONE

CONSENT

ORDINANCES

10. Adoption of following ordinances:

- (a) Ordinance No. 1256-C.S. amending code relating to fire works.
(Motion adopting needed)

ACTION: By motion, Ord. No. 1256-C.S. adopted. (Clerk to handle)

- (b) Ordinance No. 1255-C.S. relating to amendment to Planned Development P-D(83)
(Motion adopting needed)

ACTION: By motion, Ord. No. 1255-C.S. adopted. (Clerk to handle)

NEW BUSINESS

11. Request of Mrs. Eleanor Haines, Director of Vocal Music at Downey High School, for assistance with the Vienna Music Festival.
(Mrs. Haines will be present at the meeting.)

ACTION: By motion (Elliott/Dixon, maj. - Smith, no) pledge made to give the equivalent of cost of one student, not to exceed \$800, to the Student Body Association of Thomas Downey High School, Vocal Music Dept., in support of choir's participation in festival; payment to be made upon demand and subject to the actuality of the trip.
(C/Mgr to handle)

CONSENT

12. Land acquisition - Senior Citizens Center Parking - J. C. Cooper.
(Memo with agenda. Resolution approving purchase agreement and accepting grant deed. Estimated cost \$12,750. Funds budgeted in Account 321-6322-31, Senior Citizens Center Parking Lot)

ACTION: Res. 73-178 adopted approving agreement and accepting deed.
(Clerk to handle)

CONSENT

13. Letter from Muir Trail Girl Scout Council requesting use of city parks for day camp programs.
(Request from Girl Scout Council to use three city parks for day camps. Staff recommends approval and staff will work out details. Motion granting request needed)

ACTION: By motion, request granted. (P & R to handle)

CONSENT

14. Consider modification of standard lease agreements for tie-down and T-Hangar spaces at the Modesto City-County Airport. (The FAA, as a part of the Airport Certification Program, requires that all lease agreements include a nondiscrimination clause. The City Attorney's office has prepared a paragraph on nondiscrimination to be included in our standard lease agreements (month-to-month and annual). It is requested that the Council approve the revised standard lease agreement forms. Resolution approving revised standard lease agreements for tie-down and T-hangar spaces at Airport, and authorizing the Airport Manager to execute said agreements on behalf of City):

ACTION: Res. 73-179 adopted approving revised standard lease agreements and authorizing execution by Airport Manager. (P/W to handle)

CONSENT

15. Resolution of intention to approve an amendment to contract between the Board of Administration of the Public Employees' Retirement System and the City of Modesto. (Memo with agenda. Resolution needed)

ACTION: Res. 73-180 adopted declaring intention to approve amendment to provide 5% increase for all persons retired or members deceased on or before December 31, 1970. (Personnel to handle)

REPORTS

16. Report by Joe Hart, Chairman of the Farm-City Advisory Committee.

ACTION: Mr. Hart reported that the Farm-City Advisory Committee supported the proposed Stanislaus County Agricultural Display Center and opposed the initiative ordinance.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

17. Recommend amendment to Sections 28-3-9 and 29-3-9 of the zoning map (Bernard E. Good)
(By Resolution No. 73-28 adopted by the Planning Commission on February 20, 1973, it recommends an amendment to Sections 28-3-9 and 29-3-9 of the zoning map as requested by Bernard E. Good to rezone from Neighborhood Commercial Zone, C-1, to General Commercial Zone, C-2, property located to the northwest of G Street, southwest of 14th Street. Resolution setting date for public hearing March 19, 1973 at 4:05 P.M. needed)

ACTION: Res. 73-181 adopted setting hearing. (Clerk to handle)

CONSENT

18. Recommend amendment to Sections 23-3-9 and 26-3-9 of the zoning map. (Steve M. Angelo)
(By Resolution No. 73-25 adopted by the Planning Commission February 20, 1973 it recommends an amendment to Secs. 23-3-9 & 26-3-9 of the zoning map as requested by Steve M. Angelo, to rezone from One-family residential zone, R-1, to Planned Development Zone, P-D, for a 1 and 2-story residential condominium and duplex development, property located on the north side of Scenic Drive, east of Sonoma Avenue. Resolution setting March 26, 1973 at 7:45 P.M. for public hearing needed)

ACTION: Res. 73-182 adopted setting hearing. (Clerk to handle)

CONSENT

19. Tentative subdivision map, Wesson Estates No. 1 and 2 Subdivisions. (On February 20, 1973 the Planning Commission approved the tentative map of the above subdivision and found that said subdivision, together with its design and improvements, is consistent with applicable general and specific plans of the City. The City Council is required to make the same findings. Copies of environmental assessment showing no significant environmental effects with agenda. Resolution making findings needed)

ACTION: Res. 73-183 adopted making necessary findings. (Clerk to handle)

CONSENT

20. Recommend amendment to Section 15-3-9 of the zoning map (Harley Brannan)
(By Resolution No. 73-31 adopted by the Planning Commission on February 20, 1973 it recommends an amendment to Section 15-3-9 of the zoning map as requested by Harley Brannan, to rezone from One-family residential zone, R-1, to Highway Frontage Zone, H-1, property located on the north side of Floyd Ave. east of Coffee Road. Resolution setting March 19, 1973 at 4:10 P.M. for public hearing needed)

ACTION: Res. 73-184 adopted setting hearing. (Clerk to handle)

CONSENT

21. Recommend amendment to Section 13-3-8 of the zoning map. (Goldrich, Kest, Hirsch, and Stern)
 (By resolution no. 73-27 adopted by the Planning Commission February 20, 1973 it recommends an amendment to Section 13-3-8 of the zoning map as requested by Goldrich, Kest, Hirsch and Stern (by David Stern) to rezone from One-family Residential Zone, R-1, to Planned Development, P-D, for an apartment development, property located on the west side of Prescott Road north of Mt. Vernon Drive. Resolution setting March 26, 1973 at 7:40 P.M. for public hearing needed)

ACTION: Res. 73-185 adopted setting hearing. (Clerk to handle)

22. 1972 evaluation of City of Modesto open space contract policy. (Memo from the Director of Planning attached. Motion directing staff needed)

ACTION: Action withheld for one week to permit Director of Planning to attempt to ascertain reaction of County staff as to policy. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

23. Transfer of \$8,600 for postage.
 (Mailing has increased due to growth of the City and Project Greater Modesto activities. Resolution approving transfer of \$8,600 from General Reserve to 201-58-101, Postage Account needed)

ACTION: Res. 73-186 adopted approving appropriation transfer of \$8,600 from Account 60-101 to Account 201-58-101. (Finance to handle)

MISCELLANEOUS

24. Legislation.

NONE

25. Appointments.

NONE

26. Matters too late for the agenda.

ACTION: By motion (Simon/Dixon, unan.) approval given to internship program at Modesto Junior College where one, or perhaps more, students would assist Councilmen and/or Council Committees. (C/Mgr to handle)

Adjournment at 8:50 P.M.

ATTEST: W. T. Chynoweth
 W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 5, 1973 AT 4:00 P.M.

Roll Call Present: Dixon, Elliott, Newton, Simon, Smith, Mayor Davies
Absent: Dunlap
Councilman Newton arrived at 4:08 P.M.

Pledge of allegiance to the flag.

Invocation by Reverend Herbert Rasske, Modesto Gospel Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 5, 6, 7, 8, 11, 13,
Simon/Smith, unan. - Dunlap and Newton, 16, 17, 18, 19, 20, 21, 22,
absent 23, 24, 28

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of February 26, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

2. Request of Modesto Council of P.T.A. for diversion of traffic on Rouse Avenue and for use of Del Webb Field parking lot in connection with Fiesta to be held at National Guard on April 1, 1973.

ACTION: By motion (Smith/Simon, unan.) request referred to staff to work out details. (Police & P & R to handle)

3. Request of Stanislaus County Legal Assistance, Inc. for adoption of a resolution supporting the continuation of their legal services program.

ACTION: Res. 73-187 adopted (Smith/Simon, unan. - Dunlap and Newton, absent) supporting continuation of program. (Clerk to handle)

CONSENT

4. Request of Gerald L. Schweitzer (Olympic Gold Ice Arena) for discussion concerning the three cents admission amusement tax.
(Motion referring to staff for report needed)

ACTION: By motion, referred to staff for report. (C/Mgr to handle)

BIDS

CONSENT

5. Consider acceptance of B. G. Engineering Contractor's contract for replacement of sewer line in Almond Avenue. (Original contract \$6,985. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work and file notice of completion. Resolution accepting work as complete needed. Final cost \$7,737.86. Funds budgeted in Account No. 660-212, Almond Street Line Replacement)

ACTION: Res. 73-188 adopted accepting contract. (Clerk to handle)

CONSENT

6. Consider award of bid for refurbishing of the shop building at the Service Yard Expansion and other improvements. (Bids were opened February 27th. The low bid submitted by Matteson Construction Co., which is 3% over the Engineer's Estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$29,957. Funds budgeted in Account 6543-41-321, Misc. Imps.-Ser. Yd. Exp. and 6547-41-321, Ser. Yd. Exp. - Refurbish Shop Building)

ACTION: Res. 73-189 adopted awarding contract to Matteson Construction Co. (P/W to handle)

CONSENT

7. Approval of plans and specifications and call for bids for construction of subtrunk sewer on Sylvan Avenue and road east of Beyer High. (Suggested bid opening date March 27, 1973 at 10:00 A.M. This sewer is needed to serve the areas developing north of Beyer High School. Copies of environmental assessment showing no impact statement required with agenda. Resolution needed. Estimated cost \$38,776. (\$36,276 Const., \$2,500 Engr. Funds budgeted in Account 6561-212, Extend Subtrunk Sewers)

ACTION: Res. 73-190 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Consider rejecting all bids for construction of subtrunk sewer in Dale Road between Conant Ave. and Prescott Road and approve plans and specifications and approve new bid call for subtrunk sewer in Dale Road between Conant Ave. and Prescott Road. Suggested bid opening date March 20, 1973 at 10:00 A.M. Memo with agenda. Resolution rejecting all bids needed. Resolution approving plans, specifications and bid call needed. Estimated cost \$39,464 (\$35,864 Const.; \$3,600 Engr.) Funds budgeted in Account 6561-212, Ext. Subtrunk Sewers)

ACTION: Res. 73-191 adopted rejecting all bids. (Clerk to handle)

Res. 73-192 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

9. Hearings on requirement of sidewalks at the following locations:

4:05 P.M.

(a) Sidewalk on LaLoma at 207 No. Santa Cruz Avenue, Lots 5 and 6, Block 2061-1 (Melva A. Davenport)

(b) Sidewalk on LaLoma at 320 Las Flores Ave., Lot 4 of Block 232 (Mary Demicheli)
(Drop from agenda - doing own work)

DROPPED

(c) Sidewalk at 1403 LaLoma, a portion of Block 2087. Elburnus W. Garke)

ACTION: By motion (Dixon/Elliott, unan. - Dunlap, absent) hearing continued to March 19, 1973 at 4:15 P.M. for further study.

(d) Sidewalk at 1215 LaLoma, a portion of Block 2061-1. (Benjamin B. Holgate)

DROPPED

(e) Sidewalk on LaLoma at 316 N. Santa Rosa Ave., a portion of Block 2022. (Mary L. Hudelson)
(Drop from agenda - doing own work)

DROPPED

(f) Sidewalk at 1213 LaLoma, a portion of Block 2061-1. (Ralph Heinrich)

(g) Sidewalk at 727 LaLoma, Lot 5 of Block 231. (Harold S. Parsons, Jr.)
(Drop from agenda - doing own work)

DROPPED

(h) Sidewalk on LaLoma at 406 Bonita Ave., Lot 1, Block 231 (Aron Saks)
(Drop from agenda - doing own work)

DROPPED

(i) Sidewalk at 723 LaLoma, Lot 6 of Block 231. (Ray C. Varndell)

(j) Sidewalk at 1002 LaLoma, a portion of Block 2030. (Lester O. Wheeler)

ACTION: Res. 73-193 adopted (Dixon/Elliott, unan. - Dunlap, absent) ordering work for items a, f, i and j. (P/W to handle)

10. Matters for the good of the community.

4:10 P.M.

(These may be presented by interested persons in the audience)

ACTION: Mr. Machado requested that a bus bench be placed on H Street at the 19th Street intersection. His request was referred to staff for study. (P & T to handle)

ORDINANCES

CONSENT

11. Consider referring to Planning Commission an ordinance amending zoning regulations to enable the Council to waive the one-year limitation on rezoning applications.
(Memo and copy of proposed ordinance with agenda. Motion referring to Planning Commission needed)

ACTION: By motion, proposed ordinance referred to Planning Commission for recommendation. (Planning to handle)

UNFINISHED BUSINESS

12. Further consideration of open space policy.
(Letter from Cliff Humphrey with agenda)

ACTION: By motion (Simon/Elliott, unan.) open space policy as recommended by Director of Planning, a copy of which is on file with the records of this meeting, approved. (Planning to handle)

CONSENT

13. Progress Report - Request for tree removal - Mineni Manor.
(Memo with agenda. Motion delaying consideration for two weeks needed)

ACTION: By motion, consideration delayed for two weeks. (P & R to handle)

NEW BUSINESS

14. Consider resolution establishing flat rate water service charges to the Yosemite Junior College District.
(Section 11-1.11 of the Modesto Municipal Code establishes the basis for flat rate charges to schools. Modesto Junior College (East Campus) which is in the Yosemite Junior College District, has been receiving city water service on a flat rate basis and it is necessary to update their flat rate charge since the area irrigated and the number of students has changed. Resolution needed)

ACTION: Res. 73-194 adopted (Newton/Elliott, unan. - Dixon and Dunlap, absent) establishing rate for Yosemite Junior College District.
(P/W to handle)

15. Consider establishing flat rate water service charges to the Modesto City Schools.
(Section 11.1.11 of the Modesto Municipal Code established the basis for flat rate charges to schools. Beyer High School has been added to the Modesto City Schools and therefore a new resolution should be adopted to include Beyer High School. Resolution needed)

ACTION: (Councilman Dixon was excused from consideration of this item due to a conflict of interest)

Res. 73-195 adopted (Smith/Elliott, unan. - Dixon and Dunlap, absent) establishing rate for Modesto City Schools. (P/W to handle)

CONSENT

16. Letters received from the California Relays.
(Two letters have been received from Mr. William J. Moorad, Business Manager of the California Relays. The letters request: (1) Payment of the \$4,000 budgeted for the California Relays in the current fiscal year; and (2) that \$4,000 be included in the 1973-74 budget for the California Relays. Motion approving payment of funds budgeted in current year's budget; motion referring request for 1973-74 budget to budget session needed)

ACTION: By motion, payment of \$4,000 budgeted for 1972-73 approved.
(Finance to handle)
By motion, request that \$4,000 be included in 1973-74 budget referred to proper budget session. (Finance to handle)

CONSENT

17. Approve final map of McHenry Estates No. 3 Subdivision of the City of Modesto and authorize an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. McHenry Estates No. 3 Subdivision is located east of McHenry Avenue and on the north side of Sylvan Avenue. It contains 10.965 acres. A copy of the environmental assessment showing no impact statement required with agenda. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 73-196 adopted approving final map of McHenry Estates No. 3. (Clerk to handle)

CONSENT

18. Consider request for sewer service to skating arena proposed to be constructed on the north side of Standiford Avenue about one-quarter mile west of McHenry Avenue in County A-1 zone.
Memo with agenda. Motion denying request needed)

ACTION: By motion, request denied. (P/W to handle)

CONSENT

19. Resolution amending resolution No. 72-350 entitled "A Resolution Establishing the City of Modesto Youth Commission."
(Memo with agenda)

ACTION: Res. 73-197 adopted amending Resolution No. 72-350 to change effective dates of appointments to December 1 and June 1 of each year. (P & R to handle)

CONSENT

20. Property acquisition - Dry Creek Park - E. C. Hogin, et al.
(Memo with agenda. Resolution accepting grant deed and authorizing City Manager to execute purchase agreement needed. Estimated cost \$76,500. Funds budgeted in Account 6415-31-321, Dry Creek Park/Land Acquis.)

ACTION: Res. 73-198 adopted accepting grant deed and approving agreement. (C/Atty to handle)

CONSENT

21. Resolution approving final map of Coffee Villa Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Coffee Villa Subdivision is located on the east side of Coffee Road north of Rumble Road. It contains 24.613 acres. A copy of the environmental assessment showing no impact statement required distributed with agenda. Resolution approving final map and agreement needed)

ACTION: Res. 73-199 adopted approving final map of Coffee Villa.
(Clerk to handle)

CONSENT

22. Resolution approving final map of Erin Estates No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as provided by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. This subdivision is located on the west side of Sonoma Avenue at Surrey Avenue. It contains 10.08 acres. A copy of the environmental assessment showing no impact statement required with agenda. Resolution approving final map and agreement needed)

ACTION: Res. 73-200 adopted approving final map of Erin Estates No. 2.
(Clerk to handle)

CONSENT

23. Consider approval of revised lease agreement with Silvair Aviation at City County Airport.
(Memo with agenda. Resolution approving revised lease agreement and authorizing City Manager to execute on behalf of City needed)

ACTION: Res. 73-201 adopted approving revised lease agreement.
(Clerk to handle)

CONSENT

24. Resolution and Order of the Council of the City of Modesto providing for a general municipal election to be held on Tuesday, April 17, 1973, and designating precincts and polling places and appointing election officers for said general municipal election.
(According to the elections timetable this resolution is necessary in order for the Council to provide for a general municipal election to be held April 17, 1973 and to approve appointment of precinct election officers and designating polling places. This resolution also provides for the canvass of the votes in accordance with Section 22932.5 of the elections code. Resolution needed)

ACTION: Res. 73-202 adopted providing for general municipal election.
(Clerk to handle)

25. Request for one additional policeman position. (Additional position necessary due to vacancies in authorized P.E.P. positions; two officers off duty on Workmen's Compensation; and additional workload. Resolution authorizing City Manager to approve the additional position needed. An appropriation transfer is not required for this item. Salary savings are available to cover the additional position)

ACTION: Res. 73-203 adopted (Dixon/Elliott, unan. - Dunlap, absent) authorizing City Manager to approve additional policeman position. (C/Mgr to handle)

26. Consider submitting an argument opposing the initiative ordinance to be voted on at the April 17, 1973 municipal election. (Section 4016 of the State Elections Code provides that the City Council may submit an argument against the initiative ordinance. Motion approving argument and ordering it filed with the City Clerk needed)

ACTION: By motion (Smith/Elliott, unan.) argument approved. (Clerk to handle)

27. Consider adoption of a policy statement regarding environmental policies and programs of the City of Modesto. (At its meeting on February 20, 1973 the Council indicated its intent to adopt such a policy statement. Motion adopting policy statement needed)

ACTION: By motion (Dixon/Newton, unan.) policy statement, a copy of which is on file with the records of this meeting, approved. (Planning to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

28. Uninhabited annexation to the City of Modesto - Orangeburg-Lillian Addition. (The IAF Commission has authorized this annexation without notice or public hearing - February 20, 1973. Resolution approving annexation needed)

ACTION: Res. 73-204 adopted annexing Orangeburg-Lillian Addition to City of Modesto. (Clerk to handle)

MISCELLANEOUS

29. Legislation.

ACTION: It was announced that consideration of legislative items would start next week.

30. Appointments.

ACTION: Res. 73-205 adopted (Dixon/Elliott, unan.- Dunlap, absent) appointing Frank Russo (to replace Don Mayol) and reappointing Sarah Jackson as members of the Personnel Commission for terms expiring January 1, 1975 and January 1, 1977 respectively. (Clerk to handle)

31. Matters too late for the agenda.

ACTION: By motion (Smith/Dixon, unan.) proposal of Central Valley Art League for a permanent art collection of paintings by Modesto artists approved in principle and referred to Library Culture Commission for study. Mayor Davies was authorized to appoint a member of the Art Selection Committee. (C/Mgr to handle)

Adjournment at 5:00 P.M.

ATTEST: 
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 12, 1973 AT 7:30 P.M.

Roll Call Present: Dixon, Elliott, Newton, Simon, Smith,
Mayor Davies
Absent: Dunlap

Pledge of allegiance to the Flag

Invocation: Reverend Glen Moore, Free Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 6, 7, 8, 11,
Elliott/Newton, unan. - Dunlap, absent 12, 13, 15, 16, 17, 18, 19, 20,
22, 23, 24, 25

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of March 5, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Appeal by The Happy Steak, Inc. from Board of Zoning Adjustment requirement that rotation of sign at 1809 and 2001 McHenry be stopped.
(Resolution setting April 2, 1973 at 4:05 P.M. for hearing needed)

ACTION: Res. 73-206 adopted setting hearing. (Clerk to handle)

CONSENT

3. Appeal by Allen R. Grant from denial by Planning Commission of request to rezone from R-1 to R-2 and P-D for a single-family attached residential development and a four-plex development on the east side of Conant surrounding the Chrysler School and park site.
(Resolution setting April 9, 1973 at 7:35 P.M. for hearing needed)

ACTION: Res. 73-207 adopted setting hearing. (Clerk to handle)

CONSENT

4. Request of Greater Modesto Chamber of Commerce for \$15,000 to be included in 1973-74 budget.
(Motion referring to proper budget session needed)

ACTION: By motion, request referred to proper budget session.
(Finance to handle)

5. Presentation by Margaret Rice concerning Self-Help Enterprises.

ACTION: In the absence of Mrs. Rice, Councilman Simon requested that a resolution supporting the Self-Help type of program be adopted.
Res. 73-208 adopted (Simon/Elliott, unan. - Dunlap, absent) supporting this type of program. (Clerk to handle)

BIDS

CONSENT

6. Consider award of contract for construction of play area in J. M. Pike Park.
(Bids were opened on March 6, 1973. The low bid submitted by Bibens Nursery, which is 10% below the Engineer's Estimate, is considered acceptable. It is recommended that the contract be awarded to them. Resolution needed. Estimated cost \$6,300. Funds budgeted in Account 6383-31-321, Pike/Play Apparatus)

ACTION: Res. 73-209 adopted awarding contract to Bibens Nursery. (P/W to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for installation of waterlines in Maze Boulevard.
(Suggested bid opening date - March 27, 1973 at 10:10 A.M. This waterline installation is budgeted as part of the water strengthening projects for this year. Copy of environmental assessment showing no impact statement required with agenda. Resolution needed. Estimated cost \$52,629.98 (\$35,969.50; Const. \$16,660.48, Materials). Funds budgeted in Account 6828-50-101, Strengthen Water System)

ACTION: Res. 73-210 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Consider awards to low bidders to furnish microfilm equipment: (Bell & Howell Co., one camera unit, \$1,395.00; George W. Lucas Co., One reader-printer, \$3,060.75; One reader-printer stand, \$110.25, total \$3,170. Memo and tabulation with agenda. Two resolutions needed. Estimated cost \$4,565. Funds budgeted in Account 6905-41-321, Special Funds for Capital Outlays, p. 128)

ACTION: Res. 73-211 adopted awarding contract for camera unit to Bell & Howell Co.
Res. 73-212 adopted awarding contract for reader-printer and stand to George W. Lucas Co. (Finance to handle)

HEARINGS

9. Hearing on proposed rezoning to Planned Development to allow 7:35 P.M. development of an 85-acre regional shopping center on property located on the west side of Dale Road north of M.I.D. Lateral #7. (Ernest W. Hahn, Inc.)

ACTION: Ord. No. 1259-C.S. introduced (Dixon/Elliott, unan. - Dunlap, absent) rezoning portion of Section 11-3-9 of zoning map to P-D. (Clerk to handle)
Res. 73-213 adopted (Dixon/Elliott, unan. - Dunlap, absent) approving development plan. (Planning to handle)
Res. 73-214 adopted (Dixon/Elliott, unan. - Dunlap, absent) approving land use policy for land surrounding the Hahn Development. (Planning to handle)

10. Matters for the good of the community.

7:40 P.M.

ACTION: Following a report from Mr. Oliphant, Norwegian Avenue, concerning the frequency of traffic accidents in the vicinity of the entrance to McHenry Village from Briggsmore Avenue, the City Manager was directed to report to Council in two weeks on what has been done or can be done to improve the situation.
(P & T to handle)

ORDINANCES

CONSENT

11. Final adoption of Ordinance No. 1258-C.S. amending Section 16.3-9 of the zoning map - Alvarado.
(Motion adopting needed)

ACTION: By motion, Ord. No. 1258-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

12. Consider requests for sewer service to property outside the City.
(The properties are not contiguous to the City but the property owners have signed agreements to annex when requested to do so. Three resolutions approving three agreements needed:

(a) 3330 Scenic Drive - Hugh B. Coffelt and Anna R. Coffelt, owners,

ACTION: Res. 73-215 adopted approving agreement. (P/W to handle)

(b) 1530 Morene Way - T. D. Hamlin and Ann Nita Hamlin, owners.

ACTION: Res. 73-216 adopted approving agreement. (P/W to handle)

(c) 128-130 Ellen Ave., - Robert L. Redenbaugh and Kathleen Redenbaugh, owners.

ACTION: Res. 73-217 adopted approving agreement. (P/W to handle)

CONSENT

13. Recommendation that \$155,000 be advanced from 1973-74 to 1972-73 C.I.P. budget for Dry Creek Park property acquisition and financed with Revenue Sharing money.

(Memos with agenda. Resolutions needed: Advancing \$155,000 from 1973-74 to 1972-73 C.I.P. budget for Dry Creek Park property acquisition; resolution authorizing Interfund Transfer from the Revenue Sharing Fund of \$155,000 and appropriating the amount in the Special Fund for Capital Outlays for Dry Creek Park property acquisition)

ACTION: Res. 73-218 adopted advancing \$155,000 from 1973-74 to 1972-73 C.I.P. budget for Dry Creek Park property acquisition.
Res. 73-219 adopted authorizing interfund transfer of \$155,000 from Revenue Sharing Fund and appropriating the \$155,000 in the Special Fund for Capital Outlays for Dry Creek Park property acquisition. (Finance to handle)

14. Resignation of Councilman Clyde Dunlap as alternate representative to S.A.A.G.
(Motion accepting resignation needed)

ACTION: Res. 73-220 adopted (Dixon/Elliott, unan. - Dunlap, absent) accepting resignation. (Clerk to handle)

CONSENT

15. Resolution withdrawing Old Oakdale No. 2 Addition from the McHenry-Dry Creek Fire District.
(Resolution withdrawing from Fire District needed)

ACTION: Res. 73-221 adopted withdrawing Old Oakdale No. 2 Addition from McHenry-Dry Creek Fire District effective December 31, 1973. (Clerk to handle)

CONSENT

16. Resolution determining that the public interest and convenience require that Old Oakdale No. 2 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming time and place for hearing. (This area has been annexed to the City of Modesto and it is now necessary to commence proceedings to annex it to the Modesto Municipal Sewer District. Suggested hearing date May 7, 1973 at 4:05 P.M. Resolution setting hearing - 2/3 affirmative vote needed)

ACTION: Res. 73-222 adopted setting hearing. (Clerk to handle)

CONSENT

17. Public Personnel Intern program.
(To permit City of Modesto to use two students from Stanislaus State College under the federally funded Intergovernmental Personnel Act of 1970. Resolution approving agreement with Stanislaus State College Foundation needed. Funds budgeted in Account 120-17-101)

ACTION: Res. 73-223 adopted approving agreement. (Personnel to handle)

CONSENT

18. Method for funding the increased Public Employment Retirement System benefit for retired city employees.
(Memo with agenda. Resolution approving funding method needed)

ACTION: Res. 73-224 adopted approving 3-year payment plan. (Finance to handle)

CONSENT

19. Request for an additional policeman position, to be filled by/ provisional appointment.
(Additional position necessary due to vacancies in authorized P.E.P. positions; two officers off-duty on workmen's compensation; and additional workload. Resolution authorizing City Manager to approve the additional position needed. Estimated cost \$3,796)

ACTION: Res. 73-225 adopted authorizing City Manager to approve additional policeman position effective March 20, 1973.
(C/Mgr to handle)

CONSENT

20. Application for a traffic enforcement grant of \$25,000.
(Recommendation for a program directed toward reducing motor vehicle accidents and resulting injuries and deaths. Resolution approving application for grant needed)

ACTION: Res. 73-226 adopted approving application for grant. (Police to handle)

21. Claim of John Roger Snider.
(Claim for \$1,207.88 received February 22, 1973 for accident which occurred July 9, 1972. Memo with agenda. Resolution stating that claim was not presented within the required 100 days needed)

ACTION: (Councilman Simon disqualified himself from consideration of this item due to a conflict of interest)
Res. 73-227 adopted (Elliott/Smith, unan. - Dunlap and Simon, absent) making finding that claim was not presented within the 100 days as required by Sec. 911.2 of the Government Code.
(Clerk to handle) REPORTS

CONSENT

22. Presentation of financial statement for February 1973.
(Copies with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

23. County referral, interim ordinance for the County A-1 unclassified zone.
(Memo and proposed letter to Board of Supervisors with agenda. Motion approving needed)

ACTION: By motion, letter to Board of Supervisors approved. (Letter to state that Council agrees with Stanislaus County Planning Commission resolution 1187 which recommends an interim ordinance to allow uses specified in A-2-10 zones and in A-1 zones in certain areas. (Clerk to handle)

CONSENT

24. Consider modification of access restriction established by the recorded map of Central Heights Estates subdivision to permit limited access to Coffee Road from Lot 8, Block 1268.
(By Resolution No. 73-38 adopted March 6, 1973 the Planning Commission recommended that the Council modify the access restriction established by Central Heights Estates subdivision to permit one driveway onto Coffee Road from each of two parcels to be created by a parcel map of Lot 8, Block 1268 of the subdivision. Memo with agenda. Resolution granting limited access needed)

ACTION: Res. 73-228 adopted granting limited access to Coffee Road from Lot 8, Block 1268. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

25. Consider approval of appropriation transfer to the Service Division Parts account.
(It is recommended that \$20,000 be transferred from the Appropriated Reserve, Service Division Account 60, to Equipment Parts, Service Division Account 332. Memo with agenda. Resolution approving appropriation transfer needed)

ACTION: Res. 73-229 adopted approving appropriation transfer of \$20,000 from Account 60-48-512 to Account 332-48-512.
(Finance to handle)

MISCELLANEOUS

26. Legislation.

ACTION: The Council was requested to study the proposed legislation concerning minimum wages and hours for firemen so it can be discussed at the next meeting.

At the request of Councilman Simon, staff was directed to look into Federal legislation which is supposed to place an additional 50¢ per gallon tax on aircraft gas. (C/Mgr to handle)

27. Appointments.

ACTION: Res. 73-230 adopted (Elliott/Smith, unan. - Dunlap, absent) appointing Councilman Simon to replace Councilman Dunlap as #2 Alternate to S.A.A.G. (Clerk to handle)

28. Matters too late for the agenda.

NONE

Adjournment at 10:55 P.M.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 19, 1973 AT 4:00 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith
Absent: Mayor Davies
Vice Mayor Smith presided

Pledge of allegiance to the Flag.
Invocation by Reverend Ben Jennings, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 6, 7, 8, 9, 16,
Simon/Elliott, unan. - Davies, absent 18, 19, 20, 21, 22, 23, 24, 25,
26, 27, 28

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

APPROVAL OF MINUTES

CONSENT

1. Minutes of March 12, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Offer by Carter Harrison on behalf of Chas. Tocalino, Jr., to lease property at northeast corner of 9th and I to City for use as a parking lot.
(Motion referring to staff for report needed)

ACTION: By motion, offer referred to staff for report to Council.
(P & T to handle)

3. Request of Dennis Wilson, representing James Price, for discussion concerning public access to Dry Creek Park.

ACTION: By motion (Simon/Elliott, unan.) proposal for road on edge of Price development into park approved. (P & R to handle)

4. Request of Stanislaus County Historical Society for use of vault in City Hall to store gold specimen collection from March 23 to 26.

ACTION: By motion (Dunlap/Newton, unan.) request granted. (Finance to handle)

5. Request of Modesto City Employees' Association that the City of Modesto pay \$282.00 of the cost of playing Industrial League softball.

ACTION: Action on a motion (Simon/Newton) to refer this request to the proper budget session was delayed for one week by motion (Newton/Dixon, unan.) to enable staff to report to Council on the action taken on a similar request last year. (C/Mgr to handle)

CONSENT

6. Recommendation from California Regional Water Quality Control Board that Modesto expend sewer service to nearby developments. (Motion ordering letter filed needed)

ACTION: By motion, letter ordered filed. (Clerk to handle)

BIDS

CONSENT

7. Accept as complete construction of traffic signals and street lighting at Coffee and Orangeburg, Orangeburg and Carver, and Tully and Rumble.
(Contract price \$27,925. The work has been satisfactorily completed by Collins Electrical Co., Inc. Resolution accepting construction as complete needed. Estimated cost \$27,925. Funds budgeted in Accounts 6137-56-321, Construction of Traffic Signals Coffee and Orangeburg; 6178-56-321, Orangeburg & Carver; 6189-56-321, Tully and Rumble)

ACTION: Res. 73-231 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider award to low bidder, Melville E. Willson Company, to furnish our annual requirements of liquid ammonium phosphate for a term ending June 30, 1974.
(Memo with agenda. Resolution needed. Estimated cost \$5,340.00. Funds budgeted in Account 312-53-101, Chemicals, Drugs, and Lab Supplies)

ACTION: Res. 73-232 adopted awarding contract to Melville E. Willson Co. (Finance to handle)

CONSENT

9. Consider award to low bidder, Melville E. Willson Company, to furnish our annual requirements of liquid anhydrous ammonia for a term ending June 30, 1974.
(Memo with agenda. Resolution needed. Estimated cost \$42,075. Funds budgeted in Account 312-53-101, Chemicals, Drugs, and Lab Supplies)

ACTION: Res. 73-233 adopted awarding contract to Melville E. Willson Co. (Finance to handle)

HEARINGS

10. Hearing, amendment to Sections 28-3-9 and 29-3-9 of the zoning map to rezone from C-1 to C-2, property located to the northwest of G Street, southwest of 14th Street. (Bernard E. Good) 4:05 P.M.

ACTION: Ord. No. 1260-C.S. introduced (Elliott/Simon, unan. - Davies, absent) amending Sections 28-3-9 and 29-3-9 of zoning map. (Clerk to handle)

11. Hearing, amendment to Section 15-3-9 of zoning map to rezone from R-1 to H-1, property located on the north side of Floyd Ave., east of Coffee Road. (Harley Brannan) 4:10 P.M.

ACTION: Ord. No. 1261-C.S. introduced (Dixon/Elliott, unan. - Davies, absent) amending Section 15-3-9 of zoning map. (Clerk to handle)

12. Further consideration of request for removal of street trees in Mineni Manor. 4:15 P.M.

ACTION: By order of the Chair, staff was directed to make a study of other cities concerning tree planting and sewer line or sidewalk repairs when damage is done by street trees. Report to include suggestions for improvement in present policy. (P/W to handle)

By motion (Dixon/Newton, unan.) staff directed to trim roots of tree at 1630 Victor Way as the roots have been exposed in an effort to find the cause of the problems there. (C/Mgr to handle)

13. Continued hearing on order to construct sidewalk at 1403 La Loma, a portion of Block 2087. (Elburnus Garke) (Memo with agenda) 4:15 P.M.

ACTION: Res. 73-234 adopted (Elliott/Dixon, unan. - Dunlap and Mayor Davies, absent) ordering 5 foot sidewalk. (P/W to handle) (Councilman Dunlap was excused from consideration of this item as he was not present at the original hearing)

14. Matters for the good of the community. (These may be presented by interested persons in the audience) 4:20 P.M.

ACTION: At the beginning of the meeting, Modesto Chapter, Order of Demolay, and Girl Scout Troop 450 were introduced. At the request of some of the Girl Scouts, the City Attorney was directed to research the legality of the flag at the USA gas station flying all night and during inclement weather.

By Order of the Chair, a complaint by Mr. Paradiso that the timing of traffic signals at Paradise and Sutter was poor was referred to staff. (P & T to handle)

Jerry Shaeffer, McGregor Court, objected to Modesto selecting a Russian Sister City and requested that this be given more study. He was assured that the Sister City program was supported by private funds.

ORDINANCES

15. Further consideration of train speeds in Modesto. (Two memos with agenda. A speed limit of 45 M.P.H. is recommended. (Introduction of ordinance establishing speed limit needed)

ACTION: Ord. No. 1262-C.S. introduced (Simon/Dunlap, unan. - Davies, absent) establishing a 45 m.p.h. speed limit for trains in Modesto. (Clerk to handle)

CONSENT

16. Consider establishing four-hour parking time limit on lower level of city hall garage.
(A four-hour limit is recommended to improve parking turnover and to permit multiple parking tickets to those who do not pay the parking meters. Ordinance amending Section 3-2.1501, Ordinance amending Section 3-2.1504 of Municipal Code, and resolution placing PML-4b in PM 12 Zone. Estimated cost \$400.00. Funds budgeted in Account 110-57-209, Salaries and Wages, and 5301-57-209, Present Lot Development)

ACTION: Ord. No. 1263-C.S. introduced amending Section 3-2.1501 of Code.

Ord. No. 1264-C.S. introduced amending Section 3-2.1504 of Code. (Clerk to handle)

Res. 73-235 adopted placing PML-4b in PM 12 Zone. (P & T to handle)

UNFINISHED BUSINESS

17. Approve preliminary plans for Del Webb Field shower, dressing and restroom vacilities.
(Oral presentation at meeting. Motion approving preliminary plans needed)

ACTION: By motion (Newton/Elliott, unan.) preliminary plans approved.
(P & R to handle)

NEW BUSINESS

CONSENT

18. Agricultural lease - Dry Creek Park - Henry Goni.
(Memo with agenda. Resolution approving lease agreement needed)

ACTION: Res. 73-236 adopted approving lease agreement with Henry Goni. (Finance to handle)

CONSENT

19. Consider approval of Annual Transportation Claim in the amount of \$352,700 for fiscal year 1973-74 to be drawn from the local Transportation Fund.
(Memo with agenda. Resolution approving annual transportation claim and authorizing submission of claim to SAAG for its approval)

ACTION: Res. 73-237 adopted approving Annual Transportation Claim and authorizing submission to SAAG. (P/W to handle)

CONSENT

20. Request by City Attorney for permission to attend League of California City Attorneys' Spring Conference in Redding, California, May 2-4, 1973.
(Funds budgeted in City Attorney's 1972-73 budget. Motion approving request needed)

ACTION: By motion, request granted.

CONSENT

21. Approve agreements for purchase of computer and computer program assistance.
(Reports with agenda. Three resolutions approving agreements and resolution approving appropriation transfer of \$126,000 from Account 60-321 needed)

ACTION: Res. 73-238 adopted approving agreement with Burroughs Corp. for purchase of computer.

Res. 73-239 adopted approving agreement with Associated Data Systems, Inc. for programming.

Res. 73-240 adopted approving agreement with Associated Data Systems, Inc. for computer systems.

Res. 73-241 adopted approving appropriation transfer of \$126,000 from Account 60-321 to Account 6910-41-321. (Finance to handle)

CONSENT

22. Approve final map of Applegate No. 4 Subdivision of the City of Modesto and authorize an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Applegate No. 4 Subdivision is located on the north side of Rumble Road, west of Pembroke Drive. It contains 9.97 acres. A copy of the environmental assessment showing no impact statement required distributed with agenda. Resolution approving final map and subdivision agreement needed)

ACTION: Res. 73-242 adopted approving final map. (Clerk to handle)

CONSENT

23. Property acquisition - Dry Creek Park - Eugene P. and Raye Simms.
(Memo with agenda. Resolution accepting grant deed and approving purchase agreement needed. Estimated cost \$89,750; funds budgeted in Account 6415-31-321, Dry Creek Park-Land Acquisition)

ACTION: Res. 73-243 adopted accepting grant deed and approving agreement. (Clerk to handle)

REPORTS

CONSENT

24. Progress report on FACE PROGRAM.
(Memo with agenda. No council action required)

NO ACTION

CONSENT

25. Report on letter from Community Action Commission.
(Memo with agenda. Motion directing staff to answer letter as recommended in report)

ACTION: By motion, staff directed to notify CAC that no amortization credit will be given and that the matter of the \$1,000 fire loss will remain with Freese and Gianelli for handling.
(P & R to handle)

CONSENT

26. Report on P.G. & E. proposed gas rate increase.
(Memo with agenda. The average increase would be 7.3% beginning July 1, 1973, with residential gas going up only 5%. Motion accepting report needed)

ACTION: By motion, report accepted.

APPROPRIATION TRANSFERS

CONSENT

27. Consider approval of appropriation transfer in the amount of \$50,000 from General Reserve of General Fund to Water Line Extensions.
(Initial \$200,000 budget plus \$50,000 transfer have been committed. Additional funding is needed for water line construction in new subdivisions. Best estimate at this time is that additional \$120,000 may be required this budget year - requesting \$50,000 now. Additional funds will be requested as the need occurs. Resolution approving appropriation transfer needed)

ACTION: Res. 73-244 adopted approving appropriation transfer of \$50,000 from Account 60-101 to Account 6804-50-101. (Finance to handle)

CONSENT

28. Request for appropriation transfer for the purchase of a new set of California codes for the law library, and authorizing sale of the present set of California Codes.
(Memo with agenda. Resolution approving appropriation transfer and resolution approving sale of used law books needed. Estimated cost \$660)

ACTION: Res. 73-245 adopted approving appropriation transfer of \$660 from Account 110-13-101 to Account 5501-13-101. (Finance to handle)
Res. 73-246 adopted approving sale of used law books. (Finance to handle)

MISCELLANEOUS

29. Legislation.

ACTION: By motion (Simon/Smith, unan.) proposed Federal legislation re minimum wages and hours for firemen opposed.

By motion (Dixon/Dunlap, unan.) SB 61 opposed.

By motion (Simon/Dunlap, unan.) AB 29 opposed.

It was reported that more information would be obtained on the Moretti Council Report and ACA 16. (C/Mgr to handle)

30. Appointments.

NONE

31. Matters too late for the agenda.

ACTION: The Councilmen objected strongly to coverage by the Modesto Bee of the SAAG meeting held March 14 and urged that the correct information concerning changes in the Saxon Plan be furnished the press so that the people could receive the true story.

Adjournment at 6:40 P.M.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 26, 1973 AT 7:30 P.M.

Roll call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies

Absent: None
Councilman Newton arrived at 7:35 P.M.

Pledge of allegiance to the Flag.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 7, 8, 9,
Items 15b, c and e dropped from agenda. 10, 15, 17, 18, 19, 20, 21, 22,
Item 32 removed from consent. 23, 24, 25, 26, 27, 28, 29, 30,
Smith/Dunlap, unan. - Newton, absent 31, ~~32~~, 33, 36, 37

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

APPROVAL OF MINUTES

CONSENT

1. Minutes of March 19, 1973.
(Motion approving need)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of The Happy Steak, Inc. for continuance of hearing on appeal from April 2 to date after April 17.
(Motion declaring intention to continue hearing to April 23, 1973 at 7:35 P.M. needed)

ACTION: By motion, intention declared to continue hearing to April 23 at 7:35 P.M.

CONSENT

3. Letter stating that Modesto Ambulance Service is owned by Eleven-41, Inc.
(Motion referring to staff for handling needed)

ACTION: By motion, letter referred to staff for handling. (Clerk to handle)

CONSENT

4. Request of Royalen A. Heaston that easement running east and west along the north side of 1820 Elmhurst be blocked to public access.
(Motion referring to staff for further study needed)

ACTION: By motion, request referred to staff for further study.
(Planning to handle)

CONSENT

5. Appeal by W. M. Soelling to Planning Commission denial of request for rezoning of property at southwest corner of Old Oakdale and Briggsmore.
(Resolution setting April 23, 1973 at 7:40 P.M. for hearing needed)

ACTION: Res. 73-247 adopted setting hearing. (Clerk to handle)

6. Request of Thornton Honeycutt for discussion of Modesto Cemetery.

ACTION: Dropped from agenda at request of Mr. Honeycutt.

CONSENT

7. Request of Modesto City Schools for City to enter into agreement for construction of swimming pool, Sonoma School.
(Motion referring to staff for report needed)

ACTION: By motion, request referred to staff for report. (P & R to handle)

CONSENT

8. Announcement of Mayors' and Councilmens' Legislative Conference to be held in Sacramento May 14- 16, 1973.
(Motion ordering filed needed)

ACTION: By motion, announcement ordered filed.

BIDS

CONSENT

9. Award contract for purchase of bus.
(GMC was the sole bidder at \$28,737.30. This is within the estimate, and it is recommended that the contract be awarded to GMC. Resolution awarding contract needed. Estimated cost \$28,737.30. Funds budgeted in Account 6067-56-321, Bus.)

ACTION: Res. 73-248 adopted awarding contract for new bus to General Motors Corporation. (P & T to handle)

CONSENT

10. Consider acceptance of Joe Martin's contract for installation of water lines in W. Rumble Road and Sunset County Estates.
(Original contract \$17,106.50. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and to file notice of completion. Resolution needed. Final cost \$17,543.51 (Mains \$16,715.51; Services \$828.00) Funds budgeted in Accounts 6804-50-101, Water Extenions and 5301-50-101, New Services)

ACTION: Res. 73-249 adopted accepting contract. (Clerk to handle)

HEARINGS

11. Hearing, annexation of Sylvan School No. 2 Addition to Sewer District No. 1. 7:35 P.M.

ACTION: Res. 73-250 adopted (Elliott/Newton, unan.) annexing Sylvan School No. 2 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

12. Hearing, amendment to Section 13-3-8 of zoning map to rezone from R-1 to P-D, property located on the west side of Prescott Road north of Mt. Vernon Drive. 7:40 P.M.
(Goldrich, Kest, Hirsch & Stern)

ACTION: By motion (Dixon/Smith, unan.) hearing continued to April 9 at 7:30 P.M. to permit the developer to update his plans and to meet with representatives of the owners to attempt to work out certain problems and to give staff time to obtain info on projected population density in the neighborhood. (Planning to handle)

13. Hearing amendment to Sections 23-3-9 and 26-3-9 of zoning map to rezone from R-1 to P-D, property located on the north side of Scenic Drive east of Sonoma Avenue. (Steve M. Angelo). 7:45 P.M.

ACTION: Ord. No. 1265-C.S. introduced (Elliott/Newton, unan.) amending Sections 23-3-9 and 26-3-9 of zoning map. (Clerk to handle)
Res. 73-251 adopted (Elliott/Newton, unan.) approving development plan. (Planning to handle)

14. Matters for the good of the community. 7:50 P.M.
(These may be presented by interested people in the audience)

ACTION: At the beginning of the meeting, Mrs. Evelyn Kjono, her son, her foster son from the Philippines and visitors from Brazil were introduced.

ORDINANCES

CONSENT

15. Final adoption of the following ordinances:

(a) Ord. No. 1259-C.S. amending Section 11-3-8 (Hahn).

ACTION: By motion, Ord. No. 1259-C.S. adopted.

(~~b~~) Ord. No. 1260-C.S. amending Sections 28-3-9 and 29-3-9 (Good)
DROPPED FROM AGENDA

(~~c~~) Ord. No. 1261-C.S. amending Section 15-3-9 (Brannan)
DROPPED FROM AGENDA

(d) Ord. No. 1262-C.S. regulating train speeds.

ACTION: By motion, Ord. No. 1262-C.S. adopted. (Clerk to handle)

(~~e~~) Ord. No. 1263-C.S. parking meters.
(Motions approving final adoptions needed)
DROPPED FROM AGENDA

UNFINISHED BUSINESS

16. Vote on motion (Simon/Newton) to refer/request of Modesto City Employees' Association that City of Modesto pay \$282 of cost of playing Industrial League softball. (Action on this motion was delayed for one week to permit staff to report on action taken last year)

ACTION: Motion withdrawn.

By motion (Dixon/Newton, unan.) request referred to proper budget session. (Finance to handle)

NEW BUSINESS

CONSENT

17. Offer of property on east side 11th Street between K & L Streets. (The above property has been offered to the City at \$55,000. It is recommended that the offer be turned down with thanks. Motion declining offer with thanks needed)

ACTION: By motion, offer declined with thanks. (Clerk to handle)

CONSENT

18. Lease agreement - fire station and training site - Yosemite Junior College District. (Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-252 adopted approving agreement with Yosemite Junior College District. (Clerk to handle)

CONSENT

19. Right of way agreement - McHenry - Avenue - Mr. and Mrs. Atterberry. (Memo with agenda. Resolution accepting grant deed and approving right of way agreement needed)

ACTION: Res. 73-253 adopted accepting grant deed and approving agreement with Francis P. Atterberry, et ux. (Clerk to handle)

CONSENT

20. Consider requests for sewer service to property outside the City. (The property owners have signed agreements to annexed when requested to do so by City. Sewer mains exist to serve the properties.

(1) 1521 Rose Avenue - James V. and Bonnie J. High

ACTION: Res. 73-254 adopted approving agreement. (P/W to handle)

(2) 902 California - Herbert C. and Lucille E. Latimer. (Two resolutions approving agreements needed)

ACTION: Res. 73-255 adopted approving agreement. (P/W to handle)

CONSENT

21. Draft revision of revised environmental impact report guidelines. (Draft of revised environmental impact report guidelines are being distributed to the Council and other interested persons for review prior to consideration and adoption of the guidelines by the City Council at its April 2 Council meeting. Motion setting matter for consideration and adoption by the Council at its April 2nd meeting needed)

ACTION: By motion, set for further consideration and adoption on April 2. (Clerk to handle)

CONSENT

22. Consider agreement between the City of Modesto and Stewart and Jessar Poultry Ranch, and Weeks Real Estate for installation of water lines in Kingswood Estates No. 2 Subdivision located east of Coffee Road and south of Sylvan Avenue.
(Developers wish to install street improvements including water lines before filing final subdivision map. They have agreed to grant City the necessary easements and have posted a cash bond in the amount of \$9,400 to cover cost of labor and materials. Resolution approving agreement needed)

ACTION: Res. 73-256 adopted approving agreement. (Clerk to handle)

CONSENT

23. Resolution approving final map of Lincoln Square Subdivision and authorizing agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The agreement has been signed and all fees paid. This subdivision is located on the west side of Lincoln Ave. north of Poppypatch Drive. It contains 9.00 acres. A copy of the environmental assessment showing no impact statement required previously submitted to Council for approval of tentative map. Resolution approving final map and agreement needed)

ACTION: Res. 73-257 adopted approving final map of Lincoln Square.
(Clerk to handle)

CONSENT

24. Approval of final map of Arington Manor Subdivision and authorizing agreement with subdividers as required by Section 4-4.604(c) of Code.
(The subdivision agreement has been signed and all fees paid. This subdivision is located on the west side of Carver Road south of Sheldon Ave. It contains 14.789 acres. A copy of environmental assessment showing no impact statement required with agenda. Resolution approving final map and agreement needed)

ACTION: Res. 73-258 adopted approving final map of Arington Manor.
(Clerk to handle)

CONSENT

25. Request of Golden Valley Kennel Club to use Enslin Park.
(Memo with agenda. Motion granting request needed)

ACTION: By motion, request granted subject to terms recommended by Parks & Recreation. (P & R to handle)

CONSENT

26. Consider authorizing purchasing officer to join with Stanislaus County purchasing agent in a consolidated call for bids for furnishing annual requirements of gasoline for period commencing July 1, 1973.
(The total requirements for all participating agencies in this eleventh joint venture is expected to approach 1,750,000 gallons, Modesto's portion about 380,500. Resolution needed. Estimated cost \$77,000. Funds budgeted in Account 330-48-512, Gas, Oil, and Lubricants Service Division and other accounts)

ACTION: Res. 73-259 adopted authorizing Purchasing Officer to join in consolidated call for bids for gasoline. (Finance to handle)

CONSENT

27. Requirement for construction of sidewalks at the locations listed below. (73/02-07)

(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting April 16, 1973 at 4:05 P.M. for hearings needed)

- (a) Sidewalk at 1732 Miller Avenue, a portion of Block 2125-A. (Southern Calvary Baptist Church)
- (b) Sidewalk along Miller Avenue at 1503 Miller Avenue, the South 55 feet of Lot 7 of Block 2097. (Richard H. Beach)
- (c) Sidewalk along Miller Avenue at 1315 La Loma, Block 2086-A. (La Loma Grace Brethren)
- (d) Sidewalk at 2024 Miller Avenue, Lot 7 of Block 2224. (Glenn A. Cain)
- (e) Sidewalk along Miller Avenue at 201 Severin Avenue, Lot 6 of Block 2127. (John P. Collins)
- (f) Sidewalk along Miller Avenue at 202 Camellia Way, Lot 7 of Block 2127. (Merrill B. Farrand)
- (g) Sidewalk at 1827 Miller Avenue, Lot 3 of Block 2184. (Joe Febela)
- (h) Sidewalk along Miller Avenue at 1802 Miller Avenue, the North 59 feet of Lot 17 of Block 2155. (Harold L. Frey)
- (i) Sidewalk along Miller Avenue at 201 Ferguson Avenue, Lot 6 of Block 2132-A. (John A. Greer)
- (j) Sidewalk along Miller Avenue at 1605 Miller Avenue, Lot 7 of Block 2132. (Clarence A. Hedger)
- (k) Sidewalk at 1831 Miller Avenue, Lot 2 of Block 2184. (Kenneth Hilliker)
- (l) Sidewalk at 2033 Miller Avenue, the East 62 feet of Lot 20 of Block 2225. (Kenneth Hilliker)
- (m) Sidewalk along Miller Avenue at 1865 Maria Ct., Lot 1 of Block 2155. (Theo Hoggatt)
- (n) Sidewalk at 1823 Miller Avenue, Lot 4 of Block 2184. (Evanna Holden)
- (o) Sidewalk along Miller Avenue at 2102 Miller Avenue, Lot 9 of Block 2263. (James E. Howard)
- (p) Sidewalk along Miller Avenue at 1702 Miller Avenue, Lot 1 of Block 2125-A. (Marvin A. Kaminska)
- (q) Sidewalk along Miller Avenue at 204 N. Conejo Avenue, a portion of Block 2184. (Euell R. Lamb)
- (r) Sidewalk along Miller Avenue at 201 Camellia Way, Lot 6 of Block 2097. (Fred O. Lockhart)
- (s) Sidewalk along Miller Avenue at 201 Rosina Avenue, Lot 6 of Block 2132. (Antonio C. Lopez)
- (t) Sidewalk at 2029 Miller Avenue, Lot 19 and the West 1 foot of Lot 20 of Block 2225. (Robert R. Mota)

27. Requirement for construction of sidewalks, (continued)

- (u) Sidewalk along Miller Avenue at 201 N. Conejo Avenue, Lot 6 of Block 2157. (Albert E. Pester, III)
- (v) Sidewalk at 1819 Miller Avenue, Lot 5 of Block 2184. (Raymond B. Pike)
- (w) Sidewalk along Miller Avenue at 160 Camellia Way, Lot 1 of Block 2126. (Jesse Reinhart)
- (x) Sidewalk along Miller Avenue at 1750 Miller Avenue, a portion of Block 2125-A. (Nadine D. Singer)
- (y) Sidewalk at 2025 Miller Avenue, Lot 18 of Block 2225. (Alvin E. Skeen)
- (z) Sidewalk at 2041 Miller Avenue, Lot 22 of Block 2225. (Marion B. Smith)
- (aa) Sidewalk along Miller Avenue at 1705 Miller Avenue, Lot 7 of Block 2132-A. (Rose R. Smith)
- (bb) Sidewalk along Miller Avenue at 1835 Miller Avenue, Lot 1 of Block 2184. (John B. Sperin)
- (cc) Sidewalk along Miller Avenue at 1826 Miller Avenue, Lot 8 of Block 2155. (Donald E. Spiva)
- (dd) Sidewalk along Miller Avenue at 203 Rowland Avenue, Lots 15 and 16 of Block 2061. (Richard L. Suzuki)
- (ee) Sidewalk along Miller Avenue at 202 Ferguson Avenue, Lot 7 of Block 2157. (Bill L. Tillman)
- (ff) Sidewalk along Miller Avenue at 1721 Yosemite Avenue, a portion of Block 2125-A. (Harry B. Wilkinson)
- (gg) Sidewalk along Miller Avenue at 147 El Vista Avenue, Lot 1 of Block 2263. (Herman C. Winters)

ACTION: Res. 73-260 adopted setting hearing. (P/W to handle)

CONSENT

28. Report of Superintendent of Streets on the cost of installation of sidewalks at the locations listed below.
(Resolution setting 4:10 P.M. April 16, 1973 for hearings needed. Contract costs listed below with properties; funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)

- (a) Sidewalk along La Loma at 319 Las Palmas Avenue, a portion of Block 2022. (Roger D. Jones - \$323.80)
- (b) Sidewalk along W. Briggsmore Avenue at 1801 Aloha Way, Lot 8 of Block 6813. (Herman Mayberry - \$204.40)
- (c) Sidewalk at 321 W. Briggsmore Avenue, a portion of Block 6808. (Ludwig Erickson - \$135.00)

ACTION: Res. 73-261 adopted setting hearing. (P/W to handle)

CONSENT

29. Resolution approving final map of Northridge No. 1 Subdivision of the City of Modesto and authorize an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. This subdivision is located on the north side of Rumble Road at Conant Avenue. It contains 15.256 acres. A copy of the environmental assessment showing no impact statement required with agenda. Resolution approving final map and security and authorizing execution of agreement by City needed)

ACTION: Res. 73-262 adopted approving final map of Northridge No. 1. (Clerk to handle)

CONSENT

30. Consider request of Stanislaus Food Products Co. for an encroachment permit to enlarge their transformer tower. (Resolution setting April 2, 1973 at 4:10 as time of hearing needed)

ACTION: Res. 73-263 adopted setting hearing. (Clerk to handle)

- 30A. Right of way - Tully Road - Mr. and Mrs. Gerald Schweitzer. (Memo with agenda. Resolution accepting grant deed and authorizing execution of right of way agreement needed. Estimated cost \$285. Funds budgeted in Miscellaneous R/W account)

ACTION: Res. 73-264 adopted (Simon/Dunlap, unan.) accepting grant deed and approving agreement. (Clerk to handle)

REPORTS

CONSENT

31. Report on meet and confer session with Modesto Police Association. (To add section to Personnel Administrative Order covering time worked by sworn police personnel on state and federal grant programs. (Motion accepting report needed)

ACTION: By motion, report accepted. (Personnel to handle)

~~CONSENT~~

32. Report on offer to rent property to City. (The Tocalino property on the northeast corner of 9th and I is offered to the City at \$400 per month. A report has been sent with the agenda recommending against the offer since sizeable dollar losses would result. Motion declining the offer with thanks needed)

ACTION: By motion (Dunlap/Newton, unan.) offer declined with thanks. (Clerk to handle)

CONSENT

33. Report on traffic delays at Paradise and Franklin. (Memo with agenda. Signal was operating improperly and is being fixed. No action needed)

NO ACTION

34. Further report on Briggsmore accidents at McHenry Village driveway. (Report with agenda. Negotiations possibly leading to the closure of the median crossing at the McHenry Village driveway are recommended. Motion authorizing staff to negotiate for the closure or to take other council-directed action needed)

ACTION: (Councilman Dunlap was excused from consideration of this item)

By motion (Simon/Dixon, unan.) staff authorized to negotiate with McHenry Village, Inc. for the closure of the median opening on Briggsmore. (P & T to handle)

The City Attorney was requested to determine the responsibility of the City to protect private property. (C/Atty to handle)

35. Staff report - Admission Tax, Ice Skating Rink (from 3/5/73 agenda) (Memo with agenda. Motion directing staff needed)

ACTION: By motion (Simon/Dunlap, unan.) staff directed to prepare amendment to municipal code to exclude ice or roller skating rinks and public dances from admission tax provisions. (C/Atty to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

36. Tentative subdivision maps:

(a) Coleman Acres No. 3

ACTION: Res. 73-265 adopted making necessary findings. (Clerk to handle)

(b) Sylvan Meadows East No. 1 and 2

(On March 20, 1973 the Planning Commission approved the tentative maps of the above subdivisions and found that said subdivisions, together with their designs and improvements, are consistent with applicable general and specific plans of the City. The City Council is required to make the same findings. Copies of environmental assessments, showing no significant environmental effects, with agenda. Two resolutions making findings needed)

ACTION: Res. 73-266 adopted making necessary findings. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

37. Consider approval of appropriation transfer from Airport General Reserve, an amount of \$866 for the purchase of Quick Call Units. (Quick Call Units were approved by the City Council September 18, 1972 when Council approved the revised Airport Security Plan. Resolution approving transfer needed) (From Account 60-46-230)

ACTION: Res. 73-267 adopted approving appropriation transfer of \$866 from Account 60-46-230 to Account 5401-46-230. (Finance to handle)

MISCELLANEOUS

38. Legislation.

ACTION: By motion (Simon/Smith, unan.) AB 16 opposed.
By motion (Smith/Dixon, unan.) SB 280 supported.
By motion (Dixon/Dunlap, unan.) SB 37 opposed.
By motion (Dixon/Simon, unan.) S 39 supported. (Federal legislation)
(C/Mgr to handle)

39. Appointments.

NONE

40. Matters too late for the agenda.

ACTION: Councilman Dunlap reported briefly on the Congressional-City Conference he attended.

Staff was requested to find out what will be discussed at Mayors' and Councilmens' Legislative Conference to be held in Sacramento May 14-16. (C/Mgr to handle)

Adjournment at 9:40 P.M.

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 2, 1973 AT 4:00 P.M.

Roll call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies

Absent: None

Councilman Newton arrived at 4:07 P.M.

Pledge of allegiance to the Flag.

Invocation: Reverend George Weber, First United Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 9, 10,
Item 31 removed from consent 11, 12, 16, 17, 19, 20, 21, 22,
Smith/Simon, unan. - Newton, absent 23, 25, 26, 27, 30, ~~31~~

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

PRESENTATION

1. Presentation to City of Modesto of check for \$7,936.80. from the Stanislaus Drug Abuse Council.

(The money was earned by the Civitan Club (through the Walkathon program) and Omega Nu (through the Haunted House program).

ACTION: Check presented by Robert Gotelli.

APPROVAL OF MINUTES

CONSENT

2. Minutes of March 26, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

3. Request of Human Rights Commission for \$10.00 to provide a subscription to "Race Relations Reporter."
(Motion granting request needed)

ACTION: By motion, request granted. (Finance to handle)

CONSENT

4. Request of John H. Uhl for relief from condition imposed by P-D zoning requiring full sidewalk at 430 - 14th Street.
(Resolution setting April 16, 1973 at 4:15 P.M. for hearing needed)

ACTION: Res. 73-268 adopted setting hearing. (Clerk to handle)

4A. Request of Councilman Snow of Riverbank, Chairman of S.A.A.G., for permission to use Multi-Purpose Room for S.A.A.G. monthly meetings.
(Second Wednesday of month)
(Councilman Snow will be present to make request)

ACTION: By motion (Dixon/Simon, unan.) request granted. (C/Mgr to handle)

CONSENT

5. Request of California Teachers' Association for permission to use the Needham-Mancini Bowl area of Graceada Park on May 19 for an art show which will display art projects made by special education students.
(Motion referring to staff to work out details to allow use needed)

ACTION: By motion, request referred to staff to work out details to allow use. (P & R to handle)

CONSENT

6. Request of Modesto Symphony Orchestra, Inc. for:

(1) Payment of \$2,500 included in the 1972-73 budget, and

ACTION: By motion, payment authorized. (Finance to handle)

(2) Inclusion of \$2,500 in the 1973-74 budget.
(Motion authorizing payment for 1972-73 and motion referring request for inclusion in 1973-74 budget to proper budget session needed)

ACTION: By motion, request referred to proper budget session.
(Finance to handle)

CONSENT

7. Request of Goodwill Industries for permission to use Fire Stations for collections the week of May 6, ("Goodwill Week.")
(Motion granting request needed)

ACTION: By motion, request granted. (Fire to handle)

CONSENT

8. Request of Downtown Improvement District for purchase of 20 trees for downtown planting and for appropriation transfer of \$1,000 for purchase.
(Motion approving purchase and resolution approving appropriation transfer needed)

ACTION: By motion, purchase approved. (Finance to handle)
Res. 73-269 adopted approving appropriation transfer of \$500 from Account 62-218 and \$500 from Account 61-218 to Account 5396-218. (Finance to handle)

BIDS

CONSENT

9. Consider award of contract for installation of waterlines in Maze Boulevard.
(Bids were opened March 27, 1973. The low bid submitted by Lewis Dannels, which is 17% below the Engineer's Estimate, is considered acceptable. It is recommended that contract be awarded to them. Resolution awarding contract needed. Estimated cost \$29,843.75. Funds budgeted in Account 6828-50-101, Strength Water System)

ACTION: Res. 73-270 adopted awarding contract to Lewis Dannels.
(P/W to handle)

CONSENT

10. Consider awarding contract for construction of the subtrunk sewer on Dale Road to Taylor Construction and allowing Jim Fine and Co., the apparent low bidder to withdraw his bid because of an error. (Jim Fine & Co. made an error in their bid preparation and have filed a request with the City Clerk to have their bid withdrawn. Memo with agenda. Resolution allowing withdrawal of bid and resolution awarding contract needed. Estimated cost \$23,597.20. Funds budgeted in Account 6561-212, Extend Subtrunk Sewers)

ACTION: Res. 73-271 adopted allowing Jim Fine & Co. to withdraw bid. (Clerk to handle)
Res. 73-272 adopted awarding contract to Taylor Construction. (P/W to handle)

CONSENT

11. Consider award of contract for construction of subtrunk sewer on Sylvan Avenue and road east of Beyer High. (Bids were opened March 27, 1973. The low bid submitted by Marvin Yadon, which is 34% below the Engineer's Estimate, is considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost \$23,943.20; funds budgeted in Account 6561-212, Extend Subtrunk Sewers)

ACTION: Res. 73-273 adopted awarding contract to Marvin Yadon. (P/W to handle)

CONSENT

12. Consider approval of plans and specifications and call for bids for installation of waterlines in Arington Manor and Kingswood Estates No. 2 subdivisions. (Copy of environmental assessment showing no impact statement required with agenda.) Suggested bid opening opening date: April 17, 1973 at 10:00 A.M.

<u>Costs & Revenues</u>	<u>Arington</u>	<u>Kingswood No. 2</u>
Construction	\$18,581.67	\$9,980.03
Conn. Charges	9,000.00	6,875.00
Net Revenue	1,152.00	880.00

Resolution needed. Estimated cost \$28,561.70 (Labor \$18,335.20; Materials, 18,335.20. Funds budgeted in Account 6804-50-101, Waterline Extension and 5301-50-101, New Services)

ACTION: Res. 73-274 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

13. Hearing on appeal by The Happy Steak, Inc. from Board of Zoning Adjustment requirement that rotation of sign at 1809 4:05 P.M. and 2001 McHenry be stopped. (Hearing to be continued to April 23, 1973 at 7:35 P.M.)

ACTION: By motion (Dunlap/Dixon, unan.) hearing continued to April 23 at 7:35 P.M.
Councilman Newton arrived at 4:07 P.M.

14. Hearing, encroachment permit to enlarge transformer - 4:10 P.M. Stanislaus Food Products)

ACTION: Res. 73-275 adopted (Newton/Smith, unan.) granting encroachment permit. (P/W to handle)

15. Matters for the good of the community.

4:15 P.M.

(These may be presented by interested citizens in the audience)

ACTION: None.

ORDINANCES

CONSENT

16. Final adoption of the following ordinances:
(Motions adopting needed)

(a) Ord. 1260-C.S. - amending Sections 28-3-9 and 29-3-9 of zoning map.

ACTION: By motion, Ord. No. 1260-C.S. adopted.

(b) Ord. 1261-C.S. - amending Section 15-3-9 of zoning map - (Brannan)

ACTION: By motion, Ord. No. 1261-C.S. adopted.

(c) Ord. No. 1263-C.S. - - amendment to parking meter map.

ACTION: By motion, Ord. No. 1263-C.S. adopted.

(d) Ord. 1264-C.S. - parking meters.

ACTION: By motion, Ord. No. 1264-C.S. adopted.

(e) Ord. 1265-C.S. - amending Section 23-3-9 of zoning map - Angelo.

ACTION: By motion, Ord. No. 1265-C.S. adopted. (Clerk to handle)

CONSENT

17. Introduction of ordinance approving amendment to contract with Public Employees Retirement System to provide a 5% cost of living increase to retired city employees.
(On February 26, 1973 the Council approved a resolution giving notice of intention to approve this amendment. It is now necessary to approve the amendment itself by ordinance. Motion introducing ordinance needed)

ACTION: Ord. No. 1266-C.S. introduced approving amendment. (Clerk to handle)

UNFINISHED BUSINESS

18. Further consideration of environmental impact guidelines.

ACTION: Res. 73-276 adopted (Dixon/Elliott, unan.) approving and adopting environmental impact guidelines. (P/W to handle)

CONSENT

19. Consider terminating Highway 132 Route study.
(The Gallo Winery has requested that this study be terminated. They were going to exchange some property with the City if a new route were selected. Memo with agenda. Motion authorizing City Manager to notify State to terminate needed)

ACTION: By motion, City Manager authorized to notify State to terminate Highway 132 Route Study. (C/Mgr to handle)

NEW BUSINESS

CONSENT

20. Renewal of food concession at Beard Brook Park.
(Mr. Charles Wright has requested the renewal of a contract to operate a food concession at Beard Brook Park. The City's relationship with Mr. Wright regarding this concession has been most satisfactory, and it is recommended that the contract be renewed for one year. All the terms and conditions which applied under the last agreement will remain in force, with the exception of a request from Mr. Wright to increase the price of snow cones from 10¢ and 15¢ to 15¢ and 20¢ (appendix "A"). Resolution approving agreement needed)

ACTION: Res. 73-277 adopted approving agreement. (Clerk to handle)

CONSENT

21. Resolution withdrawing Orangeburg-Lillian Addition from the McHenry-Dry Creek Fire District.
(Resolution withdrawing area from Fire District needed)

ACTION: Res. 73-278 adopted withdrawing Orangeburg-Lillian Addition from McHenry-Dry Creek Fire District effective December 31, 1973. (Clerk to handle)

CONSENT

22. A resolution determining that the public interest and convenience require that Orangeburg-Lillian Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming time and place for hearing. (It is now necessary to commence proceedings to annex the Orangeburg-Lillian Addition to the Modesto Municipal Sewer District. Resolution setting hearing for May 21, 1973 at 4:05 P.M. needed (2/3 affirmative vote required))

ACTION: Res. 73-279 adopted setting hearing. (Clerk to handle)

CONSENT

23. Park site acquisition - Mr. and Mrs. Zack Moore - Revard Manor Park. (Memo with agenda. Resolution accepting grant deed and approving agreement needed. Estimated cost \$2,925. Funds budgeted in Account 6417-31,321, Standiford Park #2 - Land Acquisition)

ACTION: Res. 73-280 adopted accepting grant deed and approving agreement. (Clerk to handle)

CONSENT

25. Request for increases in salary for Head Rest employees. (Copies of letter with agenda. Staff concurs with recommendation. Resolution approving request needed. Estimated cost \$70 per month. Funds budgeted in Account 110-222-11, Salaries and Wages, Regular)

ACTION: Res. 73-281 adopted approving salary increases as follows:
\$10 per month for six full-time employees; \$5 per month for one half-time employee; and \$2.50 per month for two quarter-time employees. (Finance to handle)

CONSENT

26. Purchase agreement - Mr. and Mrs. Haskell Medders - Tuolumne River Regional Park. (Memo with agenda. Resolution accepting grant deed and approving agreement needed. Estimated cost \$3,000. Funds budgeted in Account, Land Acquisition 323, Tuolumne River Regional Park Land Acquisition)

ACTION: Res. 73-282 adopted accepting grant deed and approving agreement. (Clerk to handle)

REPORTS

CONSENT

27. Report on request for bus bench at 19th and H.
(The additional bus bench at this intersection will be installed in the very near future. Memo with agenda. Motion accepting report needed)

ACTION: By motion, report accepted. (P & T to handle)

28. Report on final master plan for Chrysler and Woodrow Parks.
(Oral reports on each plan to be made at meeting. Motion approving final master plans for Chrysler and Woodrow Parks needed)

ACTION: By motion (Elliott/Dunlap, unan.) master plans approved.
(P & R to handle)

29. Report by Public Projects Committee on proposed noise ordinance.

ACTION: By motion (Dixon/Dunlap, unan.) hearing on proposed noise ordinance set for April 16, 1973 at 4:20 P.M. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

30. Consider approval of appropriation transfer of \$2,500 for the cooling of the industrial pump building controls at the Water Quality Control plant.
(Memo with agenda. Resolution approving appropriation transfer from Account 312-53-101 needed)

ACTION: Res. 73-283 adopted approving appropriation transfer of \$2,500 from Account 312-53-101 to Account 5303-53-101.
(Finance to handle)

CONSENT

31. Resolution approving an appropriation transfer to provide an amount to reimburse the contractor for repairs to the Community Service Center.
(Fire damage to the Community Service Center, incurred August 24, 1972, was repaired by William H. Radford, Inc. for \$3,225.30. The repair was arranged by the insurance adjuster for the City of Modesto. Insurance recovery of \$2,225 was received February 13, 1973 from Great American Insurance Company. It is now in order to pay the contractor for the work. Resolution approving appropriation transfer of \$1,500 from the General Reserve needed)

ACTION: Res. 73-284 adopted (Smith/Newton, unan. - Simon, absent) approving appropriation transfer of \$1,500 from Account 60-101 to Account 224-34-101. (Finance to handle)

(Councilman Simon disqualified himself from consideration of this item)

MISCELLANEOUS

32. Legislation.

NONE

33. Appointments.

NONE

34. Matters too late for the agenda.

ACTION: Mayor Davies reported that the Mayors of the seven largest cities in California have formed a Mayors' Action Committee to urge our legislators in Sacramento to assist in having the PEP and Youth Employment Program continued with the use of State Revenue Sharing Funds and also to join with the cities in asking Congress to continue these programs for at least two years. He also reported on efforts to develop an acceptable program for the use of the Special Revenue Sharing Funds.

Adjournment at 4:50 P.M.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

Special Meeting
Modesto City Council
April 5, 1973

The Council of the City of Modesto met in a Special Meeting called pursuant to Section 2-1.02 of the Modesto Municipal Code and there were:

PRESENT: Councilmen: Dixon, Dunlap, Newton, Simon, Smith,
Mayor Davies

ABSENT: Councilmen: Elliott

The meeting was called to order at 4:00 P.M. by Mayor Davies.

Measure A on the April 17 ballot was discussed at length. A report was made on the various points that were brought forth by the proponents of the measure at a meeting held on April 2.

No action was taken.

The meeting adjourned at 5:25 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 9, 1973 AT 7:30 P.M.

Roll call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies

Absent: None

Councilman Dixon arrived at 7:35 P.M.

Pledge of allegiance to the Flag.

Invocation: Reverend Herbert Rasske, Modesto Gospel Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 6, 10, 11, 12,
Smith/Newton, unan. - Dixon, absent 14, 15, 16, 17, 18, 19, 20, 21,
22, 23, 24, 25

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of April 2, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Memorial Hospital Association for adoption of resolution endorsing proposed completion of 4th floor of Memorial Hospital Modesto.
(Resolution needed)

ACTION: Res. 73-285 adopted endorsing completion of 4th floor of Memorial Hospital Modesto. (Clerk to handle)

CONSENT

3. Letter from Mrs. Spence requesting smoking ban on busses.
(Memo with agenda. Smoking is already prohibited. It is recommended that this be referred to Modesto Motor Bus Service (MMBS). Motion referring the matter to MMBS needed)

ACTION: By motion, letter referred to Modesto Motor Bus Service.
(P & T to handle)

CONSENT

4. Public Utilities Commission order instituting investigation into Golden Pacific Airlines operations.
(Motion referring to staff needed)

ACTION: By motion, Order referred to staff. (P/W to handle)

ACTION: By Order of the Chair, this matter was continued for one week.
Councilman Dixon arrived at 7:35 P.M.

CONSENT

6. Appeal by Lafayette Electronics from BZA decision denying retention of projecting sign at northeast corner of McHenry and Corson.
(Resolution setting May 7, 1973 at 4:10 P.M. for hearing needed)

ACTION: Res. 73-286 adopted setting hearing. (Clerk to handle)

HEARINGS

7. Continued hearing on amendment to Sec. 13-3-8 of zoning map to rezone from R-1 to P-D, property located on west side of Prescott north of Mt. Vernon Dr. (Goldrich, Kest, Hirsch & Stern) (Proponents have requested a two-week continuance) 7:30 P.M.

ACTION: Res. 73-287 adopted (Simon/Dunlap, maj. - Elliott, Smith and Davies, no) denying request for rezoning. (Planning to handle)

8. Hearing on appeal by Allen Grant, Inc. to the decision of the Planning Commission's denial to rezone from R-1 to R-2 and P-D, for single-family and four-plex development on east side of Conant around Chrysler School. 7:35 P.M.

ACTION: By motion (Dixon/Smith, unan.) intention declared to grant appeal and staff directed to work out the details for presentation to Council on April 16. (Planning to handle)

9. Matters for the good of the community. 7:40 P.M.
(These may be presented by interested persons in the audience)

NONE

ORDINANCES

CONSENT

10. Final adoption of Ord. No. 1266-C.S. (Retirement)
(Motion adopting needed)

ACTION: By motion, Ord. No. 1266-C.S. adopted. (Clerk to handle)

12. Introduction of ordinance amending admission tax provisions of the Municipal Code to delete ice and roller skating rinks and public dances.

(This matter was considered at the Council meeting on March 26, 1973, and the Council directed that this ordinance be prepared. (Copy of ordinance showing changes with agenda. Motion introducing ordinance needed)

ACTION: Ord. No. 1267-C.S. introduced amending admission tax provisions of the Modesto Municipal Code. (Clerk to handle)

NEW BUSINESS

CONSENT

12. Letter of resignation from John C. Sutton, Planning Commissioner. (Copies of letter being distributed with the agenda. Resolution accepting resignation with regret, effective upon the appointment of his successor needed)

ACTION: Res. 73-288 adopted accepting resignation with regret effective upon appointment of a successor. (Clerk to handle)

13. Federal grant offer to S.A.A.G. for fiscal year 1973-74 by Council on Inter-governmental Relations. (Memos from City Manager, Doyle Dodd, Executive Director of S.A.A.G., and James A. R. Johnson, Executive Director of the California Council on Inter-governmental Relations, being distributed with the agenda. Motion instructing S.A.A.G. representatives needed)

ACTION: By motion (Dixon/Smith, unan.) Council representatives to S.A.A.G. instructed to support proposal whereby S.A.A.G. would meet with one or both adjacent C.O.G's to identify a specific work element to be performed jointly. (C/Mgr to handle)

CONSENT

14. Notification of cessation of City operation of Sears Attendant Lot on 11th Street. (The management of Sears requested that City operation cease on April 1, 1973. It seems unlikely that City operation will resume. Motion ordering filed needed)

ACTION: By motion, ordered filed.

CONSENT

15. Consider adoption of the following resolutions in connection with Improvement District No. 21. (Sewer services in various areas of city)

(a) Resolution of Preliminary Determination that Public Convenience and Necessity Require Construction of Public Improvements to be Paid for by Special Assessments Without Compliance with the Provisions of Special Assessment Investigation, Limitation and Majority Protest Act of 1931; Describing the Proposed Improvements and the District Proposed to be Assessed to Pay therefor, and Setting a Time and Place of Hearing thereon (M-21-1).

ACTION: Res. 1251-S.P. adopted determining that public convenience requires construction, etc.

(b) Resolution Directing Preparation of Plans and Specifications for Work and Improvements, Together with Estimates of Costs and Expenses Thereof (M21-2).

ACTION: Res. 1252-S.P. adopted directing preparation of plans, etc. (P/W to handle)

CONSENT

15. Improvement District No. 21, (continued)

- (c) Resolution adopting and Approving Contract Documents and Specifications, Map, Plans and Profiles and Estimate of Costs and Expenses of Improvement (M21-3).

ACTION: Res. 1253-S.P. adopted adopting and approving contract documents. (Clerk to handle)

- (d) Resolution of Intention Relative to Construction of Sanitary Sewers in Improvement District No. 21 (M21-4).

ACTION: Res. of Int. 341 (1254-S.P.) adopted setting hearing for May 14 at 8:00 P.M. (Clerk to handle)

- (e) Resolution Designating the Modesto Bee as the Newspaper in which the City Clerk of said City is Ordered to Publish any Notice, Resolution, Order of Other Matter Relating to Improvement District No. 21 (M21-5).

ACTION: Res. 1255-S.P. adopted designating Modesto Bee. (Clerk to handle)

- (f) Resolution Fixing Compensation for Attorneys Employed for Improvement Proceedings (M21-6).
(Adoption of six (6) resolutions needed)

ACTION: Res. 1256-S.P. adopted fixing compensation for attorneys.
(C/Atty to handle)

CONSENT

16. Consider granting an easement across the Modesto City-County Airport to Stanislaus County for the construction of a storm drain. (The City and County propose to construct a storm drain across the airport to avoid flooding from adjacent property across East Modesto Road. The County will construct the drain under a cooperative agreement; therefore, it is necessary to grant an easement to the County. Resoluuion authorizing execution of an easement deed needed)

ACTION: Res. 73-289 adopted authorizing execution of easement deed to Stanislaus County. (Clerk to handle)

CONSENT

17. A resolution approving the final map of the Sonoma Gardens Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-41604(c) of the Modesto Municipal Code.
(Located on the west side of Sonoma Avenue south of Orangeburg Avenue. It contains 19.657 Acres. A copy of the environmental assessment showing no impact statement required distributed with agenda. A resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 73-290 adopted approving final map of Sonoma Gardens.
(Clerk to handle)

Consider a resolution establishing flat rate charges for water service to the Modesto Junior College (East Campus) and rescinding Resolution No. 73-194.
(Memo with agenda. Resolution needed)

ACTION: Res. 73-291 adopted establishing flat rate water charges to Modesto Junior College for East Campus and rescinding Res. No. 73-194. (P/W to handle)

CONSENT

19. Agreements for Sign Relocations on Scenic Drive: Anderson's Business Machines and George Pozas.
(Memo with agenda. Two resolutions approving agreements needed)
Estimated cost: \$110.65 - Anderson's Business Machines and \$130.00 - George Pozas)

ACTION: Res. 73-292 adopted approving agreement with Anderson's Business Machines.

Res. 73-293 adopted approving agreement with George Pozas.
(Clerk to handle)

CONSENT

20. Agreement for removal of building marquee on Paradise Road - Mrs. Rebecca C. Heckendorf.
(Memo with agenda. Resolution approving agreement needed. Estimated Cost is \$500.00; funds budgeted in Account No. 6647-207, Misc. R/W & Improvements Spec. Gas Tax, Street Improvements)

ACTION: Res. 73-294 adopted approving agreement with Mrs. Rebecca C. Heckendorf. (Clerk to handle)

CONSENT

21. Request to use former Lincoln School site for boat inspections on Saturday, May 12, 1973.
(Memo and letter with agenda. Motion indicating approval and referring matter to City Attorney for preparation of agreement)

ACTION: By motion, intention declared to grant request; City Attorney to prepare agreement for this purpose. (C/Atty to handle)

CONSENT

22. Consider approval of Right of Way certificate for the improvement of Scenic Drive from Downey Avenue to County Hospital.
(In order for the State to approve our application for FAU funds for this project, it is necessary for the City to certify that it has acquired all the necessary right of way and to agree to hold the State of California harmless from any liability which may result in the event the right of way is not clear as certified. Resolution approving right of way certificate needed)

ACTION: Res. 73-295 adopted approving right of way certificate.
(P/W to handle)

CONSENT

23. Consider approval of right of way certificate for the improvement of Paradise Avenue from Franklin Street to First Street.
(In order for the state to approve our application for TOPICS funds for this project, it is necessary for the City to certify that it has acquired all the necessary right of way and to agree to hold the State of California harmless from any liability which may result in the event the right of way is not clear as certified. Resolution approving right of way certificate needed)

ACTION: Res. 73-296 adopted approving right of way certificate.
(P/W to handle)

CONSENT

24. Presentation of Financial Statement for March, 1973.
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion, report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

25. Consider an exception to Section 4-4.302(a)(8) of the Municipal Code (Subdivision Regulations to allow construction of a 25-foot part-width street in Lincoln Manor No. 1 Subdivision. (By Resolution No. 73-46, adopted on April 3, 1973, the Planning Commission recommended that an exception to Section 4-4.302(a)(8) of the Municipal Code be granted to allow Dixon Way to be constructed in Lincoln Manor #1 Subdivision as a 25-ft. part-width street. This short street extension is on the periphery of the subdivision and the subdivider has been unable to acquire sufficient right-of-way from the adjacent owner to construct a 40-ft. part-width street as required by the Subdivision Regulations. Resolution approving Dixon Way as a 25-foot part-width street within Lincoln Manor No. 1 Subdivision (4/5 vote of Council required)

ACTION: Res. 73-297 adopted approving Dixon Way as a 25-foot part-width street within Lincoln Manor No. 1. (Clerk to handle)

MISCELLANEOUS

26. Legislation.

ACTION: By motion (Smith/Dunlap, unan.) AB 64 supported. (C/Mgr to handle)

27. Appointments.

ACTION: Res. 73-298 adopted (Dixon/Dunlap, unan.) reappointing Dr. Walker Halliday as a member of D.I.D. Advisory Board for a term ending March 28, 1977.

Res. 73-299 adopted (Dixon/Dunlap, unan.) appointing Ted Cook as a member of D.I.D. Advisory Board for a term ending March 28, 1977. (Clerk to handle)

28. Matters too late for the agenda.

ACTION: Res. 73-300 adopted (Simon/Dixon, unan.) expressing thankfulness and joy for the safe return of American P.O.W.'s (C/Atty to handle)

It was agreed that Councilman Simon would act as liaison with a group of citizens interested in organizing a celebration for the P.O.W.'s.

By motion (Dixon/Smith, unan.) City Manager authorized to begin planning for an event to recognize the naming of Modesto as an All-American City. (C/Mgr to handle)

Adjournment at 11:05 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 16, 1973 AT 4:00 P.M.

Roll Call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies

Absent: None

Councilman Newton arrived at 4:05 P.M.

Councilman Simon arrived at 4:15 P.M.

Pledge of allegiance to the Flag.

Invocation: Father Thomas Foster, St. Paul's Episcopal Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 9, XX, 12, 13, 14,
Item 11 removed from consent 15, 16, 17, 19, 20, 21, 22
Elliott/Dunlap, unan. - Newton and
Simon, absent

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

PRESENTATION

1. Presentation of State Compensation refund check by Bob Boyd.

ACTION: Mr. Boyd presented Mayor Davies with a refund check in the amount of \$33,276.92.

APPROVAL OF MINUTES

CONSENT

2. Minutes of April 5th special meeting and April 9, 1973 regular meeting.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

3. Request of Modesto Band of Stanislaus County for \$350 to be budgeted for appearance at 1973 Cal-Expo and for \$1,800 to be budgeted for 1973 summer concerts.
(Motion referring to proper budget session needed)

ACTION: By motion, request referred to proper budget session.
(Finance to handle)

HEARINGS

4. Hearings on requirement for sidewalks at the following 4:05 P.M.
locations: (73/02-07)
(Letter of objection from six families living on Miller Avenue with agenda)

(a) Sidewalk at 1732 Miller Ave., a portion of Block 2125-A.
(Southern Calvary Baptist Church)

(b) Sidewalk along Miller Avenue at 1503 Miller Ave., the south 55 feet of Lot 7 of Block 2097. (Richard H. Beach)

- (c) Sidewalk along Miller Ave. at 1315 La Loma, Block 2086-A.
(La Loma Grace Brethren)
- (d) Sidewalk at 2024 Miller Ave., Lot 7 of Block 2224. (Glenn A. Cain)
(Drop from agenda - doing own work)
- (e) Sidewalk along Miller Ave. at 201 Severin Ave., Lot 6 of
Block 2127. (John P. Collins)
- (f) Sidewalk along Miller Ave. at 202 Camellia Way, Lot 7 of
Block 2127. (Merrill B. Farrand)
- (g) Sidewalk at 1827 Miller Ave., Lot 3 of Block 2184.
(Joe Febela)
- (h) Sidewalk along Miller Ave. at 1802 Miller Ave., the north
59 feet of Lot 17 of Block 2155. (Harold L. Frey)
- (i) Sidewalk along Miller Ave. at 201 Ferguson Ave., Lot 6 of
Block 2132-A. (John A. Greer)
- (j) Sidewalk along Miller Ave. at 1605 Miller Ave., Lot 7
of Block 2132. (Clarence A. Hedger)
- (k) Sidewalk at 1831 Miller Ave., Lot 2 of Block 2184.
(Kenneth Hilliker)
- (l) Sidewalk at 2033 Miller Ave., the east 62 feet of Lot 20
of Block 2225. (Kenneth Hilliker)
- (m) Sidewalk along Miller Ave. at 1865 Maria Ct., Lot 1 of
Block 2155. (Theo Hoggatt)
- (n) Sidewalk at 1823 Miller Ave., Lot 4 of Block 2184. (Evanna Holden)
- (o) Sidewalk along Miller Ave. at 2102 Miller Ave., Lot 9 of
Block 2263. (James E. Howard)
(Drop from agenda - doing own work)
- (p) Sidewalk along Miller Ave. at 1702 Miller Ave., Lot 1 of
Block 2125-A. (Michael D. Deffley, formerly owned by
Marvin A. Kaminska)
- (q) Sidewalk along Miller Ave. at 204 No. Conejo Ave., a portion
of Block 2184. (Euell R. Lamb)
- (r) Sidewalk along Miller Ave. at 201 Camellia Way, Lot 6
of Block 2096. (Fred O. Lockhart)
- (s) Sidewalk along Miller Ave. at 201 Rosina Ave., Lot 6 of
Block 2132. (Antonio C. Lopez)
- (t) Sidewalk at 2029 Miller Ave., Lot 19 and the West 1 foot
of Lot 20 of Block 2225. (Robert R. Mota)
- (u) Sidewalk along Miller Ave. at 201 N. Conejo Ave., Lot 6
of Block 2157. (Albert E. Pester, III)
- (v) Sidewalk at 1819 Miller Ave., Lot 5 of Block 2184.
(Raymond B. Pike)
- (w) Sidewalk along Miller Ave. at 160 Camellia Way, Lot 1
of Block 2126. (Jesse Reinhart)

- (x) Sidewalk along Miller Ave. at 1750 Miller Ave., a portion of Block 2125-A. (Nadine D. Singer)
- (y) Sidewalk at 2025 Miller Ave., Lot 18 of Block 2225. (Alvin E. Skeen)
(Drop from agenda - doing own work)
- (z) Sidewalk at 2041 Miller Ave., Lot 22 of Block 2225. (Marion B. Smith)
- (aa) Sidewalk along Miller Ave. at 1705 Miller Ave., Lot 7 of Block 2132-A. (Rose R. Smith)
- (bb) Sidewalk along Miller Ave. at 1835 Miller Ave., Lot 1 of Block 2184. (John B. Sperin)
- (cc) Sidewalk along Miller Ave. at 1826 Miller Ave., Lot 8 of Block 2155. (Donald E. Spiva)
- (dd) Sidewalk along Miller Ave. at 203 Rowland Ave., Lots 15 and 16 of Block 2061. (Richard L. Suzuki)
- (ee) Sidewalk along Miller Ave. at 202 Ferguson Ave., Lot 7 of Block 2157. (Bill L. Tillman)
- (ff) Sidewalk along Miller Ave. at 1721 Yosemite Ave., a portion of Block 2125-A. (Harry B. Wilkinson)
- (gg) Sidewalk along Miller Ave. at 147 El Vista Ave., Lot 1 of Block 2263. (Herman C. Winters)

ACTION: Res. 73-301 adopted (Dixon/Dunlap, unan. - Simon, absent) ordering work done as listed. (P/W to handle)

5. Hearing on cost of installation of sidewalks at the following locations: 4:10 P.M.

- (a) Sidewalk along La Loma at 319 Las Palmas Ave., a portion of Block 2022. (Roger D. Jones - \$323.80)
(Payment over a seven-year period recommended)

ACTION: Res. 73-302 adopted (Smith/Newton, unan. - Simon, absent) confirming report, assessing costs and directing method of collection (over a seven-year period) (Finance to handle)

- (b) Sidewalk along W. Briggsmore Ave. at 1801 Aloha Way, Lot 8 of Block 6813. (Herman Mayberry - \$204.40)
(Payment over a four-year period recommended)

ACTION: Res. 73-303 adopted (Smith/Newton, unan. - Simon, absent) confirming report, assessing costs and directing method of collection (over a four-year period) (Finance to handle)

- (c) Sidewalk at 321 W. Briggsmore Ave., a portion of Block 6808. (Ludwig Erickson - \$135.00)
(Payment over a three-year period recommended)

ACTION: Res. 73-304 adopted (Smith/Newton, unan. - Simon, absent) confirming report, assessing costs and directing method of collection (over a three-year period) (Finance to handle)

6. Informal hearing on request of John H. Uhl to eliminate requirement for full sidewalk at 430 - 14th Street in connection with P-D zoning. 4:15 P.M.

ACTION: By motion (Dunlap/Dixon, unan.) informal hearing continued to 7:45 P.M. on April 23 due to the illness of Mr. Uhl. (Clerk to handle)

ACTION: After all present had been given an opportunity to speak, the hearing was closed.

By motion (Elliott/Newton, unan.) further consideration held over to April 23 to permit Public Projects Committee to meet with representatives of the construction industry to attempt to work out various problems.

8. Matters for the good of the community. 4:25 P.M.
(These may be presented by interested persons in the audience)

NONE

ORDINANCES

CONSENT

9. Final adoption of Ordinance No. 1267-C.S. - admission tax.
(Motion adopting needed)

ACTION: By motion, Ord. No. 1267-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

10. Letter from Downtown Improvement District requesting Council support for plan to improve alleys in downtown.

ACTION: By motion (Dixon/Newton, unan.) further consideration of this request delayed for one week to permit staff to report to Council. (C/Mgr to handle)

~~CONSENT~~

11. Introduction of ordinance amending Section 13-3-8 of zoning map (Allen Grant) and adoption of two resolutions approving development plans.
(From April 9th meeting)

ACTION: A motion (Smith/Newton) to require a standard residential fence between the 4-plex development and the P-D area failed as Dunlap, Elliott, Newton and Simon voted no.

By motion (Simon/Dunlap, maj. - Dixon, Smith and Davies, no) the pilaster and redwood board concept was approved.

Ord. No. 1268-C.S. introduced (Dunlap/Elliott, unan.) amending Sec. 13-3-8 of zoning map. (Clerk to handle)

Res. 73-305 adopted (Dunlap/Elliott, unan.) approving development plan, P-D(112).

Res. 73-306 adopted (Dunlap/Elliott, unan.) approving development plan. (Planning to handle) (P-D(113)).

CONSENT

12. Resolution approving plans and cost estimates, Del Webb Field shower, dressing and restroom facilities.
(Council recently approved by motion preliminary plans and cost estimates for new shower, dressing and restroom facilities at Del Webb Field; \$43,000 building and \$8,000 utilities. The agreement with the architect requires this approval be by resolution in order to pay the \$300 due for the preliminary plans. Resolution approving preliminary plans and cost estimates. Funds budgeted in Account 6400-31-321, Del Webb/Shower/Dressing room/Fence)

ACTION: Res. 73-307 adopted approving preliminary plans and cost estimates.
(P & R to handle)

CONSENT

13. A resolution authorizing compensation for required court appearances by members of the Modesto Police Reserve.
(Copies of proposed resolution with agenda. (Adoption of resolution needed))

ACTION: Res. 73-308 adopted authorizing compensation. (Police to handle)

CONSENT

14. Resolution expressing the City of Modesto's gratitude to various governmental agencies for their assistance in winning the "All America City" award.
(Copies of resolution with agenda. (Resolution needed))

ACTION: Res. 73-309 adopted expressing gratitude. (C/Mgr to handle)

CONSENT

15. Requirement for construction of sidewalks at the locations listed below. (73/08-10)
(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting May 7, 1973 at 4:15 P.M. for hearings needed)

(a) Sidewalk along Encina Ave. at 432 Camellia Way, Lot 18 of Block 2129. (Anthony Barse)

(b) Sidewalk along Encina Ave. at 1200 Encina Ave., Lot 18 of Block 2058 (Eldon W. Bauman)

(c) Sidewalk along Encina Ave. at 1322 Encina Ave., Lot 1 of Block 2059 (Nano Benjamin)

(d) Sidewalk along Encina Ave. at 504 Wilson Ave., the east 108.37 of Lot 1 of Block 2171. (William Bertie)

(e) Sidewalk along Encina Ave. at 417 N. Santa Ana Ave., a portion of Block 2028. (Annie Brannan)

(f) Sidewalk at 1211 Encina Ave., Lot 29 of Block 2169. (Arthur H. Gingrich)

(g) Sidewalk at 1223 Encina Ave., Lot 27 of Block 2169. (Daniel W. Hill)

(h) Sidewalk along Encina Ave. at 1203 Encina Ave., Lot 30 of Block 2169. (Harold D. Millerman)

(i) Sidewalk along Encina Ave. at 1550 Encina Ave., Lot 1 of Block 2129 (Jerold J. Pitts)

(j) Sidewalk along Encina Ave. at 818 Encina Ave., a portion of Block 2026 (Cleveland J. Stockton)

(k) Sidewalk at 1101 Encina Ave., Lot 12 of Block 2171.
(C. E. Williams)

ACTION: Res. 73-310 adopted setting hearing. (P/W to handle)

CONSENT

16. Consider agreement with Tidewater Southern Railway Company for the construction and maintenance of Morris Ave. across the right of way of the railroad.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-311 adopted approving agreement. (Clerk to handle)

CONSENT

17. Approve final map of Lincoln Manor No. 1 Subdivision of the City of Modesto and authorize an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Lincoln Manor No. 1 Subdivision is located on the south side of East Orangeburg Ave. and east of Lakewood Ave. It contains 10.739 acres. A copy of environmental assessment showing no impact statement required previously submitted to the Council with tentative map. Resolution approving final map needed and authorizing execution of agreement by City)

ACTION: Res. 73-312 adopted approving final map. (Clerk to handle)

18. Consider adoption of resolutions in connection with Improvement District No. 22, (Street and alley improvements in FACE area) as outlined below:

(Councilman Newton disqualified himself from consideration of this item due to a conflict of interest)

(a) Resolution of preliminary determination that public convenience and necessity require construction of public improvements to be paid for by special assessments without compliance with the provisions of special assessment investigation, limitation and Majority Protest Act of 1931; describing the proposed improvements and the District proposed to be assessed to pay therefor, and setting a time and place of hearing thereon (M22-1)

ACTION: Res. 1257-S.P. adopted (Simon/Elliott, unan. - Newton, absent) determining that public convenience requires construction, etc. (Clerk to handle)

(b) Resolution directing preparation of plans and specifications for work and improvements, together with estimate of costs and expenses thereof. (M22-2)

ACTION: Res. 1258-S.P. adopted (Simon/Elliott, unan. - Newton, absent) directing preparation of plans, etc. (P/W to handle)

(c) Resolution adopting and approving contract documents and specifications, map, plans and profiles, and estimate of costs and expenses of improvements. (M22-3)

ACTION: Res. 1259-S.P. adopted (Simon/Elliott, unan. - Newton, absent) adopting and approving contract documents, etc. (Clerk to handle)

(d) Resolution of intention relative to construction of sanitary sewers in Improvement District No. 22. (M22-4)

ACTION: Res. of Int. 342 (1260-S.P.) adopted (Simon/Elliott, unan. - Newton, absent) setting hearing for May 29 at 8:00 P.M. (Clerk to handle)

(e) Resolution fixing compensation for attorneys employed for improvement proceedings. (M22-6)

ACTION: Res. 1261-S.P. adopted (Simon/Elliott, unan. - Newton, absent) fixing compensation for attorneys. (C/Atty to handle)

(f) Resolution designating the Modesto Bee as the newspaper in which the City Clerk of said City is Ordered to Publish any Notice, Resolution, Order or other matter relating to Improvement District No. 22. (M22-5)

ACTION: Res. 1262-S.P. adopted (Simon/Elliott, unan. - Newton, absent) designating Modesto Bee as official newspaper for legal advertising. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

19. Appropriation transfer of \$1,800 from General Reserve to Account 217-9-101.

(Additional funds are needed for Xerox rent and supplies for the rest of the 1972-73 fiscal year. Increased usage during the year has made expenditures run higher than originally anticipated. Resolution approving appropriation transfer needed. Estimated cost \$1,800)

ACTION: Res. 73-313 adopted approving appropriation transfer of \$1,800 from Account 60-101 to Account 217-9-101. (Finance to handle)

CONSENT

20. Request for appropriation transfer of \$3,500 for repair of damage to vehicles and equipment in equipment pool.

(Funds in this account have now been expended and transfer is needed for balance of fiscal year. Resolution authorizing transfer needed)

ACTION: Res. 73-314 adopted approving appropriation transfer of \$3,500 from Account 60-48-512 to Account 334-48-512. (Finance to handle)

CONSENT

21. Request to purchase items not budgeted, as listed below:

(Memo with agenda. Twelve resolutions approving appropriation transfers from General Fund (101) needed. Estimated cost \$5,724 to be taken from savings. Funds budgeted in various accounts)

(a) From Account 120-32-101, Salaries & Wages, Part-time, to Account 5401-39-101, for piano, Senior Citizens Center)- \$1,000.

ACTION: Res. 73-315 adopted approving above appropriation transfer. (Finance to handle)

(b) From Account 120-33-101, Salaries & Wages, Part-time, to Account 5402-36-101, Radio for High Ranger, \$817.00.

ACTION: Res. 73-316 adopted approving above appropriation transfer. (Finance to handle)

(c) From Accounts 310-35-101, Gardening^{ing} supplies; 120--35-101, Salaries and Wages, Part-time; and 235-33-101, Services, Prof. & Other, to 5401-36-101, for purchase and installation of three steel utility boxes, \$1,014.

ACTION: Res. 73-317 adopted approving above appropriation transfer. (Finance to handle)

(d) From Account 310-35-101, Gardening Supplies, to Account 224-35-101, Maintenance & Repair, Buildings & Grounds, for reroofing of utility building, umpires' room and restroom at Del Webb Field, \$630.00, and reroofing of restroom building at Mellis Park, \$500.

ACTION: Res. 73-318 adopted approving above appropriation transfer. (Finance to handle)

(e) From Account 120-35-101, Salaries & Wages, Part-time, to Account 5402-35-101, Utility Boxes (3), for purchase of three steel utility boxes to be installed on Leadmen's pickups, \$1,014.

ACTION: Res. 73-319 adopted approving above appropriation transfer. (Finance to handle)

(f) From Account 235-33-101, Services, Prof. & Other, to Account 5402-33-101, Wrestling Mats (4), for purchase of four 4' x 6' wrestling and tumbling, \$315.

ACTION: Res. 73-320 adopted approving above appropriation transfer. (Finance to handle)

CONSENT

21. Appropriation transfers (continued)

- (g) From Account 235-33-101, Services, Prof. & Other, to Account 5401-33-101, Television, for purchase of new black and white 19" television set, \$220.

ACTION: Res. 73-321 adopted approving above appropriation transfer.
(Finance to handle)

- (h) From Account 120-32-101, Salaries & Wages, Part-time, to Account 5402-32-101, Public Address System for various recreation programs through the year, \$240.

ACTION: Res. 73-322 adopted approving above appropriation transfer.
(Finance to handle)

- (i) From Account 120-32-101, Salaries & Wages, Part-time, to Account 5401-32-101, Ping Pong Table for Sherwood Park, \$175.00.

ACTION: Res. 73-323 adopted approving above appropriation transfer.
(Finance to handle)

- (j) From Account 120-30-101, Salaries & Wages, Part-Time, to Account 5402-30-101, Card Tables (6) needed for various purposes, \$100.

ACTION: Res. 73-324 adopted approving above appropriation transfer.
(Finance to handle)

- (k) From Account 120-30-101, Salaries & Wages, Part-time, to Account 5401-30-101, Announcement Board, King-Kennedy Memorial Center. \$96

ACTION: Res. 73-325 adopted approving above appropriation transfer.
(Finance to handle)

- (l) From Account 210-29-101, Utilities, to Account 5401-29-101, Room Air Conditioner for Museum, \$420.

ACTION: Res. 73-326 adopted approving above appropriation transfer.
(Finance to handle)

CONSENT

22. Consider approval of request for appropriation transfer in the amount of \$182, to provide funds for the accelerated purchase now of proposed purchase of drawers for table and a file cabinet during 1973-74 budget year.
(Memo with agenda. Resolution approving appropriation transfer needed)

ACTION: Res. 73-327 adopted approving appropriation transfer of \$182 from Account 110-42-101 to Account 5501-42-101 (\$84) and Account 5502-42-101 (\$98). (Finance to handle)

MISCELLANEOUS

23. Legislation.

ACTION: By motion (Simon/Dixon, unan.) action on AB 3 held over for one week to permit further study.

24. Appointments.

ACTION: Res. 73-328 adopted (Simon/Dixon, unan.) reappointing Robert Moon as a member of the D.I.D. Advisory Board for a term ending March 28, 1977. (Clerk to handle)

25. Matters too late for the agenda.

ACTION: Councilman Simon expressed the thought that conditions imposed in connection with P-D zones should be enforced more.

Res. 73-329 adopted (Dixon/Smith, unan.) authorizing application for Federal Grant for sewage treatment works. (P/W to handle)

Res. 73-330 adopted (Newton/Dixon, unan.) expressing appreciation of City for their assistance in Modesto's All-America City award to the following: American G. I. Forum of the U.S.; King-Kennedy Memorial Center Board of Directors; Black Caucus; Stanislaus Indian Club; West Side Neighborhood Council; Work Incentive Program, Department of Human Resources Development and Department of Housing and Urban Development. (C/Mgr to handle)

Adjournment at 6:45 P.M.

ATTEST:



W. T. CHYNOWETH, City Clerk

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 23, 1973 AT 7:30 P.M.

Roll call Present: Dixon, Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies

Absent: None

Councilman Newton arrived at 7:35 P.M.

Councilman Dixon arrived at 7:45 P.M.

Pledge of allegiance to the Flag

Invocation: Reverend Lawrence Jaffa, Unity Church of Modesto

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 10, 14,
Smith/Dunlap, unan. - Dixon and 15, 16, 17, 18, 19, 20, 21, 22,
Newton, absent 23, 24, 25

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of April 16, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Stanislaus County Historical Society for permission to use City of Modesto's portable reviewing stand on April 29, 1973 at the LaGrange Gold Rush Park Inaugural Days in LaGrange.
(Motion granting request needed)

ACTION: By motion, request granted. (P & R to handle)

CONSENT

3. Application of Eleven-41, Inc. dba Modesto Ambulance Co., for license to operate ambulances and a limited ambulance in the City of Modesto.
(Motion referring to staff for investigation and report and resolution fixing May 7, 1973 at 4:20 P.M. for hearing needed.)

ACTION: By motion, referred to staff for investigation and report.
(C/Mgr to handle)

Res. 73-331 adopted setting hearing. (Clerk to handle)

CONSENT

4. Consider award of contract for ^{BIDS} installation of water lines in Arlington Manor and Kingswood Estates #2 subdivisions.
(Bids were opened at 10:00 A.M. on April 17, 1973. The low bid submitted by Joe Martin, 19% under the Engineer's Estimate, is considered acceptable. It is recommended that contract be awarded to him. Resolution needed. Estimated cost \$10,819.75. Funds budgeted in Account 6804-50-101, Water Line Extension, and 5301-50-101, New Services.)

ACTION: Res. 73-332 adopted awarding contract to Joe Martin. (P/W to handle)

CONSENT

5. Consider acceptance of Shield Construction Company's contract for construction of wet well at 1000 Oaks Lift Station. (Original contract \$7,250. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and to file notice of completion. Resolution accepting work and resolution approving appropriation transfer of \$1,000 from Account 6600-212. Final cost \$7,250. Balance of funds budgeted in Account 6573-212, Improve Thousand Oaks Pump Plant)

ACTION: Res. 73-333 adopted accepting contract. (Clerk to handle)
Res. 73-334 adopted approving appropriation transfer of \$1,000 from Account 6600-212 to Account 6573-212. (Finance to handle)

HEARINGS

6. Continued hearing on appeal by The Happy Steak, Inc. 7:35 P.M.
from BZA requirement that rotation of sign at 1809 and 2001 McHenry be stopped.

ACTION: Res. 73-335 adopted (Simon/Dunlap, unan. - Dixon, absent) denying appeal. (P/W to handle)

7. Hearing on appeal by W. M. Soelling to Planning Commission 7:40 P.M.
denial of request for rezoning of property at southwest corner of Old Oakdale and Briggsmore.

ACTION: The appellant requested a continuance of this hearing.

By motion (Simon/Newton, unan.) hearing continued to May 14 at 7:35 P.M. (Clerk to handle)

8. Continued hearing on request of John H. Uhl to eliminate 7:45 P.M.
requirement for full sidewalk at 430 14th Street in connection with P-D zoning.

ACTION: Res. 73-336 adopted (Elliott/Newton, unan.) amending Res. 71-913 to delete requirement for full concrete sidewalk on the 14th Street frontage. (Clerk to handle)

9. Matters for the good of the community. 7:50 P.M.

ACTION: Council members-elect Kullijian and Mensinger were introduced.

Mayor Davies then commended Councilman Dixon and Smith for their contributions to the Community. The two Councilmen then responded.

By motion (Dixon/Smith, unan.) the request of Campus Crusade for Christ for the closure of 12th Street during certain hours on May 6-13, inclusive, was granted subject to conditions recommended by staff. (Police to handle)

ORDINANCES

CONSENT

10. Final adoption of Ordinance No. 1268-C.S. (Amendment to Section 13-3-8 - Allen Grant, Inc. (Motion adopting needed)

ACTION: By motion, Ord. No. 1268-C.S. adopted. (Clerk to handle)

11. Further consideration of proposed noise ordinance.

ACTION: Ord. 1269-C.S. introduced (Dunlap/Smith, unan. - Dixon, absent) establishing noise regulations.
(It was noted by the Mayor that Councilman Smith had been a leader in getting this ordinance introduced and that it was unfortunate that the ordinance could not have been in effect before he left the Council)

UNFINISHED BUSINESS

12. Further consideration of Downtown Improvement District request for council support for alley improvement plan.

ACTION: By motion (Dixon/Simon, unan.) request granted. (P/W to handle)

13. Street tree root problems (referred to staff at March 19, 1973 meeting).
(Report with agenda. Motion directing staff needed)

ACTION: By motion (Newton/Elliott, unan.) staff directed to report to Council on cost figures. (P/W to handle)

CONSENT

14. Consider agreement between the City of Modesto and the United States Coast Guard Auxiliary, District XII, Division X, Flotilla II, for use of former Lincoln School site for boat inspections on Saturday, May 12, 1973.
(This matter was considered by the Council at its meeting on April 9, 1973 at which time a motion indicating approval and referring the matter to the City Attorney for preparation of an agreement was made. Resolution approving agreement needed)

ACTION: Res. 73-337 adopted approving agreement. (Clerk to handle)

NEW BUSINESS

CONSENT

15. Adoption of resolution commending Police Reserves.

ACTION: Res. 73-338 adopted commending Modesto Police Reserves.
(Personnel to handle)

CONSENT

16. Memo from Tuolumne River Regional Park Committee Chairman.
(Letter from Tuolumne River Regional Park Committee Chairman VanderWall recommending purchase of surplus State property. Memo with agenda. City staff recommends authorizing purchase. Resolution authorizing purchase needed. Estimated cost \$5,000 plus \$500 escrow. Funds budgeted in Account 6329, Tuolumne Land Acquisition)

ACTION: Res. 73-339 adopted stating that funds are available for this purchase and that the cost of the property is reasonable, and authorizing the purchase. (P & R to handle)

CONSENT

17. Consider request for sewer service to four properties outside the City.
(The property owners have agreed to annex when requested to do so by the City. (1) 1512 Lorry Avenue, Dewey L. Stine and Meredith C. Stine.

ACTION: Res. 73-340 adopted approving agreement.

(2) 3456 McHenry Avenue, Russell M. Edson and Anna E. Edson.

ACTION: Res. 73-341 adopted approving agreement.

(3) 2052 Lance Street, Lauren Evey and Carrie Evey.

ACTION: Res. 73-342 adopted approving agreement.

(4) 1204 Trombetta Ave., Leslie T and Geraldine E. Vick.
(Four resolutions approving agreements needed)

ACTION: Res. 73-343 adopted approving agreement. (P/W to handle)

CONSENT

18. Disposal of city-owned dwelling, Block 110.
(Memo with agenda. Resolution approving agreement with Mr. Ray Potter needed)

ACTION: Res. 73-344 adopted approving agreement. (C/Mgr to handle)

CONSENT

19. Resolution approving final map of Granada Park No. 4 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Granada Park No. 4 Subdivision is located on the west side of Capistrano Ave. north of Haddon Ave. It contains 16.20 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 73-345 adopted approving final map. (Clerk to handle)

REPORTS

CONSENT

20. Report by City Attorney regarding City's responsibility to property owners adjacent to city streets.
(Memo with agenda. Further report on possible closing of median strip on Briggsmore Ave. at McHenry Village to be made at a later date. This report should be considered at that time. Motion accepting report needed)

ACTION: By motion, report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

21. Recommendation by Planning Commission that City Council urge the Board of Supervisors to rezone County A-1 zoning to R-1 zoning within the City's current sanitary sewer service area, and A-2-10 zoning outside the current sanitary sewer service area but within the City's ultimate sanitary sewer service area.
(Planning Commission Resolution No. 73-49 with agenda. Motion authorizing Mayor to send letter to Board of Supervisors needed)

ACTION: By motion, Mayor authorized to send letter to Board of Supervisors urging rezoning of County A-1 areas. (C/Mgr to handle)

APPROPRIATION TRANSFERS

CONSENT

22. Request for appropriation transfer, \$1,068.
(It is recommended that the following items be accelerated for purchase now:
(1) Drafting Machines - 2. (2) Walkie-Talkie Type radio.
(3) Radio microphone; and (4) Auxiliary Drawer Units - 3.
(Memo with agenda. Resolution authorizing transfer needed.
Estimated cost \$1,068.)

ACTION: Res. 73-346 adopted approving appropriations transfer of \$1,068 from Account 218-41-101 to Accounts 5504 (\$420), 5405 (\$300), 5505 (\$63) and 5506 (\$285) - Department 41, Fund 101. (Finance to handle)

CONSENT

23. Approval of appropriation transfer for advance purchase of miscellaneous items.
(Memo with agenda. Resolution approving appropriation transfer of \$2,487 from Account 216-15-101, Rent of Equipment)

ACTION: Res. 73-347 adopted approving appropriation transfer of \$2,487 from Account 216-15-101 to Accounts 5501 (\$219), 5502 (\$70), 5503 (\$512), 5504 (\$340), 5505 (\$280), 5506 (\$380) and 5507 (\$686) - Department 15, Fund 101. (Finance to handle)

CONSENT

24. Request for appropriation transfer.
(Adjustment in the DID fund to cover increases in salary for Executive Director and Secretary - increase to director of \$52 per month 2/1/73; also beginning of 1972-73 budget cost of living increase not added to wage account. Resolution approving transfer of \$1,600 from the general reserve of the DID Fund needed)

ACTION: Res. 73-348 adopted approving appropriation transfer of \$1,600 from Account 60-218 to Account 235-218. (Finance to handle)

CONSENT

25. Request for appropriation transfer.
(During the preparation of the Public Works Department's 1973-74 budgets, a number of items were identified as being needed now. These were discussed at the City Manager's review, and it was concluded it would be best to transfer funds and accelerate their purchase. Resolution authorizing transfer of \$3,196 from Account 5409-50-101 needed)

ACTION: Res. 73-349 adopted approving appropriation transfer of \$3,196 from Account 5409-50-101 to Accounts 308-51 (\$360), 5402-19 (\$88), 5401-19 (\$190), 5401-54 (\$510), 5405-43 (\$845), 5408-50 (\$95), 5407-50 (\$523), 5406-50 (\$184) and 5405-50 (\$401) - Fund 101. (Finance to handle)

MISCELLANEOUS

26. Legislation:

(a) Further consideration of AB-3.

ACTION: By motion (Smith/Dixon, unan.) AB-3 opposed.

(b) Other legislative matters.

ACTION: By motion (Simon/Dixon, unan.) SB 261 and SB 262 supported.
By motion (Smith/Elliott, unan.) AB 818 and AB 819 opposed.
By motion (Dunlap/Elliott, unan.) SB 404 opposed.
By motion (Newton/Dixon, unan.) AB 352 supported in the event the Federal Program is discontinued.
By motion (Simon/Dunlap, unan.) AB 291 opposed.
Staff was directed to obtain a copy of AB 847.
(C/Mgr to handle)

27. Appointments.

ACTION: Res. 73-350 adopted (Simon/Dunlap, unan.) appointing Sherman Boone as a member of the Farm-City Advisory Committee to replace John Kidd for a term ending May 1, 1977. (Clerk to handle)

Res. 73-351 adopted (Dixon/Dunlap, unan.) appointing Councilman Simon as a member of SAAG.

Res. 73-352 adopted (Dixon/Dunlap, unan.) appointing Councilman Simon as an interim member of the Executive Committee of SAAG.
(Clerk to handle)

28. Matters too late for the agenda.

ACTION: By motion (Dixon/Elliott, unan.) City Manager authorized to appoint negotiating team for meet and confer sessions with the three employee organizations. The Manager then appointed the Deputy City Manager, City Attorney and Personnel Officer.

The City Attorney announced that David Fitzsimons would start work as Assistant City Attorney on May 14.

Members of the Council commended retiring Councilmen Dixon and Smith.

29. Executive session to discuss appointments.

ACTION: This was not held.

Adjournment at 9:15 P.M. to April 24, 1973 at 4:00 P.M. for the purpose of confirming the canvass of votes and declaring the results of the Modesto Municipal Election held April 17, 1973.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

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4/23/73

Adjourned Regular Meeting
Modesto City Council
April 24, 1973

The Council of the City of Modesto met at 4:00 P.M. on April 24, 1973 pursuant to adjournment.

Present: Dixon, Dunlap, Newton, Smith, Mayor Davies

Absent: Elliott, Simon
(Smith/Dixon, unan.)

Res. 73-353 adopted/confirming canvass of votes cast at the Modesto Municipal Election held April 17, 1973, and declaring the results of said election.

The City Clerk then administered the oath of office to the following:

Council member:	Harry T. Kullijian
Council member:	Mrs. Peggy Mensinger
Council member:	Phillip E. Newton
Member, Board of Education:	Mrs. Evelyn Burris

There being no further business to come before the Council, the meeting was adjourned at 4:10 P.M.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

Special Meeting
Modesto City Council
May 4, 1973

The Council of the City of Modesto met in a Special Meeting called pursuant to Section 2-1.02 of the Modesto Municipal Code and there were:

Present: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, Mayor Davies
Absent: Councilmember: None

Also present were: City Manager Keefe, Deputy City Manager Ray and Personnel Officer Neyens.

The meeting was called to order at 1:30 P.M. by Mayor Davies.

The Council immediately retired to executive session to discuss labor relations and appointments and did not return to open meeting.

The meeting was adjourned at 3:15 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 7, 1973 AT 4:00 P.M.

Roll call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies
Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8,
Item 32 removed from consent 9, 10, 16, 18, 20, 21, 22, 24,
Elliott/Dunlap, unan. 25, 26, 27, 28, 29, 30, 31, 32,
33, 34, 35, 36, 37, 38, 39, 40,
41, 42, 43

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of April 23, 24, and 30, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATION

CONSENT

2. Request of Beard Land Improvement Co. for annexation to Sewer District of property between East Modesto Road and McClure Road extended south.
(Motion referring to staff for study and report needed)

ACTION: By motion, request referred to staff for study and report.
(P/W to handle)

CONSENT

3. Request of Downtown Improvement District for permission to hold sidewalk sale May 10, 11 and 12, 1973.
(Resolution granting permission needed)

ACTION: Res. 73-354 adopted granting request. (Clerk to handle)

CONSENT

4. Request of Fourth of July Committee for \$1,000 for 1973 celebration.
(Motion referring to proper budget session needed)

ACTION: By motion, request referred to proper budget session.
(Finance to handle)

BIDS

CONSENT

5. Consider approval of specifications and authorize call for bids to be opened May 22, 1973 at 2:00 P.M. for furnishing annual requirements of rock, sand and gravel.
(Resolution needed. Estimated cost \$19,100; funds budgeted in Account 438-512, Revolving Funds, not shown in budget)

ACTION: Res. 73-355 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

6. Consider approval of specifications and authorize call for bids to be opened May 22, 1973 at 2:10 P.M. for furnishing annual requirements of ready-mixed concrete.
(Resolution needed. Estimated cost \$8,050; funds budgeted in Account 321-51-101, Construction Material, and other accounts)

ACTION: Res. 73-356 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened May 22, 1973 at 2:20 P.M. for furnishing annual requirements of liquid chlorine.
(Product is used for treating sewage. We have incorporated the needs of the cities of Turlock and Oakdale in our specifications. Resolution needed. Estimated cost \$103,000 - Modesto portion. Funds budgeted in Account 312-53-101, Chemicals, drugs, and Lab supplies)

ACTION: Res. 73-357 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened May 22, 1973 at 2:30 P.M. for furnishing annual requirements of liquid and emulsified asphalts.
(Resolution needed. Estimated cost \$20,000. Funds budgeted in Account 321-51-101, Construction Materials)

ACTION: Res. 73-358 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for construction of curbs and gutters at Beard Brook Park.
(Suggested bid opening date May 22, 1973 at 10:10 A.M. This project has been scheduled to replace the existing curbing with standard curb and gutter. This project is exempt from an environmental assessment since it is a maintenance project. Resolution needed. Estimated cost \$9,500 (\$9,000 Const., \$500 Eng.). Funds budgeted in Account 6242-31-321, Beard Brook Park)

ACTION: Res. 73-359 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for construction of tennis courts in Davis Park.
(Bid opening May 22, 1973 at 10:00 A.M. This project has been planned as part of the Davis Park Development. Notice of determination concerning environmental impact with agenda. Resolution needed. Estimated cost \$73,000 (\$70,000, const. \$3,000 Eng.) Funds budgeted in Account 6315-31-321, Davis Park Devel., Stages 3, 4, and 5)

ACTION: Res. 73-360 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

11. Hearing, annexation of Old Oakdale No. 2 Addition to Sewer District No. 1. 4:05 P.M.

ACTION: Res. 73-361 adopted (Dunlap/Elliott, unan.) annexing Old Oakdale No. 2 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

12. Hearing on appeal by Lafayette Electronics from Board of Zoning Adjustment decision denying retention of projecting sign at northeast corner of McHenry & Corson. 4:10 P.M.

ACTION: Res. 73-362 adopted (Simon/Dunlap, unan.) denying appeal and affirming decision of Board of Zoning Adjustment. (Clerk to handle)

13. Hearings on requirement for construction of sidewalks at the following locations (Project 73/08-10). 4:15 P.M.

(a) Sidewalk along Encina Avenue at 432 Camellia Way, Lot 18 of Block 2129. (Anthony Barse)

(b) Sidewalk along Encina Ave. at 1200 Encina Ave., Lot 18 of Block 2058. (Eldon W. Bauman)

(c) Sidewalk along Encina Ave. at 1322 Encina Ave., Lot 1 of Block 2059. (Nano Benjamin)

(d) Sidewalk along Encina Ave. at 504 Wilson Ave., the east 108.37 feet of Lot 1 of Block 2171. (William Bertie)

(e) Sidewalk along Encina Ave. at 417 N. Santa Ana Ave., a portion of Block 2028. (Annie Brannan)

(f) Sidewalk at 1211 Encina Ave., Lot 29 of Block 2169. (Arthur H. Gingrich)

(g) Sidewalk at 1223 Encina Ave., Lot 27 of Block 2169. (Daniel W. Hill)
(Drop from agenda - doing own work)

(h) Sidewalk along Encina Ave. at 1203 Encina Ave., Lot 30 of Block 2169. (Harold D. Millerman)

(i) Sidewalk along Encina Ave. at 1550 Encina Ave., Lot 1 of Block 2129. (Jerold J. Pitts)

(j) Sidewalk along Encina Ave. at 818 Encina Ave., a portion of Block 2026. (Cleveland J. Stockton)

13. Hearing, sidewalk requirements (continued)

4:15 P.M.

(k) Sidewalk at 1101 Encina Ave., Lot 12 of Block
2171. (C. E. Williams)
(Drop from agenda - doing own work).

ACTION: Res. 73-363 adopted (Dunlap/Simon, unan.) ordering work
except for item (i). (P/W to handle)

By motion (Dunlap/Simon, unan.) hearing on item (i) continued
to May 14 at 7:30 P.M. (Clerk to handle)

Staff directed to report to Council on drainage in area and on
height of fence near Mr. Pitts' swimming pool. (P/W to handle)

14. Hearing on application of Eleven-41, Inc. for licenses to operate ambulances and limited ambulance in the City of Modesto. 4:20 P.M.

ACTION: Res. 73-364 adopted (Simon/Dunlap, unan.) granting license
to Eleven-41, Inc. to operate ambulances in City of Modesto.

Res. 73-365 adopted (Simon/Dunlap, unan.) granting license
to Eleven-41, Inc. to operate a limited ambulance in City
of Modesto. (Clerk to handle)

15. Matters for the good of the community. 4:25 P.M.
(These may be presented by interested persons in the audience)

ACTION: Res. 73-366 adopted (Elliott/Dunlap, unan.) approving agree-
ment with Modesto Affiliated Church Housing Corporation for
development of City Park adjacent to Ralston Towers.
(Clerk to handle)

ORDINANCES

CONSENT

16. Final adoption of Ord. No. 1269-C.S. (Noise)
(Motion adopting needed)

ACTION: By motion, Ord. No. 1269-C.S. adopted. (Clerk to handle)

17. Consider amending Section 11-1.04, 11-1.05, 11-1.07 and 11-1.10
of Chapter 1, Water Rates and Regulations, of Title XI,
Public Utilities.
(Memo with agenda. Introduction of ordinance needed)

ACTION: By motion (Simon/Newton, unan.) consideration continued for
one week. (Clerk to handle)

CONSENT

18. Removal of parking meters on 12th Street.
(Thirteen parking meters on the west side of 12th Street between K and L Streets are producing less than \$20 per year each. It is recommended that they be removed. Ordinance amending parking meter zoning map and deleting meters needed. Estimated cost \$15 for removal. Funds budgeted in Account 110-57-209, Salaries and Wages, Regular - Parking Fund)

ACTION: Ord. No. 1270-C.S. introduced amending parking meter zoning map. (Clerk to handle)

UNFINISHED BUSINESS

19. Further consideration of County request for 11th and G Streets parking lot - proposed agreement with County.
(Letter from County Chief Administrative Officer and draft of proposed agreement with agenda. Motion directing staff needed)

ACTION: By motion (Elliott/Simon, unan.) staff authorized to prepare agreement. (C/Atty to handle)

CONSENT

20. Cancellation of agreement for operating the Sears Parking Lot on 11th Street and reduction in petty cash for operating the validated lots.
(The City stopped operating the Sears Lot on March 31. The petty cash for making change at the Sears lot and for making full rolls of loose coins are no longer needed. Resolution terminating agreement dated August 28, 1972 with Sears and resolution rescinding Resolution 72-1071 and reducing the petty cash fund from \$70 to \$20 needed)

ACTION: Res. 73-367 adopted terminating agreement with Sears.

Res. 73-368 adopted reducing Parking & Traffic petty cash fund to \$20 and rescinding Resolution No. 72-1071. (Finance to handle)

NEW BUSINESS

CONSENT

21. Consider revising reconnection fee for sewer connections that have been disconnected due to nonpayment of service charge.
(Section 5-6.15 of the Municipal Code (Sewage Collection and Disposal Ordinance) provides for a reasonable charge for reconnection of sewer services disconnected because of non-payment of service charges. It also provides that this reconnection fee shall be established from time to time by resolution adopted by the City Council. The current charge being made is \$40. Due to increased costs of labor, equipment and materials, it is recommended that this charge be increased to \$50.00. Council action needed: Resolution establishing reconnection charge of \$50 for sewers that have been disconnected for nonpayment of service charges)

ACTION: Res. 73-369 adopted establishing charge of \$50 for reconnection of sewers that have been disconnected due to nonpayment of charges. (Finance to handle)

CONSENT

22. Consider amendment to annual transportation claim approved by City Council March 19, 1973.
(Memo with agenda. Resolution approving amendment to annual transportation claim and authorizing its submission to SAAG needed)

ACTION: Res. 73-370 adopted approving amendment to Annual Transportation Claim. (P/W to handle)

23. Presentation of (a) 1973-74 preliminary budget; (b) Six-year Capital Improvement Program, 1973-74 through 1978-79.
(Copies have been distributed to the Council. The Council must set a date for a formal public hearing (June 11 at 7:35 P.M. is recommended) and establish a schedule for review of the budget and capital improvement program. Last year the Council met every Tuesday and Thursday from 5 to 6:30 p.m. until the review was completed. Resolution setting public hearing and establishing procedure for review of the budget and capital improvement program needed)

ACTION: Res. 73-371 adopted (Simon/Dunlap, unan.) setting June 11 at 7:35 P.M. for hearing. (Clerk to handle)
By motion, budget review set for Tuesdays and Thursdays from 4:00 P.M. to 5:30 P.M. beginning May 22. (Clerk to handle)

CONSENT

24. Letter from Modesto Junior Women's Club.
(The Modesto Junior Women's Club request an extension of their agreement with the City of Modesto to November 1973 for construction of "Safety Twon" in the Tuolumne River Regional Park. Staff recommends extension of agreement to November 30, 1973. Resolution approving amendment to agreement needed)

ACTION: Res. 73-372 adopted approving amendment to agreement.
(Clerk to handle)

CONSENT

25. Consider approval of agreement to provide sewer and water service to subdivision outside City.
(Developers, CORM, INC., a California corporation. The Developers of Springcreek No. 1, a 38 lot subdivision in the County on the north side of Scenic Drive west of Claus Road, have signed an agreement for sewer and water service which basically requires that the development be to city standards and that deed restrictions be recorded which require annexation to the City when requested to do so. Resolution approving agreement needed)

ACTION: Res. 73-373 adopted approving agreement. (P/W to handle)

CONSENT

26. Design hearing for Needham Street and Kansas Avenue connection.
(In conjunction with the application for TOPICS funds for the Needham-Kansas connection project, it is necessary that a public hearing be held to reaffirm the right of way alignment and the need to acquire specific properties for the project. There are established procedures for advertisement and posting prior to the public hearing. Resolution setting June 11, 1973 at 8:00 P.M. for hearing needed.)

ACTION: Res. 73-374 adopted setting hearing. (Clerk to handle)

CONSENT

27. Consider authorizing an application to the Public Utilities Commission for authority to construct the Morris Ave. crossing of Tidewater Southern Railway.
(The reconstruction of the Virginia-Morris intersection includes the relocation of the railroad crossing. Council has approved an agreement with the railroad, but approval of the Public Utilities Commission is necessary. Resolution approving application needed)

ACTION: Res. 73-375 adopted approving application to PUC. (P/W to handle)

CONSENT

28. Consider approval of Request for Aid - Federal-Aid Airport Program.
(Memo with agenda. Resolution approving request and submission to FAA needed)

ACTION: Res. 73-376 adopted approving Request for Aid and authorizing submission to FAA. (P/W to handle)

CONSENT

29. Consider requests for sewer service to four properties outside the City.
(The property owners have signed agreements to annex when requested to do so by the City. Property No. 1 is contiguous to the City; the other properties are not contiguous, but a sewer main exists to serve them.)
(1) 1901 Crows Landing Road - Robert C. and Melba W. Williams.

ACTION: Res. 73-377 adopted approving agreement. (P/W to handle)

- (2) 1506 Lorry Ave. - Marguerite N. Van Alfen.

ACTION: Res. 73-378 adopted approving agreement. (P/W to handle)

- (3) 801 Lombardo - Lupe and Manuela Hernandez.

ACTION: Res. 73-379 adopted approving agreement. (P/W to handle)

- (4) 804 Lombardo - Lupe G. and Manuela R. Hernandez.
(Four resolutions approving agreements needed)

ACTION: Res. 73-380 adopted approving agreement. (P/W to handle)

CONSENT

30. Consider approval of Local Agency - State Agreement for Federal Aid Urban System projects.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-381 adopted approving agreement. (P/W to handle)

CONSENT

31. Approval of agreement with Donald W. Lloyd, Jr. for right of way acquisition services.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-382 adopted approving agreement. (Clerk to handle)

~~CONSENT~~

32. Consider agreements with State and Hahn Co. re \$1,000,000 donation for Highway 99 construction.
(It is possible that these agreements will be signed and the \$1,000,000 received by Council time. If not, the matter can be removed from the agenda. The agreements basically provide for Hahn Co. to give the City the \$1,000,000. The City holds the money and gives it to the State if the State agrees to build the freeway. If the State doesn't agree to build the freeway, the money is returned to Hahn with the interest it earned. Two resolutions approving the agreements needed)

ACTION: Res. 73-383 adopted (Elliott/Simon, maj.. - Mensinger, no - Dunlap, absent) approving agreement with Ernest W. Hahn, Inc.
Res. 73-384 adopted (Elliott/Simon, maj.. - Mensinger, no - Dunlap, absent) approving agreement with State of California.
(Clerk to handle)
(Councilman Dunlap excused himself from consideration of this item due to a possible conflict of interest.)

CONSENT

33. Resolution approving final map of Flintridge Estates No. 1 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
The subdivision agreement has been signed and all fees paid. Flintridge Estates No. 1 Subdivision is located on the south side of East Orangeburg Ave. East of Sonoma Ave. It contains 11.595 acres. Resolution approving final map and agreement needed)

ACTION: Res. 73-385 adopted approving final map. (Clerk to handle)

REPORTS

CONSENT

34. Quarterly report of Greater Modesto Chamber of Commerce.
(Motion accepting needed)

ACTION: By motion, report accepted.

CONSENT

35. Report that the proposed Highway 108 corridor study is being dropped.
(Memo with agenda. It is recommended that staff be allowed to pursue this matter further so that traffic on McHenry Ave. (Highway 108) can eventually be reduced. Motion authorizing staff to pursue a study-plan with other interested agencies needed)

ACTION: By motion, staff authorized to pursue study plan with other agencies. (P & T to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

36. Recommend amendment to Chapter 2 of Title X of the Modesto Municipal Code (zoning regulations relating to the one-year time limitations for reapplication for zone boundary changes and unclassified use permits)
(By Resolution 73-51 adopted May 1, 1973 the Planning Commission recommends amendment to Chapter 2 of Title X of the Municipal Code relating to the one-year time limitations for reapplication for zone boundary changes and unclassified use permits. Resolution setting May 21, 1973 at 4:06 P.M. for public hearing needed)

ACTION: Res. 73-386 adopted setting hearing. (Clerk to handle)

CONSENT

37. Uninhabited annexation to the City of Modesto - Claremont No. 4 Addition.
(The LAF Commission has authorized this annexation without notice or public hearing - April 20, 1973.
(Resolution approving annexation needed)

ACTION: Res. 73-387 adopted annexing Claremont No. 4 Addition to City of Modesto. (Clerk to handle)

CONSENT

38. Set date for public hearing for annexation to the City of uninhabited territory. (Beckwith No. 1 Addition)
(Approved by LAFC on May 2, 1973. Resolution setting June 18, 1973 at 4:30 P.M. for public hearing needed)

ACTION: Res. 73-388 adopted setting hearing. (Clerk to handle)

CONSENT

39. Set date for public hearing for annexation to the City of uninhabited territory (Beckwith No. 2 Addition).
(Approved by LAFC on May 2, 1973. Resolution setting June 18, 1973 at 4:30 P.M. for public hearing needed)

ACTION: Res. 73-389 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

40. Consider approval of appropriation transfer in the amount of \$5,000 from General Reserve, Airport Fund, to Account 6489-230, ILS Grading.
(Memo with agenda. Resolution approving needed)

ACTION: Res. 73-390 adopted approving appropriation transfer of \$5,000 from Account 60-46-230 to Account 6489-46-230.
(Finance to handle)

CONSENT

41. Appropriation transfer.
(Provision for utilities at Head Rest Center which have exceeded original estimate. Resolution approving appropriation transfer of \$810 from Account 60-222 needed)

ACTION: Res. 73-391 adopted approving appropriation transfer of \$810 from Account 60-222 to Account 210-11-222. (Finance to handle)

CONSENT

42. Request for appropriation transfer (Police Department)
(Memo with agenda. Resolution approving appropriation transfer of \$13,592 from Account 110-22-101 needed)

ACTION: Res. 73-392 adopted approving appropriation transfer of \$13,592 from Account 110-22-101 to Accounts 5400 (\$8,414); 308 (\$1,385); 5500 (\$2,413); 5200 (\$782); 223 (\$285) and 204 (\$313), Dept. 22, Fund 101. (Finance to handle)

CONSENT

43. Request for appropriation transfer of \$23,000.
(To provide for the City's engineering, legal and inspection costs on Improvement District #21. The initial transfer of \$8,000 for preliminary engineering has now been expended. Request for transfer from Sewer Service General Reserve to Account 6594-212, Improvement District #21 for \$23,000. Memo with agenda. Resolution authorizing transfer needed. Estimated cost \$23,000)

ACTION: Res. 73-393 adopted approving appropriation transfer of \$23,000 from Account 60-212 to Account 6594-212. (Finance to handle)

MISCELLANEOUS

44. Legislation.

ACTION: By motion (Dunlap/Newton, unan.) AB 973 supported.
By motion (Elliott/Dunlap, unan.) AB 512 opposed.
By motion (Elliott/Newton, unan.) SB 47 opposed.
By motion (Mensingers/Dunlap, unan.) SB 125 opposed.
By motion (Dunlap/Elliott, unan.) AB 1112 opposed.
By motion (Simon/Mensingers, unan.) SB 204 supported.
(C/Mgr to handle)

45. Appointments.

ACTION: Res. 73-394 adopted (Simon/Elliott, unan.) approving the following Council Committee appointments:

Comprehensive Health Planning Council of Stanislaus County	Mensingers Kullijian, Alt.
Economic Development Action Committee	Simon
City-County Police Services Study Committee	Davies Simon
Stanislaus County Highway Advisory Committee	Newton Simon, Alt.
Department Heads Salary Review Committee	Elliott Mensingers

45. Appointments, (continued)

City-County Committee	Elliott Newton
Tuolumne River Regional Park Plan Committee	Dunlap Newton
Public Projects Committee	Dunlap, (Chmn) Elliott Kullijian
Chamber of Commerce Board of Directors Liaison	Simon
Council-Supervisors Liaison Committee (Modesto & County only)	Davies Kullijian
Executive Committee of the Central Valley Division of the League of Calif. Cities	Newton Elliott, Alt.
Stanislaus Area Association of Governments	Simon Mensinger Dunlap, Alt. Kullijian, Alt.
Sister City Committee Liaison	Dunlap Mensinger, Alt.
Governor's Council on Aging Liaison	Kullijian Newton
California Council of Criminal Justice	Mensinger
Local Agency Formation Commission	Simon

Res. 73-395 adopted (Simon/Elliott, unan.) appointing Councilman Dunlap as a temporary member of the Mayor's Selection Committee. (Clerk to handle)

46. Matters too late for the agenda.


ACTION: Res. 73-396 adopted (Newton/Simon, unan.) approving Mayor's charge to Public Projects Committee to take as the first order of business a study of all facets of urban growth. (It was suggested that the City Manager look into the possibility of having a County Supervisor (preferably Mr. Vander Wall) sit in on the Committee meetings).

Councilman Newton commented that the FACE program was not doing the job it was intended to do. He then excused himself from further consideration of this matter due to a conflict of interest. It was then agreed that the City Manager would arrange a tour of the FACE area for the Council.

The Council retired to executive session at 5:30 P.M. to discuss appointments and returned to open meeting at 5:58 P.M. No action was taken.

Adjournment at 5:58 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

Special Meeting
Modesto City Council
May 9, 1973

The council of the City of Modesto met in a Special Meeting called pursuant to Section 2-1.02 of the Modesto Municipal Code and there were:

Present: Councilmembers: Elliott, Kullijian, Newton, Simon

Absent: Councilmembers: Dunlap, Mensinger, Mayor Davies

Also present were: City Manager Keefe, City Attorney Johnson and City Clerk Chynoweth.

In the absence of the Mayor, the meeting was called to order by the City Clerk who called for nominations for the office of Mayor Pro Tem to serve until such time as Mayor Davies is back in the City or a Vice Mayor has been elected.

Res. 73-397 adopted (Newton/Elliott, unan. - Dunlap, Mensinger and Mayor Davies, absent) electing Councilman Raymond C. Simon as Mayor Pro Tem until such time as Mayor Davies is back in the City or a Vice Mayor has been elected.

The meeting was adjourned at 12:20 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 14, 1973 AT 7:30 P.M.

Roll Call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies
Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Cornelius De Groot, St. Joseph's Catholic Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 1, 2, 3, 6, 7, 8, 9, 10, 11, 16,
Items 19 and 24 removed from consent 18, ~~KY~~, 20, 21, 22, 23, ~~24~~, 25,
Elliott/Newton, unan. 26, 28, 29,

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of May 4, 7 and 9, 1973. (Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Appeal by Golden West Savings to denial by Board of Zoning Adjustment of request for conditional use permit for free-standing sign at 2509 McHenry.
(Resolution setting June 4, 1973 at 4:00 P.M. for hearing needed)

ACTION: Res. 73-398 adopted setting hearing. (Clerk to handle)

CONSENT

3. Request for permission to use exposed aggregate for a public sidewalk at site of Continental Leasing, 1500 McHenry.
(Resolution setting May 29, 1973 at 7:30 P.M. for informal hearing needed)

ACTION: Res. 73-399 adopted setting hearing. (Clerk to handle)

4. Request of Bill Hughes Dodge for permission to block 8th Street between Eye Street and exit of City Parking Lot on May 18 and 19, 1973.
(Staff has no objections. Motion referring to Police to handle per Code needed. Insurance recommended)

ACTION: By motion (Elliott/Newton, unan.) request referred to Police to handle. (Police to handle)

5. Request of Community Environmental Council that a person knowledgeable in environmental matters be appointed to fill vacancy on Planning Commission.

ACTION: Wm. Warner, Chairman of the Community Environmental Council, urged the Council to appoint a person who has a broad interest in the environment and not one who has self-interests. Mayor Davies explained that the Council had agreed on an appointment and the prospective member had agreed to serve.

BIDS

CONSENT

6. Consider approval of specifications and authorize call for bids for automotive equipment (one garden refuse truck) to be opened June 5, 1973 at 2:00 P.M.
(Memo from Director of Public Works with agenda. Resolution approving plans and specification needed. Estimated cost: \$12,071; funds budgeted in Account No. 5430-48-512, Service Division Working Capital Fund, P. 138)

ACTION: Res. 73-400 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

7. Consent to substitution of subcontractor for the glazing on the Service Yard Expansion Project.
(Memo with agenda. Resolution consenting to substitution of subcontractor needed)

ACTION: Res. 73-401 adopted approving substitution of Acme Glass Co. for National Auto Glass Co. as glazing subcontractor on Service Yard Expansion project. (P/W to handle)

CONSENT

8. Approve plans and specifications and call for bids for the construction of a Cul-de-sac at the north end of Timothy Avenue. Environmental Assessment (Negative Declaration) filed with County Clerk April 13, 1973. (Bid opening: May 29, 1973 at 10:15 A.M. The project is the completion of Timothy Avenue as a Cul-de-sac Street to serve Fire Station No. 5. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$10,415 (Contract \$9,057, Engr. \$1,358); funds budgeted in Account No. 6130-41-321, Fire Station No. 5 Construction Addition)

ACTION: Res. 73-402 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for construction of Arbor at Marshall Park.
(Suggested Bid Opening date is May 29, 1973 at 10:10 A.M. This project is scheduled as part of the Marshall Park General Plan. Resolution approving plans and specifications needed. Estimated cost: \$12,500 (\$12,000 Contract \$500 Engr.); funds budgeted in Account No. 6274-31-321, Marshall Park Stage 2)

ACTION: Res. 73-403 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

10. Consider approval of Plans and Specifications and call for bids for construction of stage at Senior Citizens Center.
(Suggested Bid Opening date is May 29, 1973 at 10:20 A.M. This project will provide an enlarged stage area for the Senior Citizens Center. Resolution approving plans and specifications needed. Estimated cost: \$7,500; funds budgeted in Account No. 6244-31-321, Senior Citizens Stage)

ACTION: Res. 73-404 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for installation of waterlines in Dale Road, Northridge No. 1, Smoke Tree No. 1 and Applegate No. 4 Subdivisions.

(Suggested Bid Opening date: May 29, 1973 at 10:00 A.M.)

Costs & Revenues	Dale Road	Northridge #1	Smoke Tree #1	Applegate
Total Cost	\$17,709.23	\$11,682.26	\$28,109.34	\$10,147.53
Conn. Charges	- 0 -	9,625.00	11,250.00	5,875.00
Net Revenue	- 0 -	1,232.00	1,440.00	752.00

Resolution approving plans and specifications needed. Estimated cost: \$67,648.36 (\$36,591.86 Matl. \$31,056.50 Labor); funds budged in Account No. 68-4-50-101, Waterlines Extension, 5301-50-101, New Services)

ACTION: Res. 73-405 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

12. Continued hearing on requirement for sidewalk construction at 1550 Encina, Lot 1 of Block 2129. (Jerold J. Pitts) 7:30 P.M.

ACTION: By motion (Dunlap/Elliott, unan.) hearing continued to May 29 at 7:40 P.M. to enable members of the Council to make an on-site investigation of the area involved. (C/Mgr to handle)

13. Continued hearing on appeal by W. M. Soelling to Planning Commission denial of request for rezoning of property at southwest corner of Old Oakdale and Briggsmore. 7:35 P.M.

ACTION: By motion (Simon/Dunlap, unan.) hearing continued to May 21, 1973 at 4:10 P.M. at the request of Dr. Soelling. (Clerk to handle)

14. Matters for the good of the community. (These may be presented by interested persons in the audience) 7:40 P.M.

ACTION: The City Attorney introduced David Fitzsimons, the newly employed Assistant City Attorney.

- ACTION: Res. 1263-S.P. adopted (Elliott/Dunlap, unan.) determining that public convenience and necessity require work without compliance with 1931 Act.
 Res. 1264-S.P. adopted (Elliott/Dunlap, unan.) overruling protests and ordering work.
 Res. 1265-S.P. adopted (Elliott/Dunlap, unan.) calling for bids. (Clerk to handle)

ORDINANCES

CONSENT

16. Final adoption of Ord. No. 1270-C.S. (Parking meter zone map) (Motion adopting needed)

ACTION: By motion, Ord. No. 1270-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

17. Further consideration of amendment to Section 11-1.04, 11-1.05, 11-1.07 and 11-1.10 of Chapter 1, Water Rates and Regulations, of Title XI, Public Utilities. (From May 7 meeting. Introduction of Ordinance needed)

ACTION: Ord. No. 1271-C.S. introduced (Simon/Elliott, unan.) amending Section 11-1.04, 11-1.05, 11-1.07 and 11-1.10 of Chapter 1, Title XI (Water Rates and Regulations). (Clerk to handle)

NEW BUSINESS

CONSENT

18. Authorize a new savings account for the City's Deferred Compensation Plan. (The balance on deposit with Fresno Guarantee Savings and Loan Assn. has reached a maximum amount protected by insurance. The Deferred Compensation Committee has recommended that a new account be established at First Federal Savings and Loan Assn. of Fresno, Modesto branch. Resolution authorizing new savings account needed)

ACTION: Res. 73-406 adopted authorizing new savings account at First Federal Savings and Loan Assn. of Fresno, Modesto Branch. (Finance to handle)

CONSENT

19. Consider notice to terminate lease agreement with Elvin Brush, doing business as Modesto Flying Service at Modesto City-County Airport. (Memo with agenda. Resolution authorizing City Manager to give 15 days' notice of termination and terminating lease agreement in the event of failure of LESSEE to comply with the terms of the lease agreement by the end of the 15-day period needed)

ACTION: Res. 73-407 adopted (Kullijian/Elliott, unan.) authorizing City Manager to give 15-day notice of termination and terminating lease at end of 15-day period if Lessee has not complied and further authorizing City Manager to give 15-day notice of termination in the future in the event the present default is cured and Mr. Brush again defaults. (C/Mgr to handle)

CONSENT

20. Report of Superintendent of Streets on the cost of installation of curbs and gutters and/or sidewalk at the locations listed below: (Resolution setting 7:35 P.M., May 29, 1973 for hearings needed. Funds budgeted in Account No. 5302-51-101, Curbs and gutters, special)
- (a) Sidewalk along Miller Ave. at 2102 Miller Ave., Lot 9 of Block 2263. (James E. Howard - \$241.00)
 - (b) Sidewalk at 209 Oakshire Ave., Lot 11 of Block 2261. (Gilbert L. McBroom - \$187.00)
 - (c) Sidewalk at 2015 Miller Ave., Lot 15 of Block 2225. (Sarah R. Ulyak - \$273.00)

ACTION: Res. 73-407-A adopted setting hearings. (P/W to handle)

21. Requirement for construction of sidewalks at the locations listed below: (Project No. 73/10-09)
(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting 4:05 P.M., June 4, 1973 for hearings needed)

- (a) Sidewalk along Sherwood Avenue at 1535 Sherwood Ave., Lot 10 of Block 6128. (Roy A. Amundson)
- (b) Sidewalk along Sycamore Avenue and Griswold Ave. at 819 Sycamore Ave., a portion of Block 711. (Frank Buffa)
- (c) Sidewalk at 710 Sycamore Ave., Block 709. (Darlene Fugitt)
- (d) Sidewalk along Sherwood Ave. at 1525 Sherwood Ave., Block 6127. (Alfredo K. Graza)
- (e) Sidewalk at 711 Sycamore Ave., Block 711. (Jack E. Goodwin)
- (f) Sidewalk at 807 Sycamore Ave., Block 711. (Jack E. McCoy)
- (g) Sidewalk at 715 Sycamore Ave., Block 711. (Elaine K. McIlree)
- (h) Sidewalk at 808 Sycamore Ave., Block 709. (Sybol J. Munson)
- (i) Sidewalk along Sherwood Ave. and W. Orangeburg Ave. at 421 W. Orangeburg Ave., Lot 10 of Block 6063. (Mary Olarrea)
- (j) Sidewalk along Sycamore Ave. at 820 Sycamore Ave., a portion of Block 709. (Mary R. Palmer)
- (k) Sidewalk at 815 Sycamore Ave., a portion of Block 711. (Josephine Ruffino)
- (l) Sidewalk at 431 Virginia Ave., Lot 1 & 2 of Block 453. (Valerio Rodoni)
- (m) Sidewalk at 714 Sycamore Ave., a portion of Block 709. (Lee Schrecongost)
- (n) Sidewalk at 801 Sycamore Ave., Block 711. (Robert L. Sharyon)
- (o) Sidewalk at 804 Sycamore Ave., a portion of Block 709. (Michael H. Smith)
- (p) Sidewalk along Sherwood Ave. at 1545 Sherwood Ave., Lot 9 of Block 6128. (Richard T. Tosaw)
- (q) Sidewalk at 712 Sycamore Ave., Block 709. (Jessie V. Trueblood)
- (r) Sidewalk at 720 Sycamore Ave., Block 709. (Walter A. Williams, Jr.)
- (s) Sidewalk at 802 Virginia Ave., Block 717. (David H. Wilson)
- (t) Sidewalk at 439-41 W. Orangeburg Ave., Block 6063. (Mary Elizabeth Balles)
- (u) Sidewalk at 513-15 W. Orangeburg Ave., Block 6063. (Philip M. Fearnside)
- (v) Sidewalk at 501-03 W. Orangeburg Ave., Block 6063. (Tracy E. Fearnside)
- (w) Sidewalk at 507-09 W. Orangeburg Ave., Block 6063. (Wendy A. Fearnside)

21. Requirement for construction of sidewalks, (continued)

- (x) Sidewalk along W. Orangeburg Ave. at 1340 Sycamore Ave., Lot 1-4 of Block 6056. (Laura M. Matthews)
- (y) Sidewalk at 427-33 W. Orangeburg Ave., Lot 11 and 12 of Block 6063. (Roswell D. Roberts)
- (z) Sidewalk at 445-47 W. Orangeburg Ave., Lot 14 of Block 6063. (Joe Serra)
- (aa) Sidewalk along W. Roseburg Ave. at 606 W. Roseburg Ave., a portion of Block 738. (L. K. Auernheimer)
- (bb) Sidewalk at 712 W. Roseburg Ave., a portion of Block 739. (Thomas H. Berry)
- (cc) Sidewalk at 230 W. Roseburg Ave., a portion of Block 744. (John S. Bosia)
- (dd) Sidewalk at 226 W. Roseburg Ave., a portion of Block 744. (Elmer Breault, Jr.)
- (ee) Sidewalk along W. Roseburg Ave. at 1205 Enslin Ave., Lot 13 of Block 6006. (Della C. Brewer)
- (ff) Sidewalk along W. Roseburg Ave. at 709 W. Roseburg Ave., Lot 8 of Block 6006. (Raymond E. Cover)
- (gg) Sidewalk at 302 W. Roseburg Ave., a portion of Block 743. (Herbert J. Dobrovolny)
- (hh) Sidewalk at 624 W. Roseburg Ave., a portion of Block 738. (Harold L. Erwin)
- (ii) Sidewalk at 120-26 W. Roseburg Ave., a portion of Block 744. (Galas Brothers, Inc.)
- (jj) Sidewalk at 206 W. Roseburg Ave., a portion of Block 744. (Stanley Galas)
- (kk) Sidewalk along W. Roseburg Ave. at 1139 McHenry Ave., a portion of Block 744. (Robert E. Hill)
- (ll) Sidewalk at 614 W. Roseburg Ave., a portion of Block 738. (Robert L. Hirsch)
- (mm) Sidewalk along W. Roseburg Ave. at 520 W. Roseburg Ave., a portion of Block 740. (Attie E. Howe)
- (nn) Sidewalk at 205-23 W. Roseburg Ave., Lots 12-22 of Block 6000. (Ralph D. Hutchinson)
- (oo) Sidewalk at 611 W. Roseburg Ave., Lot 11 of Block 6006. (Virgil L. Keck)
- (pp) Sidewalk at 613 W. Roseburg Ave., Lot 10 of Block 6006. (Ronald V. Mancini)
- (qq) Sidewalk at 704 W. Roseburg Ave., a portion of Block 739. (Harry F. McCloud)
- (rr) Sidewalk at 212 W. Roseburg Ave., a portion of Block 744. (Allan Miller)
- (ss) Sidewalk at 124 W. Roseburg Ave., a portion of Block 744. (Patria F. Mora)

21. Requirement for construction of sidewalks, (continued)

- (tt) Sidewalk at 607 W. Roseburg Ave., Block 6006. (Marjorie M. Sangestad)
- (uu) Sidewalk at 605 W. Roseburg Ave., Block 6006. (Melvin R. Sherman)
- (vv) Sidewalk along W. Roseburg Ave., at 519 W. Roseburg Ave., Lot 5 of Block 6005. (Manuel R. Soares)
- (ww) Sidewalk at 705 W. Roseburg Ave., Lot 9 of Block 6006. (Francis Stenson)
- (xx) Sidewalk along W. Roseburg Ave. at 516 W. Roseburg Ave., a portion of Block 740. (Barbara Anna Theis)
- (yy) Sidewalk along W. Roseburg Ave. at 1201 Brady Ave., Lot 4 of Block 6005. (Donald R. Weakly)
- (zz) Sidewalk along W. Roseburg Ave. at 433 W. Roseburg Ave., Lot 28 of Block 6003. (John P. Williams)

ACTION: Res. 73-408 adopted setting hearing. (P/W to handle)

CONSENT

22. Consider approval of agreement between City of Modesto and George L. and Darlene Reed, dba Avis Rent a Car System at City-County Airport. (The Avis Rent a Car System will maintain an office in the passenger terminal. Rental payable to the City will be \$49.50 monthly. Resolution approving agreement needed)

ACTION: Res. 73-409 adopted approving agreement. (Clerk to handle)

CONSENT

23. A resolution approving the final map of the Greenfield Village No. 4 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Greenfield Village No. 4 Subdivision is located at Kruger Drive, east of Rose Avenue. It contains 15.607 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 73-410 adopted approving final map. (Clerk to handle)

~~CONSENT~~

24. (a) Consider approval of agreement with Mr. Walter J. Van Heukelen for the operation of an air charter service at Modesto City-County Airport.
- (b) Consider granting permission to Gottschalk Flight Center to sublease office space to Mr. Van Heukelen at the airport. (Memo with agenda. Resolution approving agreement with Mr. Van Heukelen and granting permission to Gottschalk Flight Center to sublease office space to Mr. Van Heukelen for the operation of an air charter service at the airport needed)

ACTION: By motion (Simon/Newton, unan.) action held for one week to permit City Attorney to ascertain feelings of FAA on this type of procedure.

CONSENT

25. Consider City-County Cooperative Agreement, Airport Storm Drain.
(Memo attached. Resolution approving the agreement and authorizing the Manager and Clerk to sign needed)

ACTION: Res. 73-411 adopted approving agreement. (Clerk to handle)

CONSENT

26. Consider agreement and providing funds for Carpenter Road overpass of S.P. tracks.
(Memo with agenda. We will be estimating the P.U.C. and S.P. funds and transferring \$194,544 from the General Reserve. Resolution approving cooperative agreement with State and County and resolution appropriating \$404,544 and resolution providing for additional revenue needed)

ACTION: Res. 73-412 adopted approving agreement. (Clerk to handle)
Res. 73-413 adopted appropriating \$404,544 from Account 60-321 to Account 6735-41-321.
Res. 73-414 adopted providing for additional revenue in the estimated amount of \$210,000. (Finance to handle)

27. Suggestion by Councilman Kullijian that the City send copies of its newly enacted noise ordinance to Air Force installations in the area and to appropriate military officials in Washington.
(Motion authorizing copies of the ordinance with a cover letter signed by the Mayor to be sent as suggested needed)

ACTION: By motion (Kullijian/Dunlap, unan.) mailing to Air Force installations and to Environmental Protection Agency authorized.
(Clerk to handle)

REPORTS

CONSENT

28. Presentation of Financial Statement for April, 1973.
(Copies of the report with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

29. Appropriation transfer.
(Permission is requested to transfer funds within the Fire Department Budget to purchase some life saving and life support equipment now in lieu of waiting for the 1973-74 budget to provide for the replacement of these items. Resolution approving transfer of \$6,614 from Account 110-21-101 needed)

ACTION: Res. 73-415 adopted approving appropriation transfer of \$6,614 from Account 110-21-101 to Account 5401-(\$2,678); 5407 (\$1,460); 5405 (\$1,019); 5408 (\$586) and 5406 (\$871), Dept. 21, Fund 101.
(Finance to handle)

MISCELLANEOUS

30. Legislation.

ACTION: By motion (Elliott/Dunlap, unan.) AB 847 supported
By motion (Newton/Dunlap, unan.) SB 609 and AB 1103 opposed.
By motion (Newton/Elliott, unan.) action on SB 794 held for one week. (C/Mgr to handle)

31. Appointments.

(a) Election of a Vice-Mayor.

ACTION: Res. 73-416 adopted (Elliott/Dunlap, unan.) naming Councilman Simon as Vice Mayor. (Clerk to handle)

(b) Appointment of one Council representative to SAAG as a member of Stanislaus Area Transportation Policy Advisory Committee.

ACTION: Res. 73-417 adopted (Dunlap/Elliott, unan.) appointing Councilman Simon as a member of the Stanislaus Area Transportation Policy Advisory Committee. (Clerk to handle)

(c) Other appointments.

ACTION: Res. 73-418 adopted (Simon/Elliott, unan.) appointing Fleeta Raines as a member of the Planning Commission to replace John Sutton for a term ending January 1, 1977. (Clerk to handle)

32. Matters too late for the agenda.

ACTION: The City Manager reported that Willis Kleinenbroich has given the required 30-day notice of intention to turn over operation of the Modesto Motor Bus Co. as of June 11, 1973.

Councilman Newton inquired as to the responsibility for construction of sidewalks on Maze Blvd. at the Franklin School. He was informed that although Maze Blvd. was a State Highway this was up to the School District

33. Executive session to discuss meet and confer negotiations.

ACTION: The Council retired to executive session at 9:35 P.M. with the announcement that they would not return to open meeting.

Adjournment at 9:35 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

Special Meeting
Modesto City Council
May 17, 1973

The Council of the City of Modesto met in a Special Meeting called pursuant to Section 2-1.02 of the Modesto Municipal Code and there were:

Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies

Absent: None

The Council, staff members and others met in the Law Library of City Hall and were given an explanation of the FACE program by Al Kaufman, Chief Building Inspector. Following the presentation by Mr. Kaufman, the group was taken on a tour of the FACE project and was given the opportunity to view various homes that are being upgraded.

No action was taken.

The meeting was adjourned at the conclusion of the tour.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 21, 1973 AT 4:00 P.M.

Roll call Present: Dunlap, Kullijian, Mensinger, Newton, Simon,
Mayor Davies
Absent: Elliott
(Councilman Newton arrived at 4:03 P.M.)

Pledge of allegiance to the Flag
Invocation: Reverend Jim Burford, First Christian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 1, 2, 3, 4, 5, 6, 12, 13,
Simon/Dunlap, unan. - Elliott and 14, 15, 16, 17
Newton, absent

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of May 14, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

BIDS

CONSENT

2. Consider approval of specifications and authorize call for bids to be opened June 12, 1973 at 2:15 P.M. for annual needs of lamps for municipal lighting for one year ending June 30, 1974.
(This is a cooperative venture and includes the needs of Modesto City Schools, City of Modesto, Stanislaus County, Yosemite Jr. College District, Stanislaus Union School Dist., Ceres Unified School Dist., and Oakdale Joint Union High School Dist., representing \$81,000 list price value. Resolution needed. Estimated cost, \$7,000 - City of Modesto portion. Funds budgeted in Account 438-512, Revolving Fund, not shown in budget)

ACTION: Res. 73-419 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

3. Permission requested to prepare plans and call for bids for traffic signals at Tully and Mt. Vernon before start of new fiscal year.
(These traffic signals are scheduled for 1973-74 and may be needed for the new bus route. Calling for bids early will allow the new signals to be completed soon after the new bus route is started. Motion approving request needed. Estimated cost \$13,000. Funds are requested in the 1973-74 Capital Improvement Program budget, Account 6656-56-321)

ACTION: By motion, staff authorized to prepare plans and bid call.
(P & T to handle)

CONSENT

4. Accept as complete Sherwood Park wading pool contract.
(Original contract \$22,120. All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file a notice of completion. Resolution accepting work as complete needed. Actual cost, \$22,440. Funds budgeted in Account 321-6301-31, Sherwood Park Stage 3 & 4 and 324-6301-31, Sherwood Park Stage 2)

ACTION: Res. 73-420 adopted accepting contract. (Clerk to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for construction of tennis courts in Downey Park.
(Suggested bid opening date June 5, 1973 at 10:00 A.M. This project has been planned as part of the Downey Park development. Environmental assessment (negative declaration) was filed with the County Clerk on April 10, 1973. Resolution needed. Estimated cost \$73,000 (\$70,000 Const., \$3,000 Eng.) Funds budgeted in Account 6290-324, Downey Stage 1 and 6290-31-321, Downey Stage 1, 2, 3, 4,)

ACTION: Res. 73-421 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider acceptance of Taylor Construction Company's contract for construction of subtrunk sewer on Dale Road.
(Original contract \$23,597.20. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file notice of completion. Resolution accepting work needed. Final cost \$24,145.80. Funds budgeted in Account 6561-212, Extend Subtrunk Sewers)

ACTION: Res. 73-422 adopted accepting contract. (Clerk to handle)

HEARINGS

7. Hearing, annexation of Orangeburg-Lillian Addition to Modesto Sewer District No. 1. 4:05 P.M.

ACTION: Res. 73-423 adopted (Dunlap/Newton, unan. - Elliott, absent) annexing Orangeburg-Lillian Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

8. Hearing on amendment to Chapter 2 of Title X of Municipal Code relating to one-year time limitation for zoning reapplications. 4:06 P.M.

ACTION: Ord. No. 1272-C.S. introduced (Newton/Simon, unan. - Elliott, absent) amending Chapter 2 of Title X. (Clerk to handle)

9. Continued hearing on appeal by W. M. Soelling to denial 4:10 P.M.
by Planning Commission of request for rezoning of property
at southwest corner of Old Oakdale and Briggsmore.

ACTION: Res. 73-424 adopted (Dunlap/Davies, maj. - Newton and Simon,
no - Elliott, absent) denying appeal and upholding decision
of Planning Commission. (Clerk to handle)

10. Matters for the good of the community. 4:15 P.M.
(These may be presented by interested persons in the audience)

NONE

UNFINISHED BUSINESS

11. Further consideration of: (a) Agreement with Walter J. Van
Heukelen for operation of an air charter service;
(b) Request of Gottschalk Flight Center for permission to
sublease office space to Mr. Van Heukelen.

ACTION: A motion (Simon/Dunlap) to continue for two weeks to ascertain
whether or not Mr. Van Heukelen is able to rent hangar space
for his operation was withdrawn.
Two resolutions (Mensing) to approve the request and to grant
permission died for want of a second.
By motion (Dunlap/Simon, unan.) request for approval of agreement
and for permission to sublease office space denied, but Mr. Van
Heukelen granted permission to return with request in the event he
obtains hangar space. NEW BUSINESS

CONSENT

12. A resolution approving final map of Kingswood Estates No. 2
Subdivision of the City of Modesto and authorizing an agreement
with the subdividers as required by Section 4-4.604(c) of the
Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid.
Kingswood Estates No. 2 Subdivision is located east of Coffee
Road, south of Sylvan Avenue. It contains 11,526 acres.
Resolution approving final map and approving agreement needed)

ACTION: Res. 73-425 adopted approving final map. (Clerk to handle)

CONSENT

13. Consider acceptance of deed of easement granted to the City at no
cost by Beard Land Improvement Co. for an access road from the City-
County Airport under the Mitchell Road bridge to the ILS middle
marker site and runway alignment indicator light system (RAILS) to
be constructed this summer. (This road will allow Airport Maintenance
Personnel access to the middle marker site and RAILS. Resolution
accepting deed with appreciation needed)

ACTION: Res. 73-426 adopted accepting deed. (Clerk to handle)

CONSENT

14. Consider approval of revised right of way certificate for the improvement of Morris Ave. and Virginia Ave. at Modesto Irrigation District Lateral No. 4.
(In order for the State to proceed with the approval of this project it is necessary for the City to certify that it has acquired all the necessary right of way and to agree to hold the State of California harmless from any liability which may result in the event the right of way is not clear as certified. The right of way statement originally submitted was unsatisfactory to the Federal Highway Administration because the City did not have a formal agreement with the M.I.D. and the TWSRR. The City now has formal agreements with the District and the Railroad. Resolution approving revised right of way certificate needed)

ACTION: Res. 73-427 adopted approving revised right of way certificate.
(P/W to handle)

CONSENT

15. Consider request for sewer service to property outside the City.
(Property owners Mr. and Mrs. Clarence C. Roan, have signed an agreement to annex when requested to do so by the City. A sewer main exists to serve the property. Resolution approving agreement needed)

ACTION: Res. 73-428 adopted approving agreement. (P/W to handle)

CONSENT

16. Consider request for sewer service to a mobile home park outside the City.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-429 adopted approving agreement with Tuolumne Ten.
(P/W to handle)

CONSENT

17. Consider approval of agreement with E. & J. Gallo Winery for the purchase and removal of dried digested sludge.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-430 adopted approving agreement. (Clerk to handle)

REPORTS

18. Report on termination of contract for bus service.
(Report with agenda. It looks like a termination will occur on June 10, 1973 unless the Council wants to have the staff negotiate for a short extension. Motion directing staff on Council's preference on the options available needed)

ACTION: The Director of Parking & Traffic reported that Mr. Kleinenbroich was willing to continue the bus operation for up to 5 months under certain conditions, and that Storer Transportation Co. had indicated an interest in taking over the operation.
By motion (Mensing/Dunlap, unan.) action withheld for one week to permit staff to make further report. (P & T to handle)

MISCELLANEOUS

19. Legislation.

(a) Further consideration of SB 794. (From 5/14/73 meeting)

ACTION: By motion (Simon/Dunlap, unan.) SB 794 supported.

(b) Other legislative matters.

ACTION: By motion (Simon/Dunlap, unan.) AB 1243 opposed.
By motion (Simon/Newton, unan.) AB 571 opposed.
By motion (Simon/Mensing, unan.) ACA 67 opposed.
By motion (Davies/Mensing, unan.) SB 522 supported.
By motion (Mensing/Dunlap, unan.) AB 1056 supported.
(C/Mgr to handle)

20. Appointments.

ACTION: Res. 73-431 adopted (Dunlap/Kullijian, unan. - Elliott, absent) approving appointment of Mrs. Natalie Shastid as City representative on Modesto Art Selection Committee. (Clerk to handle)

21. Matters too late for the agenda.

ACTION: Councilman Newton requested other members of the Council to express their views on the FACE project. The members of the Council indicated that while the project was worthwhile and getting a needed job done, the homeowners should have more help and information from staff.

Adjournment at 7:00 P.M. to the King's Bench for the purpose of holding an executive session to discuss Meet and Confer.

Immediately prior to adjournment, a moment of silence was observed by all present and the meeting was adjourned in respect to the memory of Officer Leo Volk of the Police Department, who was fatally injured in a traffic accident while on patrol.

ATTEST:



W. T. CHYNOWETH, City Clerk

Modesto City Council
May 22, 1973

The Council of the City of Modesto met in special session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, as provided by Sec. 2-1.02 of the Modesto Municipal Code to consider the preliminary budget for fiscal year 1973-74.

Present: Councilmen: Dunlap, Kullijian, Mensinger, Simon

Absent: Councilmen: Elliott, Newton, Mayor Davies

Vice Mayor Simon presided.

It was agreed that the City Attorney would be excused from attending the budget sessions provided that he would be available if questions came up.

The following budgets were discussed:

CITY COUNCIL - 7 (P. 29)

CITY MANAGER - 8 (P. 31)

TYPING POOL AND RECORDS - 9 (P. 33)

CITY ATTORNEY - 13 (P. 35)

CITY CLERK & AUDITOR - 14 (P. 37)

(An increase in Account 420 from the present \$1,000 to \$5,000 was recommended due to a large increase in fees charged by the State Board of Equalization for processing annexations.)

FINANCE - 15 (P. 41)

(It was reported that due to a \$65 increase in dues to the Municipal Finance Officers' Association it would be necessary to increase Account 401 from \$165 to \$230.)

PERSONNEL - 17 (P. 43)

PLANNING - 18 (P. 47) *

POLICE - 22 (P. 59)

DISASTER & CIVIL DEFENSE - 26 (P. 61)

No objections were raised to the above budgets.

The meeting was adjourned at 5:00 P.M. to 4:00 P.M. on May 24, 1973.

* Account 110 (P. 45) (Supplemental Requests) was reduced to \$20,014.

ATTEST:


W. T. CHYNOWETH, City Clerk

Modesto City Council
May 24, 1973

The Council of the City of Modesto met in adjourned special session this date in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, to consider further the preliminary budget for fiscal year 1973-74.

Present: Councilmen: Dunlap, Kullijian, Mensinger, Mayor Davies

Absent: Councilmen: Elliott, Newton, Simon

By motion (Dunlap/Mensinger, unan.) the department budgets together with the supplemental requests which were considered at the May 22 meeting were given tentative approval.

The following budgets were reviewed:

PARKS & RECREATION - McHENRY MUSEUM OF ART AND HISTORY - 29 (P. 65)

PARKS & RECREATION - KING-KENNEDY MEMORIAL CENTER - 30 (P. 67)

PARKS & RECREATION - ADMINISTRATION - 31 (P. 69)

PARKS & RECREATION - RECREATION - 32 (P. 71)

PARKS & RECREATION - MADDUX YOUTH CENTER - 33 (P. 73)

PARKS & RECREATION - COMMUNITY SERVICE CENTER - 34 (P. 75)

PARKS & RECREATION - PARKS - 35 (P. 77)

PARKS & RECREATION - STREET TREES - 36 (P. 79)

PARKS & RECREATION - 9-HOLE GOLF COURSE - 37 (P. 81)

PARKS & RECREATION - DRYDEN PARK MUNICIPAL GOLF COURSE - 38 (P. 83)
(Account 120 was increased from \$1,885 to \$7,112)

PARKS & RECREATION - SENIOR CITIZENS CENTER - 39 (P. 85)

TUOLUMNE RIVER REGIONAL PARK - Fund 323 (P. 151)

(The Director of Finance presented a new budget page for this item. It was pointed out that this budget must also be approved by the Stanislaus County Board of Supervisors and the Council of the City of Ceres)

PUBLIC WORKS - ENGINEERING & ADMINISTRATION - 41 (P. 89)

CITY HALL - 19 (P. 49)

PUBLIC WORKS - BUILDING INSPECTION - 42 (P. 93)

PUBLIC WORKS - ELECTRICAL - 43 (P. 97)

PUBLIC WORKS - WATER - 50 (P. 99)

PUBLIC WORKS - STREETS - 51 (P. 103)

(An additional item "Equipment rental charges" -- \$780 was added to the supplemental requests listed on Page 101)

By motion (Dunlap/Kullijian, unan.) the above items were given tentative approval.

The meeting was adjourned at 5:30 P.M. to 4:00 P.M. on May 31, 1973.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 29, 1973 AT 7:30 P.M.

Roll call Present: Dunlap, Elliott, Kullijian, Mensinger, Simon,
Mayor Davies
Absent: Newton

Pledge of allegiance to the Flag.

Invocation by Reverend Harold Knowles, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 7, 8, 9, 10, 11,
Item 28 dropped from agenda 12, 13, 19, 23, 24, 25, 26, 27,
Simon/Dunlap, unan. - Newton, absent 28, 29, 30, 31, 32, 33, 33-A

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

PRESENTATION

1. Presentation of Distinguished Service Award to John Sutton for his contribution as a member of the Planning Commission.

ACTION: Mayor Davies presented the award to Mr. Sutton.

APPROVAL OF MINUTES

CONSENT

2. Minutes of May 17, 1973 and May 21 and 22, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

3. Request of Councilman Kullijian that Council adopt program to educate residents concerning wasting of water and the possible results.

ACTION: By motion (Kullijian/Mensinger, unan.) City staff and all citizens urged to be especially alert to wasting of water.

CONSENT

4. Request that hearing on appeal filed by Golden West Savings to denial by Board of Zoning Adjustment be continued from June 4, 1973 at 4:00 P.M.
(Motion declaring intention to continue hearing after giving anyone present on June 4 the opportunity to be heard needed)

ACTION: By motion, intention declared to continue hearing to June 18, 1973 at 4:00 P.M. (Clerk to handle)

CONSENT

5. Request of North San Joaquin Health Planning Association for \$2,500 to be included in 1973-74 budget.
(Motion referring to proper budget session needed)

ACTION: By motion, request referred to proper budget session. (Finance to handle)

6. Letter from Clifford C. Humphrey and others concerning Hahn Shopping Center.

ACTION: By motion (Mensing/elliott, unan.) letter referred to staff for investigation and report to Council in two weeks. (C/Mgr to handle)

CONSENT

7. Application of United Airlines to Public Utilities Commission for authority to increase Security Charge for intrastate passengers from \$.34 to \$.59 per passenger.
(Motion referring to staff needed)

ACTION: By motion, referred to staff. (P/W to handle)

BIDS

CONSENT

8. Call for bids for traffic signals and street lights at Tully and Mt. Vernon.
(Project cost estimated at \$13,000. Scheduled completion date is December 7, 1973. Resolution calling for bids to be received on July 3, 1973 at 2:00 P.M. needed. Funds budgeted in Account 6656-56-321, Traffic Signal Construction Tully-Mt. Vernon)

ACTION: Res. 73-432 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

9. Consider rejecting all bids received for construction of curb and gutter at Beard Brook Park and calling for new bids.
(Bid opening date June 12, 1973 at 10:10 A.M. The low bid received for this job was 18% over the Engineer's estimate. Another bid received would have been 2% over the Engineer's estimate if it had been properly executed, an error in preparation caused it to be the highest bid. It is believed that the City's best interest is served by calling for new bids. Resolution rejecting all bids and resolution approving new call for bids needed. Estimated cost \$9,500 (\$9,000 Const., \$500 Eng.). Funds budgeted in Account 6242-31-321, Beard Brook Park)

ACTION: Res. 73-433 adopted rejecting all bids.
Res. 73-434 adopted approving new date for receiving bids.
(Clerk to handle)

CONSENT

10. Consider award of contract for construction of Davis Park Tennis Courts.
(Bids were opened May 22, 1973. The low bid submitted by Lee White Paving Co., which is 8% over the Engineer's estimate, is considered acceptable. It is recommended that the contract be awarded to low bidder. Resolution needed. Estimated cost \$75,494. Funds budgeted in Account 6315-31-321, Davis Park Devel. 3, 4, 5)

ACTION: Res. 73-435 adopted awarding contract to Lee White Paving Co.
(P/W to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for installation of fire hydrants and water lines in Buena Vista, El Rio, and LaSombra Streets.
(Suggested bid opening date June 12, 1973 at 10:00 A.M. This project is for the installation of fire hydrants, as requested by Fire Department and budgeted in C.I.P. under Fire Hydrant Installations, Resolution needed. Estimated cost \$18,891.06 (\$10,561.25 Const., \$8,329.81, Matl.) Funds budgeted in Account 6125-41-321, Fire Hydrant Installation)

ACTION: Res. 73-436 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

12. Consider approval of plans and specifications and call for bids for construction and repair of curbs, gutters and sidewalks at various locations - No. 3.
(Suggested bid opening: June 19, 1973 at 10:00 A.M. This project is necessary to complete the construction of curbs, gutters and sidewalks ordered by the Council and requested by property owners and to repair unsatisfactory curb and gutter. Resolution approving plans and specifications and call for bids needed. Funds budgeted in Accounts 321-51, \$8,635, Construction Material; 5301-51, \$15,455, Curbs and Gutters; and 5302-51, \$5,830, Curbs and Gutters Special. Estimated cost \$29,920 (Contract \$27,200; Engr. \$2,720)

ACTION: Res. 73-437 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

13. Consider approval of plans and specifications and call for bids for installation of water lines in Carpenter Road from Maze to Elm.
(Suggested bid opening June 12, 1973 at 10:15 A.M. This project is scheduled as part of the water strengthening program. Resolution needed. Estimated cost \$9,690.22 (\$5,510.00 Const., \$4,180.22 Matl.) Funds budgeted in Account 6828-50-101, Strengthen Water System)

ACTION: Res. 73-438 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

14. Informal hearing on request for permission to use exposed aggregate for a public sidewalk at site of Continental Leasing, 1500 McHenry. 7:30 P.M.

ACTION: Res. 73-439 adopted (Elliott/Dunlap, unan. - Newton, absent) granting permission to use exposed aggregate at 1500 McHenry Avenue. (P/W to handle)

15. Hearing on cost of construction of sidewalk and/or curb and gutter at the following locations: 7:35 P.M.

(a) Sidewalk along Miller Ave. at 2102 Miller Ave., Lot 9 of Block 2263. (James E. Howard - \$241.00)
(Payment over a five-year period recommended)

ACTION: Res. 73-440 adopted (Dunlap/Elliott, unan. - Newton, absent) confirming report, assessing costs and directing method of collection (over a 5-year period) (Finance to handle)

(b) Sidewalk at 209 Oakshire Ave., Lot 11 of Block 2611. (Gilbert L. McBroom - \$187.00)
(Payment over a four-year period recommended)

ACTION: Res. 73-441 adopted (Dunlap/Elliott, unan. - Newton, absent) confirming report, assessing costs and directing method of collection (over a 4-year period) (Finance to handle)

(c) Sidewalk at 2015 Miller Ave., Lot 15 of Block 2225. (Sarah R. Ulyak - \$213.60)
(Payment over a four-year period recommended.)

ACTION: Res. 73-442 adopted (Dunlap/Elliott, unan. - Newton, absent) confirming report, assessing costs and directing method of collection (over a 4-year period) (Finance to handle)

16. Continued hearing on requirement for sidewalk construction at 1550 Encina. (Jerold J. Pitts) 7:40 P.M.

ACTION: By motion (Dunlap/Elliott, unan.) staff authorized to continue working with Mr. Pitts. (P/W to handle)
A resolution (Dunlap/Simon) to order construction of sidewalk was withdrawn.
By motion (Elliott/Simon, unan.) further consideration continued to June 11, 1973 to allow Mr. Pitts to contact his neighbors to try to get them to join him in solving his drainage problems. (Clerk to handle)

17. Matters for the good of the community. 7:45 P.M.
(These may be presented by interested persons in the audience)

ACTION: W. S. Witzke again complained of high nitrate levels in the City water supply. Dr. Watson, Stanislaus County Health Officer, informed the Council that the authorities were aware of the conditions mentioned by Mr. Witzke and that there was no problem at this time.

18. Hearing on formation of Improvement District No. 22. 8:00 P.M.

ACTION: Res. 1266-S.P. adopted (Mensing/Simon, unan. - Newton, absent) determining that public convenience and necessity require public improvement.

Res. 1267-S.P. adopted (Mensing/Simon, unan. - Newton, absent) ordering work.

Res. 1268-S.P. adopted (Mensing/Simon, unan. - Newton, absent) calling for bids to be received June 19, 1973 at 2:00 P.M. (Clerk to handle)

ORDINANCES

CONSENT

19. Final adoption of the following ordinances:

(a) Ordinance No. 1271-C.S. - water rates.

ACTION: By motion, Ord. No. 1271-C.S. adopted.

(b) Ordinance No. 1272-C.S. - zoning regulations amended.
(Motion with roll call vote adopting ordinances needed)

ACTION: By motion, Ord. No. 1272-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

20. Further consideration of McHenry Village access to Briggsmore Ave. (Memo with agenda. McHenry Village is reluctant to give up any of its access. McHenry Village representative will be present at Council meeting. Further negotiations or an appraisal of the value of the access are recommended. Motion directing staff needed)

ACTION: (Councilmen Dunlap and Kullijian were excused from consideration of this item due to a possible conflict of interest)

Robert Sobel, Manager of McHenry Village, suggested that further study be made of possible alternatives to closing either the access or the median opening. By motion (Simon/Elliott, unan.) staff directed to make a further study of this and to continue to negotiate with McHenry Village, including the price McHenry Village would seek in the event the access or opening was closed. (P & T to handle)

21. Discussion concerning Modesto Cemetery Association.

ACTION: Thornton Honeycut, President of the Modesto Cemetery Association, offered the assistance of the Cemetery Board to the City and also offered to turn over a trust fund of about \$150,000 if the City would take over operation of the Cemetery. By motion (Simon/Davies, maj. - Dunlap, no - Newton, absent) City Attorney directed to file an action for Declaratory Relief; by motion (Simon/Mensing, unan.) staff directed to meet with the Association regarding maintenance of cemetery; by motion (Dunlap/Elliott, unan.) staff directed to make a complete study of this entire subject. (C/Atty and P & R to handle)

22. Letter from Modesto Motor Bus Service.
(A letter is expected on an offer to continue service for a few months. The letter will be sent with agenda, if received. Staff analysis will be made soon thereafter. Motion directing staff needed)

ACTION: By motion (Dunlap/Simon, unan.) staff directed to prepare agreement to reflect the five conditions presented by Mr. Kleinenbroich with the exception that the bus drivers will receive \$3.00 per hour. (C/Atty to handle)

NEW BUSINESS

CONSENT

23. A resolution determining that the public interest and convenience require that Claremont No. 4 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing. (It is now necessary to commence proceedings to annex this addition to Sewer District No. 1. Suggested hearing date July 16, 1973 at 4:00 P.M. Resolution setting hearing needed. (2/3 affirmative vote required)

ACTION: Res. 73-443 adopted setting hearing. (Clerk to handle)

CONSENT

24. Resolution withdrawing Claremont No. 4 Addition from the McHenry-Dry Creek Fire District.
(This addition has been annexed to the City effective 5/18/73.
Resolution withdrawing from Fire District needed)

ACTION: Res. 73-444 adopted withdrawing Claremont No. 4 Addition from McHenry-Dry Creek Fire Protection District effective December 31, 1973. (Clerk to handle)

CONSENT

25. Modesto Junior College Work-Study Program.
(To permit City of Modesto to use students from M.J.C. under the federally funded Work-Study Program. Resolution authorizing City Manager to sign agreement with Modesto Junior College needed)

ACTION: Res. 73-445 adopted approving agreement. (Clerk to handle)

CONSENT

26. Consider approval of agreement which provides for reimbursement of sewer costs to Beard Land Improvement Company.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-446 adopted approving agreement. (Clerk to handle)

CONSENT

27. Public Personnel Intern Program.
(To permit City of Modesto to continue to use two students from Stanislaus State College under the federally funded Inter-governmental Personnel Act of 1970 for summer 1973.
(Resolution authorizing City Manager to sign agreement with Stanislaus State College Foundation needed. Funds budgeted in Account 120-17-101)

ACTION: Res. 73-447 adopted approving agreement. (Clerk to handle)

~~CONSENT~~

28. Consider request from Mrs. Georgia J. Triplett, 1121 Sycamore Ave., to retain red brick in sidewalk area.
(Letter with agenda. Resolution setting hearing needed. Suggested hearing date June 4, 1973 at 4:10 P.M.)

DROPPED FROM AGENDA

CONSENT

29. Salvation Army request for payment of amount budgeted in 1972-73.
(Memo with agenda. Resolution approving payment needed)

ACTION: Res. 73-448 adopted approving payment of \$300 budgeted for 1972-73.
(Finance to handle)

CONSENT

30. Right of Way acquisition - McHenry Ave., Charles R. Hughes.
(Memo with agenda. Resolution accepting grant deed and authorizing execution of right of way agreement. Estimated cost \$1,100.00.
Funds budgeted in Account 205-6647, Local Transportation Fund)

ACTION: Res. 73-449 adopted accepting grant deed and approving right of way agreement. (Clerk to handle)

CONSENT

31. Transfer of city-owned property, Block 82, to County of Stanislaus.
(Memo with agenda. Resolution authorizing execution of agreement needed)

ACTION: Res. 73-450 adopted approving agreement. (Clerk to handle)

REPORTS

CONSENT

32. Sample inventory of fixed assets.
(Memo and inventory results with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

33. Set date for public hearing for annexation to the City of uninhabited territory. (Coffee - Floyd No. 2 Addition)
(Approved by LAFC on April 20, 1973. Resolution setting July 23, 1973 at 7:30 P.M. for public hearing needed)

ACTION: Res. 73-451 adopted setting hearing. (Clerk to handle)

CONSENT

APPROPRIATION TRANSFERS

- 33A. Appropriation transfer.
(Transfer of \$797 from Account 60-101, General Fund, General Reserve, to Account 463-61-101, Downey Choir Vienna Trip. Copies of letter and council action taken previously being distributed with agenda. Resolution approving appropriation transfer needed. Estimated cost \$797)

ACTION: Res. 73-452 adopted approving appropriation transfer of \$797 from Account 60-101 to Account 463-61-101. (Finance to handle)

MISCELLANEOUS

34. Legislation.

ACTION: Mayor Davies authorized to write Assemblyman Gonsalves and Speaker Moretti and commend them for their stand on funding of mandated programs.

By motion (Dunlap/Kullijian, unan.) AB 444 opposed. (C/Mgr to handle)

35. Appointments

NONE

36. Matters too late for the agenda.

ACTION: Councilmember Mensinger commended staff and the Kiwanis Clubs for Youth in Government Day activities.

37. Executive session to discuss Meet and Confer.

ACTION: At 10:20 P.M., the Council retired to Executive session. It was announced that they would not return to open meeting.

Adjournment at 10:20 P.M.

ATTEST:


W. T. CHYOWETH, City Clerk

Modesto City Council
May 31, 1973

The Council of the City of Modesto met in special session this date at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, as provided by Sec. 2-1.02 of the Modesto Municipal Code to consider the preliminary budget for fiscal year 1973-74.

Present: Councilmen: Dunlap, Elliott, Mensinger, Simon, Mayor Davies

Absent: Councilmen: Kullijian and Newton

The following budgets were reviewed:

PUBLIC WORKS - SEWERS - 52 (P. 107)

PUBLIC WORKS - WATER QUALITY CONTROL - 53 (P. 111)

PUBLIC WORKS - GARDEN REFUSE - 54 (P. 113)

PUBLIC WORKS - AIRPORT - 46 (P. 149) Airport Fund - 230

The Director of Finance reported that an additional item number 533 - "Security Services" should be added to Revenue Estimates on Page 20 and the Budget Estimate should be \$12,692.

PUBLIC WORKS - SERVICE DIVISION - 48 (P. 157)

(Councilman Simon suggested that this budget be increased to enable all emergency vehicles to have new tires rather than recaps when replacement of tires is needed. It was agreed that a report will be made to the Council on this subject, including present practices and the cost differences

FIRE - 21 (P. 53)

PARKING & TRAFFIC - 56 (P. 117)

PARKING & TRAFFIC - 57 (P. 129)

OFFICE SERVICES - 58 (P. 119)
(Account 217 was changed from \$672 to \$972)

MISCELLANEOUS UNCLASSIFIED - 65 (P. 125)
(\$13,000 was placed in Account 232 as this is the estimated cost of operating the bus line for the first four months. It was pointed out that Account 431 may be decreased later. Account 401 was increased from \$2,635 to \$3,885)

DOWNTOWN IMPROVEMENT DISTRICT FUND - 218 (P. 131)

MUSIC & PROMOTION - 61 (P. 121)
(It was agreed that Joe Good, Manager of the Greater Modesto Chamber of Commerce, would be requested to appear at a Council meeting to answer questions concerning Chamber activities)

INSURANCE & RETIREMENT - 64 (P. 123)

PUBLIC EMPLOYMENT PROGRAM FUND - 220 (P. 133)

NEIGHBORHOOD YOUTH ADVISORY FUND - 221 (P. 137)
(It was agreed that if this program is refunded the City's share will come from Reserve)

HEAD REST FUND - 222 (P. 141)

CODE ENFORCEMENT PROGRAM 223 (P. 145)

BOND REDEMPTION AND INTEREST REQUIREMENTS (P. 153)

By motion (Elliott/Dunlap, unan.) the above items were given tentative approval.

The meeting was adjourned at 5:30 P.M. to 4:00 P.M. on June 5, 1973.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 4, 1973 AT 4:00 P.M.

Roll call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Vice Mayor Simon

Absent: Mayor Davies
(Councilman Newton arrived at 4:05 P.M.)

Pledge of allegiance to the Flag

Invocation by Reverend Lawrence Duncan, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8,
Dunlap/Mensinger, unan. - Newton and 14, 15, 16, 17, 18, 19, 20,
Mayor Davies, absent 22a

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of May 24 and 29, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Stanislaus County Fourth of July Committee for:

- (1) Barricades be placed on "I" Street between 11th and 12th Streets from 9:30 A.M. through 3:00 P.M.
- (2) Use of City's reviewing stand with canvas top, to be placed on "I" Street close to the cannon in the courthouse park by city personnel on July 2 or 3.
- (3) Use of public address system (to be furnished by committee) at reviewing stand.
- (4) Use of City ball park the evening of July 4th for entertainment and fireworks. The City to supply a standby fire truck (along with County). The American Legion to furnish auxiliary police for patrol and added protection.
- (5) The parade route is requested to be the same as last year, starting at 10th and F, north on 10th to K, east on K to 11th, south on 11th to I, east on I to 13th, north on 13th to J, west on J to 12th, north on 12th to L and disband.

(Resolution granting request needed)

ACTION: Res. 73-453 adopted granting request. (P/W (1), P & R (2 & 4), P & T (5), Fire (4) and Police (5) to handle)

CONSENT

3. Request of Modesto Band of Stanislaus County for payment of \$350 budgeted for appearance at Cal-Expo, and payment of \$1,800 budgeted for 1972 summer concerts.
(Motion authorizing payment needed)

ACTION: By motion, payments authorized. (Finance to handle)

CONSENT

4. Request of Salvation Army for permission to conduct Sunday evening park services in Westside Park from July 1 through August 26.
(Motion granting request needed)

ACTION: By motion, request granted. (P & R to handle)

BIDS

CONSENT

5. Consider acceptance of E. J. Opinski's contract for construction of an arbor in Mancini Park.
(All work on this project has been completed to the satisfaction of the Parks Department and the Public Works Department. It would be in order to accept the work as complete and file notice of completion. Resolution accepting work needed. Final cost \$5,900. Funds budgeted in Account 6631-324, Mancini Park Development)

ACTION: Res. 73-454 adopted accepting contract. (Clerk to handle)

CONSENT

6. Consider award of contract for construction of arbor at Marshall Park.
(The bids were opened May 29, 1973. The low bid submitted by Matteson Construction Co., which is 12% under the Engineer's Estimate, is considered acceptable. It is recommended that the contract be awarded to them. Resolution needed. Estimated cost \$11,037 (\$10,537, Const., \$500 Eng.). Funds budgeted in Account 6274-31-321, Marshall Park Stage 2.)

ACTION: Res. 73-455 adopted awarding contract. (P/W to handle)

CONSENT

7. Consider award of bid for construction of improvements of cul-de-sac at north end of Timothy Avenue.
(Bids were opened May 29, 1973. The low bid submitted by Lee White Paving Company was 32% above the Engineer's Estimate and is considered acceptable. Therefore, the Public Works Department recommends that the bid be awarded to them. Memo with agenda. Resolution awarding bid needed. Estimated cost \$13,328.50 (Contract \$11,970.50; Engin., \$1,358). Funds budgeted in Account 6130-41-321, Fire Sta. #5 Addition)

ACTION: Res. 73-456 adopted awarding contract. (P/W to handle)

CONSENT

8. Consider award of contract for construction of stage at Senior Citizens Center.
(The bids were opened May 29, 1973. The low bid submitted by Matteson Construction Co., which is 3% under the Engineer's estimate is considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract and resolution approving appropriation transfer of \$3,650 from Account 60-321 to Account 6244-31-321 needed. Estimated cost \$7,250)

ACTION: Res. 73-457 adopted awarding contract. (P/W to handle)

Res. 73-458 adopted approving appropriation transfer of \$3,650 from Account 60-321 to Account 6244-31-321. (Finance to handle)

HEARINGS

9. Hearing on appeal by Golden West Savings of denial by BZA of request for conditional use permit for free-standing sign at 2509 McHenry. 4:00 P.M.
(Note: After anyone present has been given an opportunity to speak, the hearing will be continued to June 18, 1973 at 4:00 P.M.)

ACTION: (Councilman Kullijian disqualified himself from consideration of this item)
By motion (Elliott/Dunlap, unan.) hearing continued to June 18, 1973 at 4:00 P.M. (Clerk to handle)

10. Hearings on requirement for construction of sidewalks at the following locations: (Project 73/10-09) 4:05 P.M.
- (a) Sidewalk along Sherwood Avenue at 1535 Sherwood Ave., Lot 10 of Block 6128. (Roy A. Amundson)
 - (b) Sidewalk along Sycamore Avenue and Griswold Ave. at 819 Sycamore Ave., a portion of Block 711. (Frank Buffa)
 - (c) Sidewalk at 710 Sycamore Ave., the north 70' of Lot 45, Block 709. (Darlene Fugitt)
 - (d) Sidewalk along Sherwood Ave. at 1525 Sherwood Ave., Lot 9 of Block 6127. (Alfredo K. Garza)
 - (e) Sidewalk at 711 Sycamore Ave., the south 59.64' of Lot 39 of Block 711. (Jack E. Goodwin)
 - (f) Sidewalk at 807 Sycamore Ave., a portion of Block 711. (Jack E. McCoy)
 - (g) Sidewalk at 715 Sycamore Ave., the north 105.5' of Lot 39, Block 711. (Elaine K. McIlree)
 - (h) Sidewalk at 808 Sycamore Ave., the north 55' of Lot 37 of Block 709. (Sybol J. Munson)
 - (i) Sidewalk along Sherwood Ave. and W. Orangeburg Ave. at 421 W. Orangeburg Ave., Lot 10 of Block 6063. (Mary Olarrea)
 - (j) Sidewalk along Sycamore Ave. at 820 Sycamore Ave., a portion of Block 709. (Mary R. Palmer)
 - (k) Sidewalk at 815 Sycamore Ave., a portion of Block 711. (Josephine Ruffino)
 - (l) Sidewalk at 431 Virginia Ave., Lot 1 & 2 of Block 453. (Valerio Rodoni)
 - (m) Sidewalk at 714 Sycamore Ave., a portion of Block 709. (Lee Schrencongost)
 - (n) Sidewalk at 801 Sycamore Ave., the south 82.5' of Lot 38 of Block 711. (Robert L. Sharyon)
 - (o) Sidewalk at 804 Sycamore Ave., a portion of Block 709. (Michael H. Smith)
 - (p) Sidewalk along Sherwood Ave. at 1545 Sherwood Ave., Lot 9 of Block 6128. (Richard T. Tosaw)
 - (q) Sidewalk at 712 Sycamore Ave., the south 55' of Lot 40 of Block 709. (Jessie V. Trueblood)

10. Hearings on requirement for sidewalks, (continued)

4:05 P.M.

- (r) Sidewalk at 720 Sycamore Ave., the south 55' of Lot 37 of Block 709. (Walter A. Williams, Jr.)
- (s) Sidewalk at 802 Virginia Ave., the south 60' of Lot 55 of Block 717. (David H. Wilson)
- (t) Sidewalk at 439-41 W. Orangeburg Ave., Lot 13 of Block 6063. (Mary Elizabeth Bolles)
- (u) Sidewalk at 513-15 W. Orangeburg Ave., Lot 17 of Block 6063. (Philip M. Fearnside)
- (v) Sidewalk at 501-03 W. Orangeburg Ave., Lot 15 of Block 6063. (Tracy E. Fearnside)
- (w) Sidewalk at 507-09 W. Orangeburg Ave., Lot 16 of Block 6063. (Wendy A. Fearnside)
- (x) Sidewalk along W. Orangeburg Ave. at 1340 Sycamore Ave., Lot 1-4 of Block 6056. (Laura M. Matthews)
- (y) Sidewalk at 427-33 W. Orangeburg Ave., Lot 11 & 12 of Block 6063. (Roswell D. Roberts)
- (z) Sidewalk at 445-47 W. Orangeburg Ave. Lot 14 of Block 6063. (Joe Serra)
(Drop from agenda - doing own work)
- (aa) Sidewalk along W. Roseburg Ave., at 606 W. Roseburg Ave., a portion of Block 738. (L. K. Auernheimer)
- (bb) Sidewalk at 712 W. Roseburg Ave., a portion of Block 739. (Thomas H. Berry)
- (cc) Sidewalk at 230 W. Roseburg Ave., a portion of Block 744. (John S. Bosia)
- (dd) Sidewalk at 226 W. Roseburg Ave., a portion of Block 744. (Elmer Breault, Jr.)
(Drop from agenda - doing own work)
- (ee) Sidewalk along W. Roseburg Ave. at 1205 Enslin Ave., Lot 13 of Block 6006. (Della C. Brewer)
- (ff) Sidewalk along W. Roseburg Ave. at 709 W. Roseburg Ave., Lot 8 of Block 6006. (Raymond E. Cover)
- (gg) Sidewalk at 302 W. Roseburg Ave., a portion of Block 743. (Herbert J. Dobrovolny)
- (hh) Sidewalk at 624 W. Roseburg Ave., a portion of Block 738. (Harold L. Erwin)
- (ii) Sidewalk at 120-26 W. Roseburg Ave., a portion of Block 744. (Galas Brothers, Inc.)
- (jj) Sidewalk at 206 W. Roseburg Ave., a portion of Block 744. (Stanley Galas)
- (kk) Sidewalk along W. Roseburg Ave. at 1139 McHenry Ave., a portion of Block 744. (Robert E. Hill)
- (ll) Sidewalk at 614 W. Roseburg Ave., a portion of Block 738. (Robert L. Hirsch)

10. Hearings on requirement for sidewalks, (continued)

4:05 P.M.

- (mm) Sidewalk along W. Roseburg Ave. at 520 W. Roseburg Ave., a portion of Block 740. (Attie E. Howe)
(Drop from agenda - doing own work)
- (nn) Sidewalk at 205-23 W. Roseburg Ave. Lots 12-22 of Block 6000. (Ralph D. Hutchinson)
- (oo) Sidewalk at 611 W. Roseburg Ave., Lot 11 of Block 6006. (Vergil L. Keck)
- (pp) Sidewalk at 613 W. Roseburg Ave., Lot 10 of Block 6006. (Ronald V. Mancini)
- (qq) Sidewalk at 704 W. Roseburg Ave., a portion of Block 739. (Harvey F. McCloud)
- (rr) Sidewalk at 212 W. Roseburg Ave., a portion of Block 744. (Allan Miller)
- (ss) Sidewalk at 124 W. Roseburg Ave., a portion of Block 744. (Patria F. Mora)
- (tt) Sidewalk at 607 W. Roseburg Ave., the west 55' of Lot 12 of Block 6006. (Marjorie M. Saugestad)
- (uu) Sidewalk at 605 W. Roseburg Ave., the east 50' of Lot 12 of Block 6006. (Melvin R. Sherman)
- (vv) Sidewalk along W. Roseburg Ave. at 519 W. Roseburg Ave., Lot 5 of Block 6005. (Manuel R. Soares)
(Drop from agenda - doing own work)
- (ww) Sidewalk at 705 W. Roseburg Ave., Lot 9 of Block 6006. (Francis Stenson)
- (xx) Sidewalk along W. Roseburg Ave. at 516 W. Roseburg Ave., a portion of Block 740. (Barbara Anna Theis)
(Drop from agenda - doing own work)
- (yy) Sidewalk along W. Roseburg Ave. at 1201 Brady Ave., Lot 4 of Block 6005. (Donald R. Weakly)
- (zz) Sidewalk along W. Roseburg Ave. at 433 W. Roseburg Ave., Lot 28 of Block 6003. (John P. Williams)

ACTION: Res. 73-459 adopted (Dunlap/Elliott, unan. - Mayor Davies, absent) ordering work. (P/W to handle)

11. Matters for the good of the community.

4:10 P.M.

(These may be presented by interested persons in the audience)

NONE

UNFINISHED BUSINESS

12. Request by Beard Land Improvement Company to annex property to Municipal Sewer District.
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Elliott/Dunlap, unan.) staff directed to inform applicant that the area should be annexed to the City prior to annexing to Sewer District. (Clerk to handle)

NEW BUSINESS

13. Request for hearing by Nalley's Fine Foods concerning sewer service charges.
(Memo with agenda)

ACTION: By motion (Dunlap/Mensing, unan.) it was agreed that Nalley's should pay the sewer bill as presented by the City, but with the provision that a refund of a portion of the bill would be considered in the event the new metering system for sewage showed that the current charges were too high. (P/W to handle)

CONSENT

14. Request for refund of overpayment of sewer service charges.
(Memo with agenda. Resolution approving refund needed)

ACTION: Res. 73-460 adopted approving refund of \$10.35 to Mrs. Louise Fraley. (Finance to handle)

CONSENT

15. Consider changes in Head Rest Personnel Classifications.
(Memo with agenda. Resolution approving changes needed)

ACTION: Res. 73-461 adopted approving changes in Head Rest Personnel Classifications to conform to Mental Health salary schedule.
(C/Mgr to handle)

CONSENT

16. Consider waiving escalation of bond redemption charge for fiscal year 1973-74.
(Memo with agenda. Resolution waiving automatic \$25 escalation of bond redemption charge for fiscal year 1973-74 needed)

ACTION: Res. 73-462 adopted waiving \$25 escalation for 1973-74 fiscal year. (Finance to handle)

CONSENT

17. Right of way - Needham Street, Harold W. Rooker.
(Memo with agenda. Resolution accepting grant deed and authorizing execution of agreement needed. Estimated cost \$1,000. Funds budgeted in Account 6700-205, Needham/Hackberry to Nellie)

ACTION: Res. 73-463 adopted accepting grant deed and approving agreement. (Clerk to handle)

REPORTS

CONSENT

18. Approval of first revenue sharing planned use report, Entitlement Period 3, January 1 through June 30, 1973.
(Memo with agenda. Resolution approving report needed)

ACTION: Res. 73-463-A adopted accepting report.

APPROPRIATION TRANSFERS

CONSENT

19. Consider appropriation of money from the Revolving Fund Balance of the Service Working Capital Fund for gasoline, oil, and lubricants for use in all city equipment.
(Memo with agenda. Resolution approving appropriation of \$9,000 from Revolving Fund Balance needed)

ACTION: Res. 73-464 adopted approving appropriation of \$9,000 from Revolving Fund Balance of Service Working Capital Fund.
(Finance to handle)

CONSENT

20. Consider transfer of funds for waterline extensions.
(Waterline extensions due to new subdivision activity for fiscal year 1972-73 will require the transfer of funds shown to cover anticipated encumbrances for the balance of this year. Request for transfer from General Reserve to Account 6804-50-101, Waterline Extensions. Resolution needed. Estimated cost \$60,000)

ACTION: Res. 73-465 adopted approving appropriation transfer of \$60,000 from Account 60-101 to Account 6804-50-101. (Finance to handle)

MISCELLANEOUS

21. Legislation.

NONE

22. Appointments

CONSENT

- (a) Appointment of City of Modesto Youth Commission.
(Memo with agenda. Resolutions making appointments needed)

ACTION: Res. 73-466 adopted appointing Ramona Carlos (Central Catholic High School)

Res. 73-467 adopted appointing Peter Hausknecht (Downey High School)

Res. 73-468 adopted appointing Charlotte Ott (Modesto High School)

- (b) Other appointments.

ACTION: Res. 73-469 adopted (Elliott/Newton, unan. - Mayor Davies, absent) appointing James Morgenson as a member of the Personnel Commission for a term ending January 1, 1975. (Clerk to handle)

23. Matters too late for the agenda.

ACTION: By Order of the Chair, staff was directed to prepare Certificates of Appreciation for the members of the Modesto Youth Commission who have completed their terms, and if possible arrange to have the Certificates presented at a Council meeting. (P & R to handle)

24. Executive session to discuss meet and confer.

ACTION: The Council retired to executive session at 4:55 P.M. with the announcement that they would not return to open meeting.

Adjournment at 4:55 P.M.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

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6/4/73

Modesto City Council
June 5, 1973

The Council of the City of Modesto met in adjourned special session this date in the Council Chambers, City Hall, 801 - 11th Street, Modesto, California, to consider the six-year Capital Improvement Program for the years 1973-74 through 1978-79.

Present: Councilmen: Elliott, Kullijian, Mensinger, Vice Mayor Simon

Absent: Councilmen: Dunlap, Newton, Mayor Davies
Vice Mayor Simon presided

The Capital Improvement Program items were considered:

FIRE

(Project 113 (\$24,000) was advanced to 1973-74.)

POLICE

PARKS & RECREATION

(It was pointed out that there was \$415,000 in the Contingency Reserve for the Community Center and that an additional \$300,000 was budgeted for this purpose in 1973-74. This is in addition to the \$385,000 which has been used to purchase land for the Center. Carroll Clark, Superintendent of Sylvan School District, requested recreation programs at all five schools in the District. It was agreed that a report on this request would be made to Council at the June 11 meeting.)

CITY HALL

AIRPORT

(Project 484 was reduced from \$71,000 to \$12,000 in Fund 230 and from \$9,000 to \$1,000 in Fund 321)

SERVICE

WATER

STREETS

(The Council was advised that gas tax revenues may be less than had been anticipated. Vice Mayor Simon inquired as to whether or not anything was pending concerning the use of Virginia Avenue as an alternate to McHenry Avenue. The Director of Parking & Traffic reported that nothing had been done on this for some time but he would look into it.)

STORM DRAINAGE

(It was pointed out that there were no funds in this category as storm drains are put in by Improvement Districts.)

SEWERS AND SEWAGE DISPOSAL

(Councilmember Mensinger stated that she felt that sewer lines should not be extended beyond the present boundaries. She mentioned Project 579 (Sonoma Trunk) specifically. The Public Projects Committee presented a memo which recommended that funding for this project be approved at this time since the Committee anticipated that there would be enough time before construction to permit a thorough study and recommendation to the Council. The Committee further recommended that work be started to determine the proper location of the Sonoma Trunk and on the environmental impact report that will be needed. It was agreed that this would be done, but Councilmember Mensinger stressed the need for the public to be fully informed.)

GARBAGE/REFUSE DISPOSAL

STREET LIGHTING

(It was pointed out that the improvement of street lighting was contingent upon the continuing cooperation of the M.I.D.)

PARKING AND TRAFFIC

(The Director of Parking and Traffic reported that it appeared that there would be an increase in the costs for Project 147 and that he would attempt to have a report on the Council agenda for June 11.)

DOWNTOWN IMPROVEMENT DISTRICT

REVENUE SHARING

By motion (Elliott/Kullijian, unan.) the Capital Improvement Program approved subject to the condition that no construction be started on Project 579 (Sonoma Trunk Sewer) until it has been approved by Council.

By motion (Mensingher/Elliott, unan.) an additional \$285,000 was placed in the Contingency Reserve for the Community Center.

Joe Good, Manager of the Greater Modesto Chamber of Commerce, discussed the operations of the Chamber and answered questions.

The meeting adjourned at 5:30 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 11, 1973 AT 7:30 P.M.

Roll call Present: Elliott, Kullijian, Mensinger, Newton, Simon,
Mayor Davies

Absent: Dunlap

(Councilman Simon arrived at 7:35 P.M.)

Pledge of allegiance to the Flag

Invocation by Reverend Herbert Rasske, Modesto Gospel Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 8, 9,
Elliott/Newton, unan. - Dunlap and 14, 15, 16, 18, 19, 20, 21, 22,
Simon, absent 23, 24, 26, 27, 28, 31, 32,
33, 34, 35

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of May 31, June 4 and 5, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Appeal by A & L Investment Co. to Board of Zoning Adjustment denial of amendment to H-1 use permit to allow longer hours of operation for commercial establishments on west side of McHenry north of Bowen.
(Resolution setting July 9 at 7:30 P.M. for hearing needed)

ACTION: Res. 73-470 adopted setting hearing. (Clerk to handle)

CONSENT

3. Request of Price Enterprises for additional two-year period to retain temporary fence across entrance of Ladona Court.
(Resolution granting request needed)

ACTION: Res. 73-471 adopted approving extension of time to April 25, 1975 for retention of temporary fence across entrance of Ladona Court. (Clerk to handle)

4. Request of John P. Cerny, attorney for Mrs. Stella Marshall, for Council action re non-conformance in connection with P-D (101).

ACTION: By motion (Simon/Elliott, unan.) staff directed to make a report to Council on allegations made concerning non-conformance with development plan previously approved by Council.
(C/Mgr to handle)

It was agreed that staff would be furnished a list of the alleged violations of the development plan.

BIDS

CONSENT

5. Consider award of contract for construction of tennis courts at Downey Park.
(Bids were opened on June 5, 1973. The low bid submitted by Elrich Construction Co. was 17% over the Engineer's Estimate. A review of the bids with the contractors indicates that the estimate did not properly reflect the costs for doing this work. It is recommended that the contract be awarded to Elrich Construction. Resolution needed. Estimated cost \$81,987.00. Funds budgeted in Accounts 6290-31-321, Downey Park Stage 1, 2, 3, & 4, and 6290-324, Downey Park Stage 5)

ACTION: Res. 73-472 adopted awarding contract to Elrich Construction Co. (P/W to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for installation of waterlines in Bonnie Lee Estates, Coffee Plaza #7, Coffee Plaza #8, McHenry Estates #3, and Riedel Estates #2.
(Suggested bid opening date June 26, 1973 at 10:00 A.M. Costs and Revenues, Bonnie Lee: Construction \$10,537.55; Conn. Charges, \$7,875.00; Net Revenue, \$1,008.00. Coffee Plaza #1: Construction, \$21,085.09; Conn. Charges, \$17,250.00; Net Revenue, \$2,208.00; COFFEE Plaza #8: Construction, \$25,835.68; Connection charges, \$17,625.00; Net Revenue, \$2,256.00. McHenry Estates #3: Construction, \$9,643.25; Conn. charges, \$4,500.00; Net revenue, \$576.00. Estimated cost \$75,061.11 (\$44,379.86; Material, \$30,681.25 Labor). Funds budgeted in Account 6804-50-101, Waterline Estension; 5301-50-101, New Services). (Resolution needed)

ACTION: Res. 73-473 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

7. Consider award to low bidder, Jones Chemicals, Inc., to furnish our annual requirements of liquid chlorine for the 1973-74 fiscal year.
(Memo with agenda. Resolution needed. Estimated cost \$102,065.00 (Modesto portion). Funds budgeted in Account 312-53-101, Chemicals, drugs, and lab supplies)

ACTION: Res. 73-474 adopted awarding contract to Jones Chemicals, Inc. (Finance to handle)

CONSENT

8. Consider award to low bidder, George Reed, Inc., to furnish our annual requirements of liquid and emulsified asphalt for the 1973-74 fiscal year.
(Memo with agenda. Resolution needed. Estimated cost \$20,744.00 Funds budgeted in Account 321-51-101, Construction Material)

ACTION: Res. 73-475 adopted awarding contract to George Reed, Inc. (Finance to handle)

CONSENT

9. Consider award to low bidder, Allied Concrete and Supply Co., Inc., to furnish our annual requirements of ready-mixed concrete for fiscal year 1973-74.
(Memo with agenda. Resolution needed. Estimated cost \$9,645.00. Funds budgeted in Account 321-51-101, Construction Material)

ACTION: Res. 73-476 adopted awarding contract to Allied Concrete and Supply Co., Inc. (Finance to handle)

HEARINGS

10. Hearing on budget for 1973-74 fiscal year and capital improvement program for 1973-74 through 1978-79. 7:35 P.M.

ACTION: As no one wished to speak, the hearing was closed. The City Manager reported that the budget for 1973-74 would likely be presented for Council action at the June 18 meeting.

11. Matters for the good of the community. 7:40 P.M.
(These may be presented by interested citizens in the audience)

ACTION: Clifford Humphrey requested information as to the status of the questions which he had asked concerning the Hahn Shopping Center. He was told that this would be discussed under "Matters too late for the agenda."
John DeBoer, Farm-City Advisory Committee member, and his wife were introduced.

12. Hearing on design for Needham-Kansas connection. 8:00 P.M.

ACTION: After the public hearing was closed, it was announced that anyone wishing to submit material concerning this matter had ten days in which to do so.

UNFINISHED BUSINESS

13. Further consideration of requirement for sidewalk at 1550 Encina. (Gerold Pitts)

ACTION: Res. 73-477 adopted (Newton/Elliott, unan. - Dunlap, absent) ordering construction of sidewalk. (P/W to handle)

CONSENT

14. Approve agreement with Modesto Motor Bus Service.
(Memo and agreement with agenda. The agreement is for the period June 1 - October 31, 1973 although the City could cancel the agreement as early as August 31, 1973. Resolution approving agreement and resolution approving appropriation transfer of \$1,400 from General Reserve, General Fund (60-101) to 232-65-101)

ACTION: Res. 73-478 adopted approving agreement with Modesto Motor Bus Service. (P & T to handle)

Res. 73-479 adopted approving appropriation transfer of \$1,400 from Account 60-101 to Account 232-65-101. (Finance to handle)

NEW BUSINESS

CONSENT

15. Consider revised lease for Lotus Restaurant parking lot.
(Memo with agenda. Revised lease will increase City's revenue to \$650 per year instead of \$525 per year. Resolution approving new lease needed)

ACTION: Res. 73-480 adopted approving new lease. (P & T to handle)

CONSENT

16. Consider annual recreation agreement between County of Stanislaus and City of Modesto.
(This agreement is similar to agreements entered into between the County and City in previous years. The agreement provides that the County will allocate and transfer to the City \$15,877.97 for expenditures by the City on community recreation for the fiscal year 1972-73, a decrease of \$17.07 from last year's allocation. Resolution approving agreement needed)

ACTION: Res. 73-481 adopted approving annual recreation agreement.
(P & R to handle)

17. Recommendation concerning Project Greater Modesto Report.
(Memo with agenda. Motion approving recommendation needed)

ACTION: By motion (Elliott/Kullijian, unan.) City Manager authorized to prepare an analysis of the Project Greater Modesto Report, including a summary and a listing of recommended priorities.
(C/Mgr to handle)

CONSENT

18. Approval of public auction of surplus and obsolete city property.
(Authorization of sale of obsolete and surplus property of the City of Modesto at public auction June 16, 1973 is needed. Unclaimed and confiscated property is to be sold also. Resolution needed)

ACTION: Res. 73-482 adopted authorizing sale. (Finance to handle)

CONSENT

19. Consider request for sewer service to property outside the City at 3404 Kingspoint Drive.
(Property owners Keith R. and Barbara J. Damon have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City and the property owners must extend a sewer lateral. Resolution approving agreement needed)

ACTION: Res. 73-483 adopted approving agreement. (P/W to handle)

CONSENT

20. Right of way, Needham Street, Michael and Olive Kelly.
(Memo with agenda. Resolution accepting grant deed and approving agreement needed. Estimated cost \$600.00. Funds budgeted in Account 6700-205, Needham-Hackberry to Nellie)

ACTION: Res. 73-484 adopted accepting grant deed and approving agreement. (Clerk to handle)

CONSENT

21. Amendment to agreement with State of California - land acquisition, Tuolumne River Regional Park.
(Memo with agenda. Resolution approving amendment to agreement needed)

ACTION: Res. 73-485 adopted approving amendment to agreement.
(Clerk to handle)

CONSENT

22. Consider approval of City-County cooperative agreement for Coffee Road.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-486 adopted approving agreement. (Clerk to handle)

CONSENT

23. Approve agreement with State and County for installation of left-turn signals at Maze and Carpenter.
(The signals will be almost completely rebuilt by State-administered contract. The City share is 12.5% and is budgeted in 1973-74 capital improvement program. Resolution approving agreement needed. Estimated cost \$6,080. Funds budgeted in Account 6147-56-321, Signals -Maze/Carpenter in the 1973-74 Special Fund for Capital Outlay)

ACTION: Res. 73-487 adopted approving agreement. (Clerk to handle)

CONSENT

24. Request of Sprouse Reitz Company for a \$1,580.79 refund of business license tax.
(Memo with agenda. Resolution approving refund needed)

ACTION: Res. 73-488 adopted approving refund. (Finance to handle)

CONSENT

26. Consider City-County cooperative agreement for Crows Landing Road.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-489 adopted approving agreement. (Clerk to handle)

CONSENT

27. Consider approval of license to construct a waterline in Rumble Road under the Tidewater Southern Railway tracks.
(The license is necessary to permit the construction across railroad property. This will connect the existing waterlines on both sides of Rumble Road. Resolution approving license and authorizing City Manager to sign on behalf of City needed. Estimated cost \$50.00. Funds budgeted in Account 6804-50, Waterline Extension)

ACTION: Res. 73-490 adopted approving license. (Clerk to handle)

CONSENT

28. Consider acceptance of right of way deed and street improvements for Byron Lane.
(Memo and letter with agenda. Resolution accepting street dedication and accepting street improvements for city maintenance needed)

ACTION: Res. 73-491 adopted accepting deed and accepting improvements.
(Clerk to handle)

29. Cost of after-school recreation program - Sylvan School District.
(Memo with agenda. Motion approving proposed program and authorizing inclusion of necessary funds in the Parks and Recreation Department 1973-74 budget needed. Estimated cost \$5,078)

ACTION: By motion (Simon/Elliott, unan.) proposed program for all five Sylvan School District schools and authorization for inclusion of necessary changes in 1973-74 budget for this purpose approved. (P & R and Finance to handle)

30. Consider memorandum of understanding with Modesto Police Association.
(Memo with agenda. Resolution approving memorandum needed)

ACTION: Res. 73-492 adopted (Newton/Elliott, unan. - Dunlap, absent) approving Memorandum of Understanding with Modesto Police Association. (C/Atty to handle)

REPORTS

CONSENT

31. Report on 7th Street bridge replacement.
(Memo with agenda. Bridge should be replaced. Federal funds are available to pay 75% of the estimated \$742,000 replacement cost. The remaining would have to be paid by the City and County. Motion directing staff to negotiate with County needed. No cost to City at this time.)

ACTION: By motion, staff directed to negotiate with County. (P & T to handle)

CONSENT

32. Preparation of financial statement for May 1973.
(Report with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

33. Tentative Subdivision Maps: (a) Park Place No. 1, 2, and 3; (b) Romano Estates No. 1, 2 and 3; (c) Havenbrook Park No. 1 and 2. (d) Bispo-Nickerson Industrial Park.
(On June 5, 1973 the Planning Commission approved the tentative maps of the above subdivisions and found that said subdivisions, together with their designs and improvements, are consistent with applicable general and specific plans of the City. The City Council is required to make the same findings. Environmental assessments of the subdivisions have been made and negative declarations have been filed. Four resolutions making findings needed)

ACTION: Res. 73-493 adopted making necessary findings (Park Place No. 1, 2 and 3).

73-494 adopted making necessary findings (Romano Estates No. 1, 2 and 3).

Res. 73-495 adopted making necessary findings (Havenbrook Park No. 1 and 2).

Res. 73-496 adopted making necessary findings (Bispo-Nickerson Industrial Park).
(Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

34. Appropriation transfer.
(Necessary to cover funds not deposited into Account 120 when received as reimbursements for salaries paid out of city budget to student interns from Stanislaus State on federally funded program. Resolution approving appropriation transfer of \$1129 from General Reserve needed)

ACTION: Res. 73-497 adopted approving appropriation transfer of \$1,129 from Account 60-101 to Account 120-17-101. (Finance to handle)

CONSENT

35. Consider appropriation transfer to provide funds for maintenance and repair of street lights and traffic signals.
(Memo with agenda. Resolution approving appropriation transfer in the amount of \$3,000 from General Reserve to Account 320-43-101, Street Lights and Signals)

ACTION: Res. 73-498 adopted approving appropriation transfer of \$3,000 from Account 60-101 to Account 320-43-101. (Finance to handle)

MISCELLANEOUS

36. Legalsation.

NONE

37. Appointments.

ACTION: Res. 73-499 adopted (Mensingher/Newton, unan. - Dunlap, absent) appointing Ed Bean and reappointing Keith Thurston as members of the Human Rights Commission for a term ending May 1, 1976.
(Clerk to handle)

38. Matters too late for the agenda.

ACTION: It was announced that a bike-a-thon would be held June 16 in support of the fight against cancer.

to questions
The Council was furnished answers/raised by Cliff Humphrey and others concerning the Hahn development. After a lengthy discussion, it was agreed that the time to discuss the annexation of this area would be during the public hearing on the annexations.

Councilman Newton suggested that possibly young people could be hired to clean up alleys during the summer and requested a report on the possibility of changing present City policy to enable the City to take the initiative in improving alleys. (P/W to handle)

Adjournment at 9:30 P.M. to executive session to discuss meet and confer with the announcement that the Council would not return to open meeting.

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 18, 1973 AT 4:00 P.M.

Roll Call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation by Father John Asinacopolus, Greek Orthodox Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 6, 7, 8, 9, 10,
Dunlap/Newton, unan. 11, 12, 13, 14, 15, 16, 17, 22,
23, 24, 25, 26, 27, 28, 29, 30,
31, 33, 35, 36, 38, 39

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of June 11, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Valley Construction Co. for 90-day extension of time for encroachment permit for fence along frontage of model homes in Coffee Plaza No. 6.
(Resolution granting request needed)

ACTION: Res. 73-500 adopted granting request. (P/W to handle)

3. Request of Fourth of July Committee for names of council members who plan to ride in Fourth of July parade.
(Council will be polled at meeting)

ACTION: Councilmembers Kullijian, Mensinger, Newton, Simon and Mayor Davies indicated that they planned to ride in the parade.
(Clerk to handle)

CONSENT

4. Request of Calvary Luther League for permission to use public parking spaces for sale of soft drinks at 4th of July parade.
(Resolution granting request needed)

ACTION: Res. 73-501 adopted granting request. (Police to handle)

5. Notice that State Transportation Board is studying alternative transportation uses for 13.27 miles of Southern Pacific trackage between Claribel and Montpelier which is proposed for abandonment.

NO ACTION

CONSENT

6. Request of Eloise Lopez for permission to use public parking spaces for sale of snow cones at 4th of July parade.
(Resolution granting request needed)

ACTION: Res. 73-502 adopted granting request. (Police to handle)

CONSENT

7. Request of Juan E. Lopez for permission to use public parking spaces for sale of snow cones at 4th of July parade.
(Resolution granting request needed)

ACTION: Res. 73-503 adopted granting request. (Police to handle)

BIDS

CONSENT

8. Consider award of contract for installation of waterlines in Dale Road, Northridge #1, Smoke Tree No. 1, and Applegate #4 Subdivisions. (Bids were opened at 10:00 A.M. on May 29, 1973. The low bid submitted by Joe Martin which is 20% under the Engineer's Estimate, is considered acceptable. It is recommended that the contract be awarded to him. Memo with agenda. Resolution needed. Estimated cost \$23,412; funds budgeted in Accounts 6804-50-101, Waterline Extension, and 5301-50-101, New Services)

ACTION: Res. 73-504 adopted awarding contract to Joe Martin. (P/W to handle)

CONSENT

9. Consider acceptance of Marvin Yadon Construction contract for construction of subtrunk sewer in Sylvan Avenue and road east of Beyer High.
(Original contract \$23,943.20. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and to file notice of completion. Resolution accepting work needed. Final contract cost \$24,940.40. Funds budgeted in Account 6561-212, Extend Subtrunk Sewers)

ACTION: Res. 73-505 adopted accepting contract. (Clerk to handle)

CONSENT

10. Approve plans and specifications and call for bids for the improvement of Paradise Avenue and H Street from Franklin St. to First St. (Bid opening July 10, 1973 at 10:00 A.M. The improvement of Paradise Avenue is a TOPICS Project. It is part of the City's select street system. The TOPICS' share of the project cost is 71% or \$96,000. An appropriation transfer will be requested, if needed, after bids are opened and before award of contract. Resolution approving plans, specifications and bid call approved. Estimated cost \$135,615 (Contract \$123,660; Engr. \$11,955). Funds budgeted in Account 6648-207, Paradise-Franklin to First)

ACTION: Res. 73-506 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

11. Consider acceptance of Joe Martin's contract for installation of waterlines in Daisy Park No. 2. Original contract \$10,212.00) (All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and to file notice of completion. Resolution accepting the work as complete needed. Final contract cost \$10,464 (Main \$8,898; Services, \$1,566). Funds budgeted in Account 6804-50-101, Waterline Extensions, and 5301-50-101, New Services)

ACTION: Res. 73-507 adopted accepting contract. (Clerk to handle)

CONSENT

12. Consider award of contract for installation of waterlines in Carpenter Road from Maze to Elm. (Bids were opened at 10:15 A.M. on June 12, 1973. The low bid submitted by Western Pipeline Company, which is 6% over the Engineer's estimate, is considered acceptable. It is recommended that the contract be awarded to them. Resolution needed. Estimated cost \$5,844.00. Funds budgeted in Account 6828-50-101, Strengthen Water System)

ACTION: Res. 73-508 adopted awarding contract to Western Pipeline Co. (P/W to handle)

CONSENT

13. Consider approval of specifications and authorize call for bids for traffic line paint for a one-year period to be opened July 3, 1973 at 2:15 P.M. (Resolution needed. Estimated cost \$15,800. Funds budgeted in Account 321-56-101, Construction Material)

ACTION: Res. 73-509 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

14. Consider award to low bidder, Griswold & Wight, to furnish one garden refuse truck. (Memo with agenda. Resolution needed. Funds budgeted in Account 5430-48-512, Service Division Work Capital Fund. Estimated cost \$9,400)

ACTION: Res. 73-510 adopted awarding contract to Griswold & Wight. (Finance to handle)

CONSENT

15. Consider awards to low bidders to furnish rock, sand and gravel for one year ending June 30, 1974.
(M.J. Ruddy & Son: Aggregate base material, \$2.35 p/ton; crushed rock screenings, \$3.70 p/ton;
The Flintkote Company: Fill sand, \$2.40 p/ton; fill sand, \$1.95 per ton; drain rock, \$2.50 p/ton. Memo with agenda.
Putnam Sand & Gravel Co.: White plaster sand, \$3.48 p/ton; concrete mix aggregate, \$2.45 p/ton; concrete fine aggregate, \$2.60 p/ton.
Three resolutions needed. Estimated cost \$18,842; funds budgeted in Account 438-512, Service Div. Revolving Fund; not shown in budget)

ACTION: Res. 73-511 adopted awarding contract to M. J. Ruddy & Son for aggregate base material and rock screenings.
Res. 73-512 adopted awarding contract to The Flintkote Co. for fill sand and drain rock.
Res. 73-513 adopted awarding contract to Putnam Sand & Gravel Co. for white plaster sand, concrete mix aggregate and concrete fine aggregate. (Finance to handle)

CONSENT

16. Consider approval of plans and specifications and call for bids for construction of new clubhouse at Del Webb Field.
(Suggested bid opening date July 3, 1973 at 2:10 P.M. This project is planned as capital improvement project for the 1972-73 fiscal year. Resolution needed. Estimated cost \$47,220.00 (\$44,720, Const. \$2,500 engineering). Funds budgeted in Account 6400-31-321, Del Webb Dressing Room)

ACTION: Res. 73-514 adopted approving plans and specifications and bid call. (Clerk to Handle)

CONSENT

17. Consider award of contract for construction of curb and gutter at Beard Brook Park and approval of appropriation transfer of \$4,570 from General Reserve of Special Fund for Capital Outlays Fund to Account 6242-31-321.
(Bids were opened June 12, 1973. The low bid submitted by Lee White Paving, which is 18% over the Engineer's Estimate is considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract and resolution approving appropriation transfer needed. Estimated cost \$10,620; funds budgeted in Account 6242-31-321, Beard Brook Park)

ACTION: Res. 73-515 adopted awarding contract to Lee White Paving. (P/W to handle)
Res. 73-515-A adopted approving appropriation transfer of \$4,570 from Account 60-321 to Account No. 6242-31-321. (Finance to handle)

HEARINGS

18. Continued hearing on appeal by Golden West Savings of denial by BZA of request for conditional use permit for freestanding sign at 2059 McHenry. 4:00 PM

ACTION: Res. 73-516 adopted (Dunlap/Simon, unan. - Kullijian, absent) denying appeal. (Planning to handle)
(Councilman Kullijian disqualified himself from consideration of this item due to a possible conflict of interest.)

19. Matters for the good of the community. 4:05 P.M.
(These may be presented by interested persons in the audience)

ACTION: Herb Parker requested permission to make a sound and visual tape of the Beckwith annexation hearings for later viewing on Channel 8 TV. By motion (Elliott/Simon, maj. - Mensinger and Newton, no) request denied.

20. Hearing, annexation of Beckwith No. 1 Addition to City of Modesto.

4:30 P.M.

ACTION: (Councilman Dunlap excused himself from consideration of this item due to a possible conflict of interest.)

Res. 73-517 adopted (Elliott/Newton, maj. - Mensinger, no - Dunlap, absent) declaring that a majority protest has not been made.

Ord. No. 1273-C.S. adopted (Elliott/Newton, maj. - Mensinger, no - Dunlap, absent) annexing Beckwith No. 1 Addition to City of Modesto. (Clerk to handle)

During the hearing on Beckwith No. 1 Addition, Mr. Parker continued to attempt to film the proceedings. Mayor Davies informed him that he could not do this and finally directed the Chief of Police to take any steps necessary to see that the Council direction was complied with. Chief Ammerman then had Mr. Parker leave with his equipment.

21. Hearing, annexation of Beckwith No. 2 Addition to City of Modesto.

4:30 P.M.

ACTION: (Councilman Dunlap excused himself from consideration of this item due to a possible conflict of interest.)

Res. 73-518 adopted (Elliott/Simon, maj. - Mensinger, no - Dunlap, absent) declaring that a majority protest has not been made.

Ord. No. 1274-C.S. adopted (Elliott/Simon, maj. - Mensinger, no - Dunlap, absent) annexing Beckwith No. 2 Addition to City of Modesto. (Clerk to handle)

NEW BUSINESS

CONSENT

22. 1973-74 budget for Geer Road sanitary landfill. (Memo with agenda. Motion approving proposed budget)

ACTION: By motion, budget approved. (Finance to handle)

CONSENT

23. Consideration of contract between City and Federal Aviation Administration providing for FAA to pay its share of the power charges for the electrical energy used by the Runway Alignment Indicator Light System (RAILS) to be constructed by FAA. (Memo with agenda. Resolution approving contract needed)

ACTION: Res. 73-519 adopted approving contract with F.A.A. (P/W to handle)

CONSENT

24. Land acquisition - Tuolumne River Regional Park. (Ira and Elsie Root) (Memo with agenda. Resolution accepting grant deed and approving purchase agreement needed. Estimated cost \$35,000; funds budgeted in Account 6329-31-321, Tuolumen Land Acquisition)

ACTION: Res. 73-520 adopted accepting grant deed and approving agreement. (Clerk to handle)

CONSENT

25. Accept improvements in Greenfield Village No. 3 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Greenfield Village No. 3 Subdivision is located east of Rose Avenue south of Orangeburg Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-521 adopted accepting improvements. (Clerk to handle)

CONSENT

26. Accept improvements in Applegate No. 3 Subdivision and authorize City Clerk to file notice of completion and release bonds upon completion of statutory periods.
(Applegate No. 3 subdivision is located at the southwest corner of Carver and Rumble Roads. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Resolution accepting improvements needed)

ACTION: Res. 73-522 adopted accepting improvements. (Clerk to handle)

CONSENT

27. Consider approval of agreement to provide sewer and water to property outside the City.
(Developers James R. Clarke and Sylvia J. Clarke, husband and wife. The developers of property located on the west side of McHenry Ave. at Union Ave. known as Parcel "C; as shown on parcel map recorded in Book 17 of Parcel Maps at Page 3, Stanislaus County Records, have signed an agreement for sewer and water service which basically requires the prepayment of fees and that the development be to city standards and that deed restrictions be recorded which require annexation to the City. Resolution approving agreement needed)

ACTION: Res. 73-523 adopted approving agreement. (Clerk to handle)

CONSENT

28. Consider waiving escalation of bond redemption charge for commercial and industrial properties for fiscal year 1973-74.
(Memo with agenda. Resolution waiving automatic \$100/acre escalation of bond redemption charge on commercial and industrial properties for fiscal year 1973-74, needed)

ACTION: Res. 73-524 adopted waiving automatic escalation. (Finance to handle)

CONSENT

29. Land acquisition, Tuolumne River Regional Park. (Fala M. Bowlin and Richard H. Walters.)
(Memo with agenda. Resolution accepting grant deed and approving purchase agreement needed. Estimated cost \$45,900. Funds budgeted in Account 6329-31-321, Tuolumne Land Acquisition)

ACTION: Res. 73-525 adopted accepting grant deed and approving agreement. (Clerk to handle)

CONSENT

30. Eminent domain proceedings - Tuolumne River Regional Park.
(Memo with agenda. Two resolutions needed (1) Authorizing City Attorney to commence eminent domain proceedings; (2) approving appropriation transfer. Estimated cost \$36,500)

ACTION: Res. 73-526 adopted authorizing commencement of eminent domain proceedings. (C/Atty to handle)

Res. 73-527 adopted approving appropriation transfer of \$36,500 from Account 60-321 to Account 6329-31-321. (Finance to handle)

CONSENT

31. Requirement for construction of curbs and gutters and/or sidewalks at the locations listed below: (Project 73/17-01 through 73/21-04) (Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting 4:00 P.M. on July 2, 1973 for hearings needed)
- (a) Sidewalk at 1131 E. Morris Avenue, Lot 19 of Block 1002. (Alfred A. Ambriz)
 - (b) Sidewalk at 1225 E. Morris Avenue, Lot 1 of Block 1002-A. (Carl E. Buckley)
 - (c) Sidewalk at 1122 E. Morris Avenue, Lot 10 of Block 1006. (Larry Dixon)
 - (d) Sidewalk at 1140 E. Morris Avenue, Lot 6 of Block 1006. (Warren R. Hamilton)
 - (e) Drive approach along W. Morris Avenue at 501 Magnolia Avenue, Lot 15 and 16 of Block 542. (Frieda Jungerman)
 - (f) Drive approach along E. Morris Avenue at 422 Bodem Street, the W. 127.45 feet of Lot 1 & 2 of Block 594. (John H. Mears)
 - (g) Sidewalk along E. Morris Avenue at 1021 E. Morris Avenue, Lot 13 of Block 605. (Alice M. Oden)
 - (h) Sidewalk along E. Morris Avenue at 101 John Muir Court, Lot 1 of Block 606. (Viola M. Patton)
 - (i) Sidewalk at 1238, 1240, 1242, & 1244 E. Morris Avenue, a portion of Block 1011. (Walter H. Pingle)
 - (j) Sidewalk along E. Morris Avenue at 502 Ramona Avenue, Lot 36 of Block 605. (Eva M. Sargent)
 - (k) Sidewalk at 1219 E. Morris Avenue, Lot 2 of Block 1002-A. (Harley C. Spencer)
 - (l) Sidewalk at 1208 E. Morris Avenue, Lot 2 of Block 1006. (Mattie N. Swanson)
 - (m) Sidewalk along E. Morris Avenue at 141 John Muir Court, Lot 2 of Block 606. (H. N. Vallez)
 - (n) Curb and gutter along E. Morris Avenue at 419 Kimble Street, Lot 1, 2, 3 & 4 of Block 576. (Donald J. Welch)
 - (o) Sidewalk along E. Morris Avenue at 501 Hunter Avenue, Lot 15 of Block 1002. (Dene W. Zahn, Jr.)
 - (p) Sidewalk at 419 Coldwell, the east 60.13 feet of Lot 63 of Block 704. (Doris A. W. Carlisle)
 - (q) Sidewalk along Coldwell Avenue at 422 Coldwell Avenue, Lot 1 of Block 539. (H. Vincent Elkins, Jr.)
 - (r) Sidewalk along Coldwell Avenue at 501 Coleman Court, Lot 14 of Block 521. (Edith L. Fox)
 - (s) Sidewalk at 415 Coldwell Avenue, the West 60.13 feet of Lot 64 of Block 704. (Arvilla L. Hanson)

CONSENT (continued)

31. Requirement for construction of curbs, gutters and/or sidewalks,
(continued)

- (t) Sidewalk along Coldwell Avenue at 607 Sycamore Avenue, a portion of Block 539. (Daisy M. Harris)
- (u) Sidewalk along Coldwell Avenue at 445 Coleman Court, Lot 15 of Block 521. (Fred W. King)
- (v) Sidewalk at 405 Coldwell Avenue, a portion of Block 704. (Harriett O. Marlin)
- (w) Sidewalk along Coldwell Avenue at 431 Coldwell Avenue, a portion of Block 704. (John W. Sautter)
- (x) Sidewalk along Coldwell Avenue at 439 Coleman Court, Lot 16 of Block 521. (Earl J. Wagner)
- (y) Sidewalk along Coldwell Avenue at 507 Coleman Court, Lot 13 of Block 521. (Oren Wilcher)
- (z) Sidewalk along Coldwell Avenue at 433 Coleman Court, Lot 17 of Block 521. (George W. Williams)
- (aa) Sidewalk along Coldwell Avenue at 554 Enslin Avenue, Lot 12 of Block 521. (Lealon G. Wyckoff)

ACTION: Res. 73-528 adopted setting hearing. (P/W to handle)

32. Consider adoption of budget for 1973-74 fiscal year and adoption of the Six-year Capital Improvement Program.
(A report has been prepared which shows the adjustments to the preliminary budget which have been reviewed and recommended by the City Council and includes the first year of the six-year capital improvement program. Ordinance adopting the 1973-74 budget and First-year Capital Improvement Program needed)

ACTION: Ord. No. 1275-C.S. adopted (Simon/Elliott, unan.) adopting 1973-74 budget and the first year Capital Improvement Program.
(Clerk to handle)

CONSENT

33. Accept improvements in Pleasant View Estates No. 3 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Pleasant View Estates No. 3 subdivision is located south of Floyd Avenue and east of Rose Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-529 adopted accepting improvements. (Clerk to handle)

34. Letter from Yosemite Junior College District requesting City to budget \$8,900 to light tennis courts at Modesto Junior College.
(Council approved participation on July 3, 1972. Motion approving request needed. Appropriation transfer will be requested after approval of 1973-74 budget. Estimated cost \$8,500)

ACTION: By motion (Dunlap/Simon, unan.) request approved. (P & R to handle)

CONSENT

35. Consider authorizing City Manager to sign letter agreement with the Modesto Bee to print and publish the official advertising for the City for a one-year period ending June 30, 1974.
(Memo with agenda. Resolution needed. Estimated cost \$8,000. Funds budgeted in Account 230-14-101, Advertising, Legal & Others)

ACTION: Res. 73-530 adopted approving letter agreement. (Clerk to handle)

CONSENT

36. Amendments to agreements regarding insurance requirements.
(Andrew J. Silva, Lila Huff, Modesto Baseball Club, Inc.)
(Memo with agenda. Three resolutions approving amendments to agreements needed)

ACTION: Res. 73-531 adopted approving agreement with Andrew J. Silva
Res. 73-532 adopted approving agreement with Lila Huff.
Res. 73-533 adopted approving agreement with Modesto Baseball Club, Inc. (Clerk to handle)

REPORTS

37. Report on Sonoma Avenue School - proposed pool.
(Memo with agenda. Motion directing staff needed. Estimated cost \$42,500.)

ACTION: By motion (Simon/Elliott, unan.) concept approved with condition that City's cost is not to exceed \$33,000. (P & R to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

38. Kansas Avenue Addition (inhabited) for referral to the Planning Commission.
(Annexation has been requested by residents of the area located southwest of freeway 99, east of Emerald Avenue and north of Laurel Avenue. The area is approximately 62 acres in size and contains 93 properties which include a mixture of residential, commercial, and quasi-commercial uses. It is bounded by the City limits on the west. The area is served by Del Este Water Co., and many of the commercial and quasi-commercial uses are already served by city sanitary sewer lines. Formation of an improvement district could extend sewer service to the residential portion of the proposed addition. The area is within the Woodland Ave. Fire Protection District, from which it would be withdrawn, and in the Modesto City School District, in which it will remain. Additional information will be gathered if referred to the Planning Commission. Resolution referring to Planning Commission needed)

ACTION: Res. 73-534 adopted referring Kansas Avenue Addition to Planning Commission. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

39. Request for appropriation transfers to correct action taken at council meetings of May 7 and May 14, 1973. Appropriation transfers requested for three items were placed in the wrong accounts and needed to be transferred to the correct accounts as follows:

\$888 from Account 5500-22-101 to Account 5409-22-101(\$651) for time recorder, and to 5411-22-101 (\$237) for vacuum cleaner.

\$2,678 from Account 5401-21-101 to Account 5404-21-101 for air mask replacement.

(Two resolutions approving transfers needed)

ACTION: Res. 73-535 adopted approving appropriation transfer of \$888 from Account 5500-22-101 to Account 5409-22-101 (\$651) and Account 5411-22-101 (\$237).

Res. 73-536 adopted approving appropriation transfer of \$2,678 from Account 5401-21-101 to Account 5404-21-101. (Finance to handle)

MISCELLANEOUS

40. Legislation.

ACTION: By motion (Simon/Dunlap, unan.) AB 1864 opposed. (C/Mgr to handle)

41. Appointments.

ACTION: The Council retired to Executive Session to consider appointments at 6:20 P.M. and returned to open meeting at 6:43 P.M.

Res. 73-537 adopted (Newton/Mensing, unan.) appointing Gerald Goren and Jim Richardson as members of the Human Rights Commission to replace Leopold Prescott and Mrs. Betty Denenholz respectively for terms ending May 1, 1976. (Clerk to handle)

42. Matters too late for the agenda.

NONE

The Council retired to Executive Session at 6:45 P.M. to consider meet and confer and appointments and returned to open meeting at 7:48 P.M.

ACTION: Res. 73-538 adopted (Dunlap/Newton, unan.) appointing Reverend Ben Jennings as Chairman of the Human Rights Commission.

Res. 73-539 adopted (Dunlap/Newton, unan.) accepting with regret resignation of Robert Gallo as Chairman of Human Rights Commission. (Clerk to handle)

Adjournment at 7:50 P.M. to noon on June 20, 1973 in the Law Library.

ATTEST:


W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Regular Meeting
June 20, 1973

The Council met in adjourned regular meeting this date at 12:00 o'clock noon and there were:

PRESENT: Councilmembers: Dunlap, Elliott, Mensinger, Newton,
Simon, Mayor Davies
ABSENT: Councilmember: Kullijian

Also present were: City Manager Keefe, City Attorney Johnson, Deputy City Manager Ray, Personnel Officer Neyens, Planning Director Nichols and City Clerk Chynoweth and Modesto Bee Reporter Phillips.

The Director of Planning informed the Council that it was necessary for the Council to hold public hearings on an Open Space and Recreation Element Amendment to the Modesto Urban Area General Plan and the Environmental Impact Report on said Element. He further stated that a public hearing should also be held on amendments and additions to the zoning and sign regulations.

Res. 73-540 adopted (Elliott/Simon, unan. - Kullijian, absent) setting July 2, 1973 at 4:05 P.M. as time for hearing on Open Space and Recreation Element Amendment to the Modesto Urban Area General Plan and on the Environmental Impact Report on said Element. (Clerk to handle)

Res. 73-541 adopted (Elliott/Simon, unan. - Kullijian, absent) setting July 2, 1973 at 4:05 P.M. as time for hearing on amendments and additions to Zoning and Sign Regulations to include a "purpose" section to the Flood Plain Zone and to add an Exclusive Agricultural and Recreational Zone. (Clerk to handle)

The matter of a joint bus trip to start at 9:00 P.M. on June 21 with representatives of the Modesto Irrigation District was also discussed. The purpose of the bus trip was to view the areas where improvement of street lighting was being planned. Because the trip was scheduled so soon, most Councilmembers stated they would be unable to attend due to prior commitments. It was informally agreed that Mayor Davies and Councilman Dunlap, together with the City Manager and the Director of Public Works would represent the City.

The Council retired to Executive Session at 12:45 P.M. to discuss meet and confer with the announcement that it would not return to open meeting.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 25, 1973 AT 7:30 P.M.

Roll call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Mayor Davies
Absent: Simon

Pledge of allegiance to the Flag

Invocation: Reverend Theodore Ness, Bethel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 8, 9,
Items 9 and 21 removed from consent 10, 14, 15, 16, 17, 18, 19, 20,
Newton/Mensinger, unan. - Simon, absent ~~XX~~ 22, 23, 24, 27, 28, 29, 30,
31, 32, 33, 34

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of June 18, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Central California Art League, Inc. for permission to use Needham Avenue end of Graceada Park on August 5 for its annual Art in the Park Festival.
(Motion granting request needed)

ACTION: By motion, request granted. (P & R to handle)

CONSENT

3. Request of the following for permission to use public parking spaces for sale of snow cones at 4th of July parade:

(a) Greg Shinkwin and Ted Rosen.

ACTION: Res. 73-542 adopted granting request. (Police to handle)

(b) Victor Velezquez.

ACTION: Res. 73-543 adopted granting request. (Police to handle)

(c) Eddie Rodrigues

(Three resolutions granting requests needed)

ACTION: Res. 73-544 adopted granting request. (Police to handle)

4. Request by W. S. Witzke and George Kell for discussion of nitrates.

ACTION: Mr. Kell presented further information on developments in the field of nitrates. No action was taken.

BIDS

CONSENT

5. Consider award of contract for installation of fire hydrants and waterlines in Buena Vista, El Rio, and LaSombra Streets.
(Bids were opened at 10:00 A.M. on June 12, 1973. The low bid was submitted by Western Pipeline Co., and was 34% over the Engineer's estimate. A review of the project with the low bidder indicates that the estimate did not properly reflect the costs for doing this work. It is therefore recommended that the contract be awarded to them. Resolution needed. Estimated cost \$22,494.31 (\$14,164.50; Labor, \$8,329.81 Matl). Funds budgeted in Account 6125-41-321, Fire Hydrant Installation)

ACTION: Res. 73-545 adopted awarding contract to Western Pipeline Co. (P/W to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for installation of waterlines in Kewin Park and Thousand Oaks Park.
(Suggested bid opening date July 10, 1973 at 10:00 A.M. These water lines are for fire protection and irrigation purposes in these parks. Resolution needed. Estimated cost \$24,526.21 (\$13,926.21, Matl; \$10,600 labor). Funds budgeted in Account 6385-31-321, Thousand Oaks Park)

ACTION: Res. 73-546 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

7. Consider rejecting bids for Project 3 - construction of curbs, driveways and sidewalks at various locations and setting a new call for bids.
(Memo with agenda. Resolution rejecting bids opened June 19, 1973 and resolution authorizing new call for bids to be received July 10, 1973 at 10:10 A.M. needed. Estimated cost: \$29,920 (Contract \$27,200, Engr. \$2,720).

ACTION: Res. 73-547 adopted rejecting bids.

Res. 73-548 adopted authorizing new call for bids. (Clerk to handle)

CONSENT

8. Consider acceptance of Lewis Dannels contract for installation of water lines in Maze Blvd.
(Original contract \$29,843.75. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file notice of completion. Resolution accepting work needed. Final contract cost \$26,485.63. Funds budgeted in Account 6828-50-101, Strengthen Water System)

ACTION: Res. 73-549 adopted accepting contract. (Clerk to handle)

CONSENT

9. Consider adoption of the following resolutions regarding Improvement District No. 22 - F.A.C.E. Project No. E.26.

(a) (M22-16) Resolution awarding contract to George Reed, Inc. whose bid is 2.9% over the Engineer's Estimate.

ACTION: (Councilman Newton disqualified himself from consideration of this item due to a conflict of interest.)

Res. 1269-S.P. adopted (Dunlap/Elliott, unan. - Newton and Simon, absent) awarding contract to George Reed, Inc. (P/W to handle)

(b) (M22-16A). Resolution authorizing Superintendent of Streets to order certain changes to the work, under Section 5236 of the Streets and Highway Code.

Adoption of two resolutions needed. Estimated cost \$79,572.44 (Contract \$66,619.60 - Incidentals & Contingency, \$12,952.84). Funds budgeted in Account 5301-223)

ACTION: (Councilman Newton disqualified himself from consideration of this item due to a conflict of interest.)

Res. 1270-S.P. adopted (Dunlap/Elliott, unan. - Newton and Simon, absent) authorizing Superintendent of Streets and Highways to order certain changes in work. (P/W to handle)

CONSENT

10. Consider approval of specifications and authorize call for bids to be opened July 10, 1973 at 2:00 P.M. for furnishing traffic signs and accessories.

(Resolution needed. Estimated cost \$3,900. Funds budgeted in Account 223 and 5301-56-101, M & R, other, and Traffic signs., p. 117 preliminary budget)

ACTION: Res. 73-550 adopted approving specifications and bid call. (Clerk to handle)

11. Matters for the good of the community. 7:30 P.M.
(These may be presented by interested persons in the audience)

NONE

UNFINISHED BUSINESS

12. Acceptance of written comments on design for Needham and Kansas connection.

(Comments by Stan Boyette have been sent to Council, also those of Fred L. Hill, Plumbing & Heating.) Motion accepting comments needed)

ACTION: By motion (Mensing/Newton, unan.) comments accepted. (P/W to handle)

NEW BUSINESS

13. Property acquisition, Tuolumne River Regional Park - Howell, Benson, Merlin.

(Memo with agenda. Resolution accepting grant deed and approving purchase agreement needed. Estimated cost \$27,900. Funds budgeted in Account 6329-31-321, Tuolumne Land Acquisition)

ACTION: Res. 73-551 adopted (Dunlap/Elliott, unan. - Simon, absent) accepting grant deed and approving purchase agreement. (Note: It was agreed by the Council that this acceptance and approval is subject to the approval by the City Attorney of the documents which are in the mail but have not been received as yet. (C/Atty to handle)

CONSENT

14. Consider approval of Program Supplement No. 1 to the Master agreement for the Federal-Aid Urban System Program.
(Council approved the master agreement on May 7, 1973. The supplement provides for the improvement of G Street. The estimate calls for the use of \$58,433 of federal funds and \$23,237 of city funds. Resolution approving program supplement No. 1 and authorizing the City Manager and Clerk to sign needed)

ACTION: Res. 73-552 adopted approving program supplement No. 1.
(Clerk to handle)

CONSENT

15. New rates for State Compensation Insurance Fund.
(Memo with agenda. Resolution accepting new plan needed)

ACTION: Res. 73-553 adopted approving and accepting new plan for Workmens Compensation Insurance. (Finance to handle)

CONSENT

16. Consider approval of lease between City and Walter Van Heukelen for lease of Hangar No. 5 at the City-County Airport.
(Memo with agenda. Resolution approving lease agreement needed)

ACTION: Res. 73-554 adopted approving lease agreement. (P/W to handle)

CONSENT

17. Consider acceptance of F.A.A. grant for construction of storm drain across City-County Airport.
(On November 6, 1972 the Council approved a project applications for federal aid for the construction of a 42" drain across the airport. The F.A.A. has approved the project and will pay 80% of the cost. City participation is limited to \$5,000. Resolution approving acceptance of grant needed)

ACTION: Res. 73-555 adopted accepting F.A.A. grant. (P/W to handle)

CONSENT

18. Consider request for sewer service to property outside the City at 422 Coffee Road.
(Property owners Charles R. and Lois A. Daggs have signed an agreement to annex to the City when requested to do so. The property is contiguous to the City but a sewer main must be extended by the property owners. Resolution approving agreement needed)

ACTION: Res. 73-556 adopted approving agreement. (P/W to handle)

CONSENT

19. Approve final map of Wyldewood Estates No. 4 Subdivision of the City of Modesto and authorize agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Wyldewood Estates No. 4 Subdivision is located on the south side of E. Orangeburg Avenue west of Oakdale Road. It contains 6.701 acres. Memo with agenda. Resolution approving final map and agreement needed)

ACTION: Res. 73-557 adopted approving final map. (Clerk to handle)

CONSENT

20. Resolutions withdrawing the following annexations from the Salida Fire District.
(a) Beckwith No. 1 Addition.
(Resolution withdrawing from Fire District needed)

ACTION: Res. 73-558 adopted withdrawing Beckwith No. 1 Addition from Salida Fire Protection District. (Clerk to handle)

- (b) Beckwith No. 2 Addition.
(Resolution withdrawing from Fire District needed)

ACTION: Res. 73-559 adopted withdrawing Beckwith No. 2 Addition from Salida Fire Protection District. (Clerk to handle)

~~CONSENT~~

21. Resolutions determining that the public interest and convenience require that the following additions be annexed to the Modesto Municipal Sewer District No. 1:

- (a) A portion of Beckwith No. 1 Addition. Suggested hearing date August 20, 1973 at 7:30 P.M.
(Resolution setting hearing needed (2/3 affirmative vote required))

ACTION: Res. 73-560 adopted (Elliott/Dunlap, unan. - Simon, absent) setting hearing. (Clerk to handle)

- (b) Beckwith No. 2 Addition. Suggested hearing date August 20, 1973 at 7:30 P.M.
(Resolution setting hearing needed (2/3 affirmative vote required))

ACTION: Res. 73-561 adopted (Elliott/Dunlap, unan. - Simon, absent) setting hearing. (Clerk to handle)

CONSENT

22. Agreement with Head Rest, Inc. to rent office space in the Modesto Community Service Center.
(Resolution approving agreement needed)

ACTION: Res. 73-562 adopted approving agreement. (Clerk to handle)

CONSENT

23. Tuolumne River Regional Park.
(Staff is asking the Council to approve the filing of an application for Land and Water Conservation Funds to assist in the purchase of land for the Tuolumne River Regional Park. Memo with agenda. Resolution approving filing of application needed. Estimated cost \$165,000 (net). Funds budgeted in Account 6329-323, Tuolumne River Regional Park - Land Acquisition)

ACTION: Res. 73-563 adopted approving filing of application. (P & R to handle)

CONSENT

24. Dry Creek Park.
(Staff is asking Council for approval to file an application for Land and Water Conservation Funds to assist in the purchase of land for the Dry Creek Park. Memo with agenda. Resolution approving filing of application needed. Estimated cost \$267,663 (net). Funds budgeted in Account 6415-31-321, Dry Creek Park, Land Acquisition)

ACTION: Res. 73-564 adopted approving filing of application. (P & R to handle)

REPORTS

25. Report on negotiations for property across alley from City Hall.
(Memo with agenda. One property owner does not want to sell. The other one wants \$45,000 more than our appraiser thinks that property is worth. Motion directing the City Attorney to prepare documents for acquisition of the properties by condemnation proceedings needed)

ACTION: By motion (Elliott/Dunlap, unan.) City Manager and staff directed to proceed to prepare documents necessary for condemnation proceedings for both parcels. (C/Atty to handle)

26. Report on salary and benefit meet and confer meetings.
(Since discussions with Modesto City Employees' Association are still in progress, an oral report will be made at the meeting. Resolutions approving memorandums of understanding and a resolution establishing salary schedules and fixing compensation for positions in city service needed)

ACTION: Res. 73-565 adopted (Dunlap/Newton, unan. - Simon, absent) approving Memorandum of Understanding with Modesto City Fire Fighters Association. (Clerk to handle)

It was reported by the Deputy City Manager to Council that negotiations with the Modesto City Employees' Association has reached an impasse. He explained the offers and counter-offers that had been made. Phil Cunningham and Rob Allen, representing the Employees' Association then presented information on the negotiations.

By motion (Elliott/Dunlap, unan.) miscellaneous employees granted a 6% wage increase plus an increase to 250 days the amount of sick leave that may be accumulated.

By motion (Mensingher/Elliott/ unan.) Department Heads and Council appointees granted 6% wage increases with the following additional increases as listed:

City Manager - additional 3%
Director of Parks & Recreation - additional 4%
Director of Finance - additional 1½%

26. Report on salary and benefit meet and confer meetings, (continued)

ACTION: By motion (Dunlap/Elliott, unan.) the following salary adjustments were ordered:

Police Captain - additional 2½%
Records Supervisor - additional 2½%
2 Assistant Director of Public Works - additional 5%
Airport Manager - additional 5%

Res. 73-566 adopted (Newton/Elliott, unan. - Simon, absent) adopting new salary schedule to conform to previous action. (Finance to handle)

CONSENT

27. Report on status of parking lot leases, etc.
(Memo with agenda. This is a periodic, informational report that requires no action. Motion ordering filed needed)

ACTION: By motion, report ordered filed.

CONSENT

28. Report on procedure for appropriating salary adjustments.
(Memo with agenda. Motion approving report needed)

ACTION: By motion, report approved. (Finance to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

29. Uninhabited annexation to the City of Modesto - Whitmore No. 1 Addition.
(The LAF Commission has authorized this annexation without notice or public hearing.- June 15, 1973. Resolution approving annexation needed)

ACTION: Res. 73-567 adopted annexing Whitmore No. 1 Addition to City of Modesto. (Clerk to handle)

CONSENT

30. Set date for public hearing for annexation to the City of uninhabited territory - Standiford-Tully No. 1 Addition.
(Approved by LAFC on June 15, 1973. Resolution setting August 13 at 7:30 P.M. for public hearing needed)

ACTION: Res. 73-568 adopted setting hearing. (Clerk to handle)

CONSENT

31. Recommend amendment to Section 9-3-9 of the zoning map (Charles F. Dotson)
(By resolution No. 73-75 adopted by the Planning Commission June 19, 1973 it recommends an amendment to Section 9-3-9 of the zoning map as requested by Charles F. Dotson, to rezone from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, property located on the northwest corner of Rumble Road and Lancelot Lane. Resolution setting July 23, 1973 at 7:35 P.M. for public hearing needed)

ACTION: Res. 73-569 adopted setting hearing. (Clerk to handle)

CONSENT

32. Recommend amendment to Section 27-3-9 of the zoning map (James Price - Oakmont P-D for Garden Court Homes).
(By Resolution 73-74, adopted by the Planning Commission on June 19, 1973 it recommends an amendment to Section 27-3-9 of the zoning map as requested by James Price, to prezone to Planned Development Zone, P-D, for a 205-unit, 1 and 2-story single-family residential development on property located west of Fortuna Street, north of M.I.D. Lateral No. 2 and on the south side of Edgebrook Drive extended.
(Resolution setting July 23, at 7:40 P.M. for public hearing needed)

ACTION: Res. 73-570 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

33. Consider approval of appropriation transfer in Airport budget. (Funds in the amount of \$400 in the Utilities Account and \$550 in the Maintenance & Repair Buildings/Grounds account of the Airport budget are required to cover anticipated costs for the balance of the budget year. Resolution approving appropriation transfer of \$950 from 60-46-230 to 210-46-230 (\$400) and 224-46-230 (\$550) needed)

ACTION: Res. 73-571 adopted approving appropriation transfer of \$950 from Account 60-46-230 to Account 210-46-230 (\$400) and Account 224-46-230 (\$550). (Finance to handle)

CONSENT

34. Appropriation transfer from Accounts 218, Equipment Rental (\$6,000) and 224, M & R Buildings and Grounds (\$500) in the Parks Division budget to Account 120, Salaries & Wages, part time, in the Recreation Division budget.
(To provide additional amount needed for part-time recreation salary increases effective September 1972. Resolution approving appropriation transfer needed)

ACTION: Res. 73-572 adopted approving appropriation transfer of \$6,000 from Account 218-35-101 and \$500 from Account 224-35-101 to Account 120-32-101. (Finance to handle)

MISCELLANEOUS

35. Legislation.

ACTION: By motion (Kullijian/Elliott, unan.) AB 1829 opposed.
(C/Mgr to handle)

36. Appointments.

NONE

37. Matters too late for the agenda.

ACTION: Robert Raingruber requested the reason for omitting the Natural Waterways Zone from the proposed Open Space Element of the General Plan. It was explained that more study is needed on this before action is taken

Harold Jolliff, member of the Farm-City Advisory Committee was introduced.

38. Executive session at 8:45 P.M., with the announcement that the Council would not return to open meeting, to discuss contract employees salaries.

Adjournment at 8:45 P.M.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

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6/25/73

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 2, 1973 AT 4:00 P.M.

Roll call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies

Absent: None
(Councilman Newton arrived at 4:05 P.M.)

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 1, 2, 3, 5, 6, 7, 12, 13, 14, 15,
Dunlap/Elliott, unan. - Newton, absent 17, 18, 19, 20, 21, 22, 23, 24,
(Councilmember Elliott requested and 25, 26, 27
received further information on Item 23)

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of June 20 and 25, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Letter from Elaine P. Steinhoff raising questions concerning traffic problems near areas of high density.
(Motion referring to staff needed)

ACTION: By motion, letter referred to staff. (P & T to handle)

CONSENT

3. Request of Mid Valley Engineering on behalf of Price Enterprises for a variance to permit a 14 foot distance between curb openings.
(Resolution setting July 9, 1973 at 7:35 P.M. for informal hearing needed)

ACTION: Res. 73-573 adopted setting hearing. (Clerk to handle)

4. Request of Dr. Soelling for waiver of one-year limitation for rezoning application for his property.

ACTION: Res. 73-574 adopted (Simon/Dunlap, maj. - Davies, no) waiving one-year limitation. (Planning to handle)

CONSENT

5. Consider award to low bidder, Consolidated Electrical Distributors, to furnish lamps for municipal purposes for a one year period ending June 30, 1974.
(Memo with agenda. This joint venture includes the needs of seven public agencies. Resolution awarding bid needed. Estimated cost: \$6,436.00 (Modesto portion); funds budgeted in Account No. 438/512 (not shown in budget book), Revolving Fund.

ACTION: Res. 73-575 adopted awarding contract to Consolidated Electrical Distributors. (Finance to handle)

CONSENT

6. Consider award of contract to Western Pipeline Co., Inc. for construction of Improvement District No. 21 Facilities. Low bid \$238,762.00.
(Bids were opened June 26, 1973, and the low bid of Western Pipeline Co. which is 5% below the Engineer's Estimate is considered acceptable. Therefore it is recommended that the bid be awarded to them. Resolution awarding contract and resolution authorizing Superintendent of Streets to make certain changes in the work needed. Estimated cost: Engineering cost \$21,773; funds budgeted in Account No. 6594-212, Improvement District #21)

ACTION: Res. 1271-S.P. adopted awarding contract to Western Pipeline Co. (P/W to handle)

Res. 1272-S.P. adopted authorizing Superintendent of Streets to make certain changes in the work. (P/W to handle)

CONSENT

7. Consider award of contract for installation of waterlines in Bonnie Lee Estates, Coffee Plaze #7, Coffee Plaza #8, McHenry Estates #3, and Riedel Estates #2.
(Bids were opened on June 26, 1973. The low bid submitted by Joe Martin, which is 14% under the Engineer's estimate is considered acceptable. It is therefore, recommended that the contract be awarded to them. Resolution awarding contract needed. Estimates cost: \$32,180.25; funds budgeted in Account No. 6804-50-101, Waterline Extensions and Account No. 5301-50-101, New Services)

ACTION: Res. 73-576 adopted awarding contract to Joe. Martin.
(P/W to handle)

HEARINGS

8. Hearings on requirement for construction of curb, gutter and/or sidewalks at the following locations: (Project No. 73/17-01 through 73/21-04) 4:00 P.M.
- (a) Sidewalk at 1131 E. Morris Avenue, Lot 19 of Block 1002. (Alfred A. Ambriz)
 - (b) Sidewalk at 1225 E. Morris Avenue, Lot 1 of Block 1002-A. (Carl E. Buckley)
(Drop from agenda - doing own work)
 - (c) Sidewalk at 1122 E. Morris Avenue, Lot 10 of Block 1006. (Larry Dixon)
 - (d) Sidewalk at 1140 E. Morris Avenue, Lot 6 of Block 1006. (Warren R. Hamilton)
 - (e) Drive approach along W. Morris Avenue at 501 Magnolia Ave., Lot 15 and 16 of Block 542. (Frieda Jungerman)
 - (f) Drive approach along E. Morris Avenue at 422 Bodem St., the W. 127.45 feet of Lot 1 & 2 of Block 594. (John H. Mears)
 - (g) Sidewalk along E. Morris Avenue at 1021 E. Morris Avenue, Lot 13 of Block 605. (Alice M. Oden)
 - (h) Sidewalk along E. Morris Avenue at 101 John Muir Court, Lot 1 of Block 606. (Viola M. Patton)
 - (i) Sidewalk at 1238, 1240, 1242 and 1244 E. Morris Ave., a portion of Block 1011. (Walter H. Pingle)
(Drop from agenda - doing own work)
 - (j) Sidewalk along E. Morris Avenue at 502 Ramona Avenue, Lot 36 of Block 605. (Eva M. Sargenti)
 - (k) Sidewalk at 1219 E. Morris Avenue, Lot 2 of Block 1002-A. (Harley C. Spencer)
 - (l) Sidewalk at 1208 E. Morris Avenue, Lot 2 of Block 1006. (Mattie N. Swanson)
(Drop from agenda - doing own work)
 - (m) Sidewalk along E. Morris Avenue at 141 John Muir Court, Lot 2 of Block 606. (H. N. Vallez)
 - (n) Curb and gutter along E. Morris Avenue at 419 Kimble St., Lot 1, 2, 3 & 4 of Block 576. (Donald J. Welch)
 - (o) Sidewalk along E. Morris Avenue at 501 Hunter Avenue, Lot 15 of Block 1002. (Dene W. Zahn, Jr.)
 - (p) Sidewalk at 419 Coldwell, the east 60.13 feet of Lot 63 of Block 704. (Doris A. W. Carlisle)
 - (q) Sidewalk along Coldwell Avenue at 422 Coldwell Avenue, Lot 1 of Block 539. (H. Vincent Elkins, Jr.)
 - (r) Sidewalk along Coldwell Avenue at 501 Coleman Court, Lot 14 of Block 521. (Edith L. Fox)
 - (s) Sidewalk at 415 Coldwell Avenue, the West 60.13 feet of Lot 64 of Block 704. (Arvilla L. Hanson)
 - (t) Sidewalk along Coldwell Avenue at 607 Sycamore Avenue, a portion of Block 539. (Daisy M. Harris)

8. Hearings on sidewalk requirements, (continued) 4:00 P.M.

- (u) Sidewalk along Coldwell Avenue at 445 Coleman Court, Lot 15 of Block 521. (Fred W. King)
- (v) Sidewalk at 405 Coldwell Avenue, a portion of Block 704. (Harriett O. Marlin)
- (w) Sidewalk along Coldwell Avenue at 431 Coldwell Ave., a portion of Block 704. (John W. Sautter)
- (x) Sidewalk along Coldwell Avenue at 439 Coleman Court, Lot 16 of Block 521. (Earl J. Wagner)
- (y) Sidewalk along Coldwell Avenue at 507 Coleman Court, Lot 13 of Block 521. (Oren Wilcher)
- (z) Sidewalk along Coldwell Avenue at 433 Coleman Court, Lot 17 of Block 521. (George W. Williams)
- (aa) Sidewalk along Coldwell Avenue at 554 Enslin Avenue, Lot 12 of Block 521. (Lealon G. Wyckoff)

ACTION: Res. 73-577 adopted (Dunlap/Newton, unan.) ordering work done. (P/W to handle)

9. Hearing on Open Space and Recreation Element to the Modesto Urban Area General Plan and the Environmental Impact Report on said Element. 4:05 P.M.

ACTION: Items 9 and 10 were considered jointly.

10. Hearing on amendments to Zoning and Sign Regulations to include a "purpose" section to the Flood Plain Zone and for the addition of an Exclusive Agricultural and Recreational Zone (A-R). 4:05 P.M.

ACTION: After everyone had been given an opportunity to speak, the public discussion portion of the hearing was closed. The Council then suggested changes to be made. By motion (Elliott/Simon, unan.) hearing continued to July 16, 1973 at 4:05 P.M. and staff directed to incorporate suggested changes and present to Council at that time. (Planning to handle)

11. Matters for the good of the community. 4:10 P.M.
(These may be presented by interested persons in the audience)

NONE

NEW BUSINESS

CONSENT

12. Acquisition of Property--Fire Station No. 1 -- Mr. and Mrs. Glenn Sparks.
(Memo with agenda. Resolution accepting Grant Deed and authorizing execution of Purchase Agreement. Estimated cost: \$23,000; funds budgeted in Account No. 6113-41-321, Fire Station 1 Land Acquisition)

ACTION: Res. 73-578 adopted accepting Grant Deed and approving agreement. (Clerk to handle)

CONSENT

13. (a) Approve agreement with S.P. Transportation Co. and County on Carpenter Road overpass.

(b) Accept and approve indenture with S. P. Transportation Co. granting City the right to construct the Carpenter Road overpass. (Memo with agenda. Resolution approving agreement and resolution accepting and approving indenture needed. Estimated cost: \$236,000 (net); funds budgeted in Account No. 6735-41-321, C.I.P. 1973-74, Carpenter Road)

ACTION: Res. 73-579 adopted approving agreement with Southern Pacific Transportation Co. and Stanislaus County. (Clerk to handle)

Res. 73-580 adopted accepting and approving indenture with Southern Pacific Transportation Co. (Clerk to handle)

CONSENT

14. Consider deleting J St. (9th to 17th) as a truck route.
(Memo with agenda. Deletion recommended by staff, DID and DMA. Resolution rescinding present truck routes and adopting new truck route maps)

ACTION: Res. 73-581 adopted adopting new truck route maps. (P & T to handle)

CONSENT

15. Authorize Stanislaus County to apply for P.U.C. funds for Carpenter Road overpass.
(Memo with agenda. Resolution authorizing County to act as City's agent in P.U.C. application needed. Estimated cost: \$236,000 (net); funds budgeted in Account No. 6735-41-321, C.I.P. 1973-74, Carpenter Road)

ACTION: Res. 73-582 adopted authorizing Stanislaus County to act as agent of Modesto in making application. (Clerk to handle)

16. Discussion as to what steps should be taken on the possible recommendation of the formation of an auditorium district in preparation of a request of the Board of Supervisors to form such a district.

ACTION: By motion (Kullijian/Elliott, unan.) referred to City-County Liaison Committee for study. (C/Mgr to handle)

CONSENT

17. Implementation of meet and confer items.
(To put into effect items that were agreed upon in the recent meet and confer sessions. Resolution approving change in Personnel Rule 13.5 and resolution approving new uniform allowance)

ACTION: Res. 73-583 adopted approving change in Personnel Rule 13.5.
(Personnel to handle)
Res. 73-584 adopted approving new uniform allowance. (Finance to handle)

CONSENT

18. Resolution revising Position Classification Plan, resolution establishing compensation for new classifications and resolution appropriating funds for Museum Supervisor position.
(Memo of job specifications and alphabetical listing with agenda. Adoption of three resolutions needed)

ACTION: Res. 73-585 adopted revising Position Classification Plan.
(Personnel to handle)
Res. 73-586 adopted establishing compensation for new classifications.
Res. 73-587 adopted appropriating funds for Museum Supervisor position. (Finance to handle)

CONSENT

19. A resolution approving the final map of Coleman Acres No. 3 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Coleman Acres No. 3 Subdivision is located on the south side of Sylvan Avenue west of Coffee Road. It contains 5.856 Acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 73-588 adopted approving final map of Coleman Acres No. 3.
(Clerk to handle)

CONSENT

20. Consider approval of the Briggsmore - Sunrise Cooperative agreement.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-589 adopted approving agreement with Stanislaus County for Briggsmore-Sunrise improvement. (Clerk to handle)

CONSENT

21. Approve agreement between the City of Modesto and Setliff Brothers, a partnership for the construction of a sanitary sewer on Coffee Road to serve a development on the west side of Coffee Road at Coolidge Avenue.
(The developers have constructed the sanitary sewer at their own expense and the agreement provides that the City will act as agent for the developers in refunding a share of the cost when the adjacent area desires service. No City funds are required. Resolution approving agreement needed)

ACTION: Res. 73-590 adopted approving agreement with Setliff Brothers.
(Clerk to handle)

CONSENT

22. Consider approval of Head Rest's third year grant application.
(Copies of a memo and the application being distributed with agenda.
Resolution approving application needed)

ACTION: Res. 73-591 adopted approving application. (C/Mgr to handle)

REPORTS

CONSENT

23. Report on annual physical inventory of central stores.
(Memo with agenda. Motion accepting report and instructing staff
to carry out recommendations needed)

ACTION: By motion, report accepted and staff directed to carry out
recommendations. (C/Mgr to handle)

CONSENT

24. Report on possible successors to Modesto Motor Bus Service.
(Interim report with agenda. There is some interest by individuals
and companies. More work needs to be done before bids can be sought.
Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

25. Report on State requirements for bicycle registration.
(Memo with agenda. Introduction of an ordinance increasing the
bicycle registration fee to \$2.00 and the re-registration fee to \$1.00
needed)

ACTION: Ord. No. 1276-C.S. introduced increasing bicycle registration
fee to \$2.00 and the re-registration fee to \$1.00. (Clerk to
handle)

CONSENT

26. Report on Summer Youth Work Programs of the City of Modesto.
(Report with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

- 26A Report on tires for Police Patrol Units, and approval of appropria-
tion transfer in the amount of \$2,500.
(Memo with agenda. Motion directing staff, and resolution approv-
ing appropriation transfer from Service Working Capital Reserve
Appropriation (60-512) to Equipment Parks (332-48-512) needed)

ACTION: By motion (Simon/Dunlap, unan.) staff directed to use only new
tires on police patrol units. (P/W to handle)

Res. 73-592 adopted (Simon/Dunlap, unan.) approving appropriation
transfer of \$2,500 from Account 60-512 to Account 332-48-512.
(Finance to handle)

APPROPRIATION TRANSFERS

CONSENT

27. Consider appropriation transfers adjusting the 1973-74 budget for salary adjustments approved by the City Council and other last minute budget changes because of projects carried over or more current cost information.

(Memo with agenda. Resolutions approving various appropriation transfers needed)

ACTION: Res. 73-593 adopted approving appropriation transfers from General Reserve of Funds 101, 209, 218, 230 and 512 to various accounts as listed on Schedule "A", a copy of which is attached to resolution.

Res. 73-594 adopted approving appropriation transfer of \$1,500 from Account No. 60-101 to Account 330-21-101.

Res. 73-595 adopted approving appropriation transfer of \$26,530 from Account 60-101 to Account Nos. 321 (\$6,500), 5301 (\$14,200) and 5302 (\$5,830).

Res. 73-596 adopted approving appropriation transfer of \$24,300 from Account No. 60-223 to Account 5301-01-223.

Res. 73-597 adopted approving appropriation transfer of \$8,330 from Account 60-321 to Account No. 6125-41-321 and \$20,000 from Account No. 6246-31-321 to Account No. 60-321.

Res. 73-598 adopted approving appropriation transfer of \$36,500 from Account No. 60-321 to Account No. 6329-31-321.

Res. 73-599 adopted approving appropriation transfer of \$45,000 from Account No. 60-512 to Account 330-48-512. (Finance to handle)

MISCELLANEOUS

28. Legislation.

NONE

29. Appointments.

NONE

30. Matters too late for the agenda.

ACTION: Res. 73-600 adopted (Elliott/Kullijian, unan.) permitting Black Caucus to use two parking spaces to sell soft drinks during Fourth of July Parade. (Police to handle)

Res. 73-601 adopted (Elliott/Dunlap, unan.) rescinding Res. 73-560 and setting August 20, 1973 at 4:30 P.M. for hearing on annexation of Beckwith No. 1 Addition to Modesto Municipal Sewer District #1.

Res. 73-602 adopted (Elliott/Dunlap, unan.) rescinding Res. 73-561 and setting August 20, 1973 at 4:30 P.M. for hearing on annexation of Beckwith No. 2 Addition to Modesto Municipal Sewer District #1. (Clerk to handle)

30. Matters too late for the agenda, (continued)

ACTION: Res. 73-603 adopted (Simon/Dunlap, unan.) amending agreement with Roy Potter for removal of house at corner of 15th and Needham to extend time for completion to August 31, 1973. (Finance to handle)

Adjournment at 5:45 P.M. to 6:00 P.M. at Frank's Restaurant for the purpose of holding a joint meeting with the Planning Commission to discuss proposed changes in sign regulations.

ATTEST:



W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Regular Meeting
July 2, 1973

The Council met at 6:00 P.M. on July 2, 1973 at Frank's Restaurant pursuant to adjournment and there were:

Present: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Mayor Davies
Absent: Councilmember: Simon

Also present were Planning Commissioners: Nicholson (chairman), Griffin, Muratore, Ryan and Raines together with staff members Keefe, Johnson, Fitzsimons, Nichols and Chynoweth.

Others present were Bill Kane, Modesto Bee, Doug Smith, sign industry, Ray Abst, architect, and Mr. and Mrs. Jon Shastid.

The Director of Planning outlined present and proposed sign regulations and displayed photographs and sketches to illustrate the various treatment of signs.

Members of the Council and the Planning Commission offered comments and it was agreed that Planning Staff would incorporate the suggestions in a further report and that the Planning Commission and then the Council would hold public hearings on the proposed amendments. It was also agreed that after the new sign regulations have been adopted a study should be made of undergrounding or re-locating utility lines.

The meeting was adjourned at 8:35 P.M.

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 9, 1973 AT 7:30 P.M.

Roll call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies
Absent: None

Pledge of allegiance to the Flag

Invocation by Reverend Floyd Trammell, First Christian Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 1, 2, 3, 4, 8, 9, 10, 11,
Item 9 removed from consent 12, 13, 14, 15, 15A
Dunlap/Newton, unan.

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of July 2, 1973 (regular and adjourned)
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Resignation of Jerome G. Kopp from Modesto Human Rights Commission.
(Resolution accepting with regret needed)

ACTION: Res. 73-604 adopted accepting resignation with regret.
(Clerk to handle)

BIDS

CONSENT

3. Award contract for the construction of traffic signals and street lights at Tully and Mt. Vernon and approve appropriation transfer of \$2,960.
(The low bidder was Collins Electrical Company, Inc., at \$13,960. The bid exceeded the estimate by \$2,960. It is recommended that they be awarded the contract. An appropriation transfer of \$2,960 will be necessary. Resolution awarding contract and approving appropriation transfer of \$2,960 needed. Estimated cost \$15,960 (\$13,000 is already budgeted and \$2,960 will be needed per above). Funds budgeted in Account 6156-56-321, Traffic Signal Construction - Tully and Mt. Vernon)

ACTION: Res. 73-605 adopted awarding contract to Collins Electrical Co. (P & T to handle)

Res. 73-606 adopted approving appropriation transfer of \$2,960 from Account 60-321 to Account 6156-56-321
(Finance to handle)

CONSENT

4. Consider award to low bidder, Pervo Paint Co., of Los Angeles, to furnish our annual requirements of traffic line paint beginning July 15, 1973.
(Memo with agenda. Resolution needed. Estimated cost \$15,617.00. Funds budgeted in Account 321-56-101, Construction Material)

ACTION: Res. 73-607 adopted awarding contract to Pervo Paint Co.
(Finance to handle)

HEARINGS

5. Hearing on appeal by A & L Investment Co. to denial of Board of Zoning Adjustment of amendment to H-1 use permit to allow longer hours of operation for commercial establishments on west side of McHenry, north of Bowen. 7:30 P.M.
(Note: This will be continued to August 13, 1973 at 7:30 P.M.)

ACTION: By motion (Simon/Dunlap, unan.) hearing continued to August 13, 1973 at 7:30 P.M. (Clerk to handle)

6. Informal hearing on request of Price Enterprises for a variance to permit a 14-foot distance between curb openings. 7:35 P.M.

ACTION: Res. 73-608 adopted (Newton/Simon, unan.) granting variance.
(P/W to handle)

7. Matters for the good of the Community. 7:40 P.M.
(These may be presented by interested persons in the audience)

ACTION: Tom Burn commented on the fact that Cable TV no longer televises Council meetings. It was agreed that the City Manager would contact Cable-Com General on this.

Mike Berryhill, member of the Farm-City Advisory Committee, was introduced.

ORDINANCES

CONSENT

8. Final adoption of Ordinance No. 1276-C.S. - bicycle license fees.
(Motion adopting needed)

ACTION: By motion, Ord. No. 1276-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

~~CONSENT~~

9. Further report on Briggsmore driveway to McHenry Village.
(Memo with agenda. McHenry Village wants until September 1, 1973 to evaluate safety installations they have recently made. Motion granting delay until September 1, 1973 needed)

ACTION: By motion (Elliott/Mensing, unan.) further study of possibility of closing access or median delayed until September 1, 1973 and staff directed to continue to negotiate for closure of median and driveway. (P & T to handle)
By motion (Simon/Newton, maj. - Elliott, no - Dunlap & Kullijian, absent) staff directed to proceed to have guard rail installed on curve. (P/W to handle)
(Councilmen Dunlap & Kullijian excused themselves from consideration of this item due to a conflict of interest)

CONSENT

10. A resolution determining that the public interest and convenience require that Whitmore No. 1 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.
(It is now necessary to commence proceedings to annex this addition to the Modesto Municipal Sewer District No. 1. Suggested hearing date August 27, 1973 at 7:30 P.M. (2/3 affirmative vote needed). Resolution setting hearing needed)

ACTION: Res. 73-609 adopted setting hearing. (Clerk to handle)

NEW BUSINESS

CONSENT

11. Resolution withdrawing Whitmore No. 1 Addition from the Industrial Fire District.
(This annexation was effective June 27, 1973. Resolution withdrawing from Fire District needed)

ACTION: Res. 73-610 adopted withdrawing Whitmore No. 1 Addition from Industrial Fire District. (Clerk to handle)

CONSENT

12. Consider approval of variance from the standard sidewalk finish at 107 Las Palmas.
(Memo with agenda. Resolution approving variance needed)

ACTION: Res. 73-611 adopted approving variance to permit exposed aggregate finish for portion of sidewalk. (P/W to handle)

CONSENT

13. Consider request for sewer service to property outside the City at 612 Anthony Avenue.
(Property owner Consuelo Camarena has signed an agreement to annex when requested to do so by the City. The property is south of the Tuolumne River but a sewer lateral exists to serve it. Resolution approving agreement needed)

ACTION: Res. 73-612 adopted approving agreement. (P/W to handle)

CONSENT

14. Accept improvements in Ronald Gardens Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Ronald Gardens Subdivision is located north of Briggsmore Avenue and South of Ronald Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-613 adopted accepting improvements in Ronald Gardens. (Clerk to handle)

CONSENT

15. Resolution certifying to the Board of Supervisors of the County of Stanislaus the amount of money needed by the City of Modesto for the payment of principal and interest on bonds of the Modesto Municipal Sewer District No. 1.
(Memo with agenda. Resolution needed)

ACTION: Res. 73-614 adopted certifying to Stanislaus County Board of Supervisors that \$180,000 is needed for payment of principal and interest on bonds of Modesto Municipal Sewer District No. 1.
(Finance to handle)

CONSENT

- 15A. A resolution approving the final map of Sylvan Meadows Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. Sylvan Meadows Subdivision is located north of Sylvan Avenue and east of Coffee Road. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 73-615 adopted approving final map of Sylvan Meadows.
(Clerk to handle)

REPORTS:

16. Report on Project Greater Modesto Committee recommendations.
(Copies of report with agenda. Motion accepting report needed)

ACTION: By motion (Dunlap/Simon, unan.) report accepted.

17. Report on Red Top Taxi.
(This item is on agenda to permit oral report on any developments up to City Council meeting time.
(No action needed unless indicated by report)

ACTION: Res. 73-616 adopted (Dunlap/Newton, unan. - Kullijian, absent) setting July 23 at 7:45 P.M. for hearing on possible revocation of Red Top Taxi license due to failure to pay required fees.
(Clerk to handle)
By motion (Elliott/Mensinger, unan.) intention declared to consider any applications for Certificate of Public Convenience for operation of taxis received by July 16, 1973.
By motion (Davies/Elliott, unan.) City Attorney directed to study present taxi regulations with special emphasis on elimination of 45 day delay in revoking Certificate of Public Convenience.

MISCELLANEOUS

18. Legislation.

NONE

19. Appointments.

NONE

20. Matters too late for the agenda.

ACTION: Councilman Simon reported that it has come to his attention that many people do not have garbage collection service. Staff was directed to report to Council on this. (P/W to handle)

Res. 73-617 adopted (Dunlap/Elliott, unan. approving agreement with Associated Data Systems, Inc. terminating the two current agreements in connection with computer systems. (Finance to handle)

21. The Council retired to Executive session at 9:00 P.M. to discuss personnel matters and returned to open meeting at 9:55 P.M.

ACTION: Res. 73-618 adopted (Kullijian/Simon, unan.) granting Monroe Taylor a 5% cost of living wage increase effective as soon as possible and approving amendment to his agreement to provide for this. (Clerk to handle)

Adjournment at 9:56 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 16, 1973 AT 4:00 P.M.

Roll Call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Mayor Davies

Absent: Simon
(Councilman Newton arrived at 4:15 P.M.)

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 1, 2, ~~3~~, 4, 5, 6, 7, 10, 11,
Item 3 removed from consent 12, 13, 18, 20, 21, ~~22~~, 23
Item 22 dropped from agenda
Dunlap/Elliott, unan. - Newton and
Simon, absent

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items).

Mayor Davies introduced three young people who were in attendance and who were interested in City Government.

APPROVAL OF MINUTES

CONSENT

1. Minutes of July 9, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request of Valley Construction Co. for encroachment permit for a 42" fence in public right of way in Daisy Park Subdivision.
(Resolution setting July 23 at 7:55 P.M. for hearing needed)

ACTION: Res. 73-619 adopted setting July 23 at 7:55 P.M. for informal hearing. (Clerk to handle)

~~CONSENT~~

3. Announcement by City Manager of his intention to retire as of December 29, 1973.
(Motion acknowledging receipt of announcement needed)

ACTION: Mayor Davies commended Mr. Keefe for his services.

CONSENT

4. Resignation of R. D. Langley from Downtown Improvement District Board of Directors.
(Resolution accepting with regret needed)

ACTION: Res. 73-620 adopted accepting resignation with regret. (Clerk to handle)

CONSENT

5. Application of Charles V. Sales for five certificates of public convenience and necessity for taxicabs.
(Resolution setting July 23, 1973 at 7:50 P.M. for hearing needed)

ACTION: Res. 73-621 adopted setting hearing. (Clerk to handle)

CONSENT

6. Request of Downtown Improvement District for permission to hold sidewalk sale on July 19, 20 and 21.
(Resolution granting request needed)

ACTION: Res. 73-622 adopted granting request.

CONSENT

7. Offer of Ernest W. Hahn, Inc. to contribute up to \$25,000 yearly for expansion of bus service to regional shopping center upon its opening in the Fall of 1975 or Spring of 1976.
(Motion directing staff to work with Ernest W. Hahn, Inc. needed)

ACTION: By motion, staff directed to work with Ernest W. Hahn, Inc.
(P & T to handle)

8. Request of Nick Sciabica & Sons for Council approval of request to bring 18 acres of grapes within Modesto city limits under the Williamson Act.
(Memo with agenda)

ACTION: By motion (Kullijian/Newton, unan.) action of this request delayed for three weeks to permit further study by staff.
(Planning to handle)

9. Petition signed by over 100 people complaining of unsatisfactory garbage collection service by Orange Line Sanitation Co.

ACTION: By motion (Dunlap/Newton, unan.) Orange Line Sanitation Co. granted 90 days to clear up problems and staff directed to report to Council every 30 days on progress made. (P/W to handle)

CONSENT

10. Application of T. L. Civalier for license to collect swill.
(Resolution setting August 6, 1973 at 4:00 P.M. for hearing needed)
and C/Mgr

ACTION: Res. 73-623 adopted setting hearing. (Clerk/to handle)

BIDS

CONSENT

11. Accept as complete Matteson Construction Company's contract for Service Yard Expansion improvements.
(Estimated cost \$29,957.00. All Work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file a notice of completion. Resolution accepting work as complete and authorizing recordation of notice of completion needed. Actual cost \$29,957.00 Funds budgeted in Account 6543-41-321, Misc. Improvements, and 6547-41-321, Shop Building)

ACTION: Res. 73-624 adopted accepting contract. (Clerk to handle)

CONSENT

12. Consider approval of plans, specifications and call for bids for installation of waterlines in Lincoln Manor #1, Dragoo Park #2, Erin Estates No. 2, and Eastridge No. 2 Subdivisions.

(Suggested bid opening date: July 31, 1973 at 10:00 A.M.)

Costs and revenues Lincoln Manor No. 1		Dragoo Park #2
Construction	\$10,669.77	\$19,297.56
Conn. Charges	6,625.00	6,375.00
Net Revenue	848.00	816.00

Costs and revenues Erin Est. #2		Eastridge #2
Construction	8,469.75	11,950.14
Conn. Charges	6,500.00	8,800.00
Net Revenue	832.00	1,004.00

Resolution approving plans, specifications and call for bids needed. Estimated cost \$50,387.22 (\$31,444.47, Matl. \$18,942.75. Funds budgeted in Accounts 6804-50-101, Waterline Extension, and 5301-50-101, New Services)

ACTION: Res. 73-625 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

13. Consider approval of specifications and authorize new call for bids to be opened July 31, 1973 at 2:00 P.M. for furnishing traffic signs and accessories.

(Due to the mass of work accompanying the fiscal year end, the staff overlooked mailing bid invitations relating to the above subject matter. We are requesting a new bid opening date. Resolution needed. Estimated cost \$3,900. Funds budgeted in Account 223 and 5301-56-101, M & R Equipment, Other, and Traffic Signs, P. 117 of prel. budget)

ACTION: Res. 73-626 adopted approving specifications and bid call. (Clerk to handle)

HEARINGS

14. Hearing, annexation of Claremont No. 4 Addition to Sewer District. 4:00 P.M.

ACTION: Res. 73-627 adopted (Dunlap/Kullijian, unan. - Simon, absent) annexing Claremont No. 4 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

15. Continued hearing on open space and recreation element to the Modesto Urban Area General Plan and the Environmental Impact Report on said Element. 4:05 P.M.

ACTION: The public portion of the hearing was closed after all persons had been given an opportunity to speak.
By motion (Dunlap/Elliott, unan.) present policy retained.
By motion (Elliott/Dunlap, unan.) referred to Planning Commission for further consideration.
By motion (Elliott/Dunlap, unan.) hearing continued to July 23 at 8:00 P.M. (Planning to handle)

16. Continued hearing on amendments to zoning and sign regulations to include a "purpose" section to the Flood Plain Zone and for the addition of an exclusive agricultural and recreational zone (A-R) 4:05 P.M.

ACTION: Action listed with Item 15 also applies to this item as the two were considered together.

17. Matters for the good of the community. 4:10 P.M.
(These may be presented by interested persons in the audience)

ACTION: Residents of the area around the shopping center being constructed at Briggsmore, Prescott, and Mt. Vernon complained about a huge hole which is to be used for drainage of storm water. They indicated that it would be a hazard for children and would be an eyesore if not maintained. The K-Mart drainage basin was given as an example of lack of maintenance. It was pointed out that K-Mart was built under County standards but that staff would attempt to get it cleaned up.

Robert Raingruber asked questions about waste disposal, the growth issue and the County Assessor and was answered by Council and staff.

NEW BUSINESS

CONSENT

18. Consider request for sewer service to properties outside the City at (1) 1018 Raube Court, David C. and Janet L. Tanner; and (2) 3460 McHenry Ave., R. W. Pearson, Pete Binda, and E. E. Belyeu. (The property owners have signed agreements to annex when requested to do so by the City. The sewer mains either exist or they are to be extended by the property owners. Two resolutions approving agreements needed)

ACTION: Res. 73-628 adopted approving agreement with David C. Tanner, et ux.
Res. 73-629 adopted approving agreement with R. W. Pearson, et al.
(P/W to handle)

19. Recommendation that Chief Ammerman be given permission to attend the F.B.I. National Academy and that \$200 be authorized to cover any expenses not paid by the federal government. Memo with agenda. Motion giving permission needed. Estimated cost \$200. Funds budgeted in Account 429-22-101, Other Special Charges)

ACTION: By motion (Dunlap/Mensing, unan.) permission granted.

CONSENT

20. Consider approving Program Supplement No. 2 to the Master Agreement for Federal Aid Urban System Program.
(Council has previously approved the Master Agreement and Supplement No. 1, which covered the improvement of G Street. Supplement No. 2 provides for the improvement of Scenic Drive from Downey Avenue to the County Hospital. The estimated cost is \$108,740 of federal funds and \$43,239 of city funds. Resolution approving Supplement No. 2 and authorizing Manager and Clerk to sign needed)

ACTION: Res. 73-630 adopted approving Program Supplement No. 2. (P/W to handle)

CONSENT

21. Authorization to prepare an agreement with State to install pedestrian push button at 17th-Downey-McHenry.
(Memo with agenda. If Council approves, an agreement with State would be prepared, informal bids sought, and returned to Council for approval of agreement and appropriation transfer. Motion approving preparation of agreement needed)

ACTION: By motion, preparation of agreement approved. (P & T to handle)

~~MINUTE~~

22. Consider approval of an agreement with Synercomp, Inc. to prepare computer programs and approval of amendment to agreement with Burroughs Corporation regarding purchase of a computer.
(Two resolutions approving agreements needed. Estimated cost \$9,750. Funds budgeted in Account 235-15-101, Services, Prof. & Other, 1972-73)

DROPPED FROM AGENDA

CONSENT

23. Head Rest grant application.
(Memo with agenda. Resolution approving application needed)

ACTION: Res. 73-631 adopted approving grant application. (C/Mgr to handle)

REPORTS

24. Report on street tree root problems with house sewer lines.
(Memo with agenda)

ACTION: By motion (Elliott/Dunlap, maj. - Mensinger and Newton, no) present policy maintained. (P/W to handle)

25. Consider Project Greater Modesto Committees' recommendations, Status Report No. 2.
(Copies of report with agenda. Motion accepting report needed)

ACTION: By motion (Kullijian/Dunlap, unan.) report accepted and recommendations referred to concerned agencies. (C/Mgr to handle)

26. Report on rate increase in City's group medical insurance.
(Report with agenda. Motion accepting report needed)

ACTION: By motion (Kullijian/Newton, unan.) staff directed to negotiate with present carrier. (Personnel to handle)

27. Report on P-D(101) (apartments at 519-521 Fourteenth Street)
(Memo with agenda. Motion accepting report needed)

ACTION: By motion (Dunlap/Newton, unan.) report accepted.

MISCELLANEOUS

28. Appointments.

NONE

29. Matters too late for the agenda.

NONE

The Council retired to Executive session at 7:10 P.M. for the purpose of discussing the selection of a successor to the City Manager. It was announced that the Council would not return to open meeting.

Adjournment at 7:10 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 23, 1973 AT 7:30 P.M.

Roll call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation by Reverend Thomas Champness, First Orthodox Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 5, 6, 7, 18, 20, 21,
Item 36 removed from consent 22, 23, 24, 26, 27, 28, 29, 30,
Dunlap/Elliott, unan. 31, 33, 35, ~~36~~

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of July 16, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

3. Petition signed by 23 residents of Elmwood Avenue requesting strict enforcement of R-1 restrictions to property at 310 Elmwood Avenue.
(Motion referring to staff for report on August 6, 1973 needed)

ACTION: By motion (Elliott/Newton, unan.) petition referred to staff for meeting with representatives of area and prepare a brief report as to the responsibility of the City in matters of this type.
(C/Mgr to handle)

BIDS

CONSENT

4. Consider award of bid for Project No. 3 - construction and repair of curbs, driveways and sidewalks at various locations.
(The bids were opened July 10, 1973 and the bid of Harold W. Tuller, which is less than 1% over the Engineer's Estimate, is considered acceptable. It is recommended that the contract be awarded to them. Resolution accepting bid needed. Estimated cost \$27,948.45 (Contract \$27,268.45, Engr. \$680). Funds budgeted in Account 321-51-101, Construction Material; 6755-41-321, Curbs & Gutters; 5302-51-101, Curbs & Gutters, Special)

ACTION: Res. 73-632 adopted awarding contract to Harold W. Tuller.
(P/W to handle)

CONSENT

- 5. Consider approval of plans and specifications and call for bids for installation of waterlines in Coleman Acres No. 3, Coffee Villa, Lincoln Square, and Flintridge Estates No. 1.
(Suggested bid opening date August 7, 1973 at 10:00 A.M.)

<u>Costs & Revenues</u>	<u>Coleman Acres #3</u>	<u>Coffee Villa</u>	<u>Lincoln Square</u>	<u>Flintridge #1</u>
Construction	\$8,402.61	\$20,761.88	\$13,921.73	\$11,821.28
Conn Charges	2,250.00	13,875.00	3,875.00	5,750.00
Net Revenue	288.00	1,776.00	496.00	735.00

Resolution approving plans and specifications and call for bids needed. Estimated cost \$54,907.50 (\$21,334.00; labor, \$33,573.50, Material. Funds budgeted in Account 6804-50-101, Waterline Extension and 5301-50-101, New Services)

ACTION: Res. 73-633 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

- 6. Consider acceptance of Joe Martin's contract for installation of waterlines in Arington Manor and Kingswood Estates #2.
(Original contract \$10,819.75. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution needed. Final cost \$10,863.75. Funds budgeted in Account No. 6804-50-101, Waterline Extensions and 5301-50-101, New Services)

ACTION: Res. 73-634 adopted accepting contract. (Clerk to handle)

CONSENT

- 7. Fire Department request to purchase power rescue tool.
(Memo with agenda. Resolution approving appropriation transfer of \$4,300 from General Reserve and resolution approving specifications and call for bids to be opened August 7, 1973 at 2:00 P.M. Estimated cost \$4,300)

ACTION: Res. 73-635 adopted approving appropriation transfer of \$4,300 from Account 60-101 to Account 5402-21-101. (Finance to handle)

Res. 73-636 adopted approving specifications and bid call.
(Clerk to handle)

- 8. Consider award of bid to William Mineni for construction of dressing room at Del Webb Field.
(Memo with agenda. Resolution awarding bid and resolution approving appropriation transfer needed)
(Estimated cost \$60,000 \$55,595; Engr. & Insp. \$4,405) Funds budgeted in Account 6400-31-321, Del Webb Dressing Room)

ACTION: Res. 73-637 adopted (Elliott/Mensing, unan.) approving appropriation transfer of \$30,800 from Account 60-321 to Account 6400-31-321. (Finance to handle)

Res. 73-638 adopted (Elliott/Mensing, unan.) awarding contract to William Mineni. (P/W to handle)

By motion (Simon/Elliott, unan.) staff directed to inform consultants that complete breakdown of cost estimates will be required. (P/W to handle)

HEARINGS

9. Hearing, annexation of Coffee-Floyd No. 2 Addition to City. 7:30 P.M.

ACTION: Res. 73-639 adopted (Dunlap/Elliott, unan.) declaring majority protest not made.

Ord. No. 1277-C.S. adopted (Dunlap/Elliott, unan.) annexing Coffee-Floyd No. 2 Addition to City of Modesto. (Clerk to handle)

10. Hearing on amendment to Section 9-3-9 of zoning map to rezone from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, property located on the northwest corner of Rumble Road and Lancelot Lane. (Charles F. Dotson) 7:35 P.M.

ACTION: By motion (Mensingher/Newton, unan.) hearing continued to August 6, 1973 at 4:20 P.M. to enable neighbors to see plans for development. (Clerk to handle)

11. Hearing on amendment to Section 27-3-9 of the zoning map to prezone to Planned Development Zone, P-D, for a 205-unit, 1 and 2-story single-family residential development on property located west of Fortuna Street, north of M.I.D. Lateral No. 2 and on the south side of Edgebrook Drive extended. (James Price) 7:40 P.M.

ACTION: Res. 73-640 adopted (Kullijian/Simon, maj. - Davies, no) approving development plan. (Planning to handle)

Ord. No. 1278-C.S. introduced (Kullijian/Simon, maj. - Davies, no) amending Sec. 27-3-9 to P-D. (Clerk to handle)

12. Hearing on revocation of certificates of convenience and necessity issued to Red Top Taxi. 7:45 P.M.
(This is because of failure of Red Top Taxi to pay certain fees or payments due the City of Modesto.)

ACTION: (Councilman Kullijian disqualified himself from consideration of this item)
By motion (Newton/Mensingher, unan.) matter dropped as fees have been paid.

13. Hearing on application of Charles V. Sales for five Certificates of Public Convenience and Necessity for operation of a taxi service. 7:50 P.M.

ACTION: (Councilman Kullijian disqualified himself from consideration of this item)
Res. 73-641 adopted (Simon/Elliott, unan. - Kullijian, absent) granting application. (P & T to handle)

By motion (Newton/Elliott, maj. - Dunlap and Simon, no) plan submitted by Director of Parking and Traffic for "move up" parking for three cab companies at Greyhound Station approved. (P & T to handle)

14. Hearing on request of Valley Construction Co. for encroachment permit for a 42" fence in public right of way in Daisy Park Subdivision. 7:55 P.M.

ACTION: Res. 73-642 adopted (Elliott/Dunlap, unan.) granting encroachment permit for three months. (P/W to handle)

15. Continued hearing on Open Space and Recreation Element to the Modesto Urban Area General Plan and the Environmental Impact Report on said Element. 8:00 P.M.
(To be continued to August 6, 1973 meeting at 4:15 P.M.)

ACTION: By motion (Dunlap/Elliott, unan.) hearing continued to August 6, 1973 at 4:15 P.M. (Clerk to handle)

16. Continued hearing on amendments to zoning and sign regulations to include a "purpose" section to the Flood Plain Zone and for the addition of an Exclusive Agricultural and Recreational Zone (A-R). 8:00 P.M.
(To be continued to August 6, 1973 meeting at 4:15 P.M.)

ACTION: By motion (Dunlap/Elliott, unan.) hearing continued to August 6, 1973 at 4:15 P.M. (Clerk to handle)

17. Matters for the good of the community. 8:05 P.M.
(These may be presented by interested citizens in the audience)

ACTION: Ernie Lopez reported that he and his father had complied with all the conditions for a permit to use parking spaces for the sale of sno-cones at the 4th of July Parade but that others had not obtained the necessary insurance and had occupied better spaces. It was agreed that staff would check into this.

Mike Herrero, Associate Planner, was introduced.

ORDINANCES

CONSENT

18. An ordinance amending Section 2-1.15 of Chapter 1 of Title II of the Modesto Municipal Code relating to decorum at Council meetings.
(Memo and copy of proposed ordinance with agenda)

ACTION: Ord. No. 1279-C.S. introduced. (Clerk to handle)

19. Consider an ordinance amending the taxicab regulations in the Modesto Municipal Code.
(A memo of explanation together with copies of the old regulations and the proposed new regulations are being transmitted to the Council with the agenda. Introduction of ordinance needed)

ACTION: Ord. No. 1280-C.S. introduced (Simon/Elliott, unan.) (Clerk to handle)

NEW BUSINESS

CONSENT

20. Resolution authorizing application to P.U.C. for funds for installation of crossing gates at Blue Gum and S. P. Co. tracks.
(An application for reimbursement of half the City's cost (\$3,889.27) from the P.U.C. Grade Crossing Protection Fund has been prepared. Resolution authorizing submission of application needed)

ACTION: Res. 73-643 adopted authorizing submission of application.
(P & T to handle)

CONSENT

21. Request of City Clerk for vacation July 30 to August 3, 1973, inclusive.
(Motion granting request needed)

ACTION: By motion, request granted.

CONSENT

22. Resolution rescinding Resolution No. 73-631 entitled "A Resolution Authorizing Application for a \$58,700 grant Made Available Through the Omnibus Crime Control and Safe Streets Act of 1968 Administered by the California Council on Criminal Justice."
(Resolution rescinding Resolution No. 73-631 needed)

ACTION: Res. 73-644 adopted rescinding Res. No. 73-631.

CONSENT

23. Accept improvements in Daisy Park No. 1 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(Daisy Park No. 1 Subdivision is located at the northwest corner of Emerald Avenue and Maze Boulevard. All Improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-645 adopted accepting improvements. (Clerk to handle)

CONSENT

24. Consider approval of water and sewer agreement with the Yosemite Junior College District for the West campus site on Blue Gum Avenue.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-646 adopted approving agreement. (Clerk to handle)

25. Recommendations on allocation of revenue sharing for the fourth entitlement period.
(Copies of report with agenda. Motion accepting report needed)

ACTION: By motion (Dunlap/Newton, unan.) recommendations approved.
(C/Mgr to handle)

CONSENT

26. Requirement for construction of sidewalks at the locations listed below. (Project No. 73/21-6-12)
(Resolution setting 4:05 P.M. on August 6, 1973 for hearings needed)
- (a) Sidewalk at 512 W. Granger Ave., Lot 2, Block 6128. (Elmo Gerbo)
 - (b) Sidewalk at 506 W. Granger Ave., Lot 3 of Block 6128. (Ivan H. Gillette)
 - (c) Sidewalk at 500 W. Granger Ave., Lot 4, Block 6128. (Pauline J. Stockham)
 - (d) Sidewalk at 444 W. Granger Ave., Lot 5 of Block 6128. (Lawrence E. Warburton)
 - (e) Sidewalk at 438 W. Granger Ave., Lot 6 of Block 6128. (Edward J. Ward)
 - (f) Sidewalk at 432 W. Granger Ave., Lot 7 of Block 6128. (Marilyn L. Gulley)
 - (g) Sidewalk at 426 W. Granger Ave., Lot 8 of Block 6128. (Amilcare A. Sereno)

ACTION: Res. 73-647 adopted setting hearings. (Clerk to handle)

CONSENT

27. Report of Superintendent of Streets on the cost of installation of curbs and gutters and/or sidewalks at the locations listed below: (Resolution setting 4:10 P.M. on August 6, 1973 for hearings needed. Contract costs listed with properties. Funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)
- (a) Sidewalk at 1120 Grantland Court, Lot 13 of Block 1006. (Phillis A. Bjornson - \$161.60)
 - (b) Curb at 405 Wilson Ave., a portion of Block 2027. (Jean J. Brill - \$303.60)
 - (c) Curb and sidewalk along Encina Ave. and along Wilson Ave. at 416 Wilson Ave., a portion of Block 2028. (Thomas K. Dempsey - \$1,480.40)
 - (d) Sidewalk along Sherwood Ave. at 1505 Sherwood Ave., Lot 9 of Block 6065. (Paul Doane - \$225.00)
 - (e) Curb along Wilson Ave. at 401 Wilson Ave., the south 70 feet of Lot 7 of Block 2027. (Helen L. Lindgren - \$283.00)
 - (f) Sidewalk along W. Briggsmore Ave. and along Sherwood Ave. at 1802 Sherwood Ave., a portion of Block 6808. (Frances Pausini - \$605.00)
 - (g) Sidewalk along E. Morris Ave. and along John Muir Ct. at 101 John Muir Ct., Lot 1 of Block 606. (Viola M. Patton - \$491.60)
 - (h) Sidewalk along E. Morris Ave. and along Hunter Ave. at 502 Hunter Ave., Lot 5 of Block 1002A. (Kenneth L. Waddell - \$510.00)
 - (i) Sidewalk along W. Roseburg Ave. and along Brady Ave. at 433 W. Roseburg Ave., Lot 28 of Block 6003. (John P. Williams - \$610.00)

ACTION: Res. 73-648 adopted setting hearings. (P/W to handle)

CONSENT

28. Consider approval of a revised access agreement with Allen, Walker, Inc., pertaining to common access ways between parking areas and Tully Road in Zeigler Estates Subdivision at the southwest corner of Tully Road and Levon Avenue. (By Resolution No. 73-71 adopted June 19, 1973 the Planning Commission approved a tentative parcel map for the minor relocation of lot lines in a portion of Zeigler Estates Subdivision. The relocation of lot lines requires a corresponding relocation of access ways as established by previous agreement. Resolution approving agreement needed)

ACTION: Res. 73-649 adopted approving agreement. (Clerk to handle)

CONSENT

29. Consider request for sewer service to property at the north end of Wycliffe Court. (Property owners Marvin E. Tackett and Wanda L. Tackett have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City. However, a sewer main has been extended to serve the property. Resolution approving agreement needed)

ACTION: Res. 73-650 adopted approving agreement. (P/W to handle)

CONSENT

30. Lease agreements - Simms property, Dry Creek Park.
(Memo with agenda. Two resolutions approving agreements needed)

ACTION: Res. 73-651 adopted approving agreement re house and accessory buildings.
Res. 73-652 adopted approving agreement re agricultural land.
(Clerk to handle)

CONSENT

31. Lease agreement - Thiel Motors.
(Memo with agenda. Resolution approving lease agreement and authorizing City Manager to execute agreement needed)

ACTION: Res. 73-653 adopted approving agreement. (Clerk to handle)

32. Master plan for Fire Department facility at Blue Bum and Carpenter Road.
(Memo with agenda. Motion authorizing staff to recommend an architect needed)

ACTION: By motion (Simon/Elliott, unan.) staff authorized to recommend an architect or engineer. (C/Mgr to handle)

CONSENT

33. Annual SAAG budget - City's share.
(Report with agenda. Motion approving report and authorizing payment needed. Estimated cost \$12,357.80. Funds budgeted in Account 456-65-101, SAAG)

ACTION: By motion, report and payment of \$12,357.80 approved. (Finance to handle)

REPORTS

34. Consider Project Greater Modesto Committees' recommendations, Status Report No. 3.
(Report with agenda. Motion accepting report needed)

ACTION: By motion (Simon/Mensing, unan.) report accepted. (C/Mgr to handle)

CONSENT

35. Report on proposed 5th bus route.
(Memo with agenda. It is suggested that a hearing be held to receive any comments on the proposal. Resolution setting hearing on August 13, 1973 at 7:40 P.M. needed. Estimated cost none)

ACTION: Res. 73-654 adopted setting hearing. (Clerk to handle)

CONSENT

36. Report on garbage service.
(Report with agenda. Motion accepting report needed)

ACTION: By motion (Simon/Kullijian, unan.) Council committee to be appointed to meet with staff for the purpose of studying this matter further. (P/W to handle)
Mayor Davies then appointed Councilmembers Simon (chairman) and Mensinger.

37. Report on Cable-Com Service in Modesto.
(Memo with agenda)

ACTION: By motion (Kullijian/Dunlap, unan.) staff directed to inform Cable-Com General that it is expected to live up to the terms of its franchise. (C/Mgr to handle)

MISCELLANEOUS

38. Appointments.

NONE

39. Matters too late for the agenda.

ACTION: It was reported that the Internal Revenue Service had notified the City Manager that the increase in water rates was in violation of Federal Regulations.

Adjournment at 11:35 P.M. to 12:00 o'clock noon on July 26 at the Crown Room at Bob's Covell for the purpose of meeting with Assemblyman Thurman. The noon meeting will then be adjourned to 6:30 P.M. at the Branding Iron for the purpose of a joint meeting with the M.I.D. Board of Directors.

ATTEST:



W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Regular Meeting
July 26, 1973

The Council of the City of Modesto met at 12:00 o'clock noon on July 26, 1973 in the Crown Room, Hotel Covell, pursuant to adjournment and there were:

Present: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies
Absent: Councilmembers: Newton, Simon

Also present were: John C. Keefe, City Manager, Marvin Ray, Elwyn Johnson, Bill Nichols, Ross Campbell, Doug Carmody, Charles Bird, Bill Chynoweth, Mary Grogan, Jerome Ammerman, Wayne Everett and Bill Phillips, Modesto Bee.

Also present were: Assemblyman Thurman and his district representative, Mrs. Alice Johansen.

The purpose of this meeting was to meet with Assemblyman Thurman to discuss matters of mutual concern.

Mr. Thurman congratulated the Council on the excellent input he received from his district and commented that it was much better than most members of the legislature received. He also commended the League of California Cities for the assistance he received.

He was questioned as to why he did not seek input for various legislative bills he had introduced before having the bill drafted. He explained that his staff had been overloaded due to the resignation of Assemblyman Monogan of Tracy but that they would be able to do a better job from now on.

Mr. Thurman assured the Council that he would do his best to protect Modesto's interest.

The meeting was adjourned at 1:30 P.M. to 6:30 P.M. at the Branding Room for the purpose of meeting with the M.I.D. Board of Directors.

ATTEST:


W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Regular Meeting
July 26, 1973

The Council of the City of Modesto met at 6:30 P.M. in the Branding Iron pursuant to adjournment and there were:

Present: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, Mayor Davies
Absent: Councilmembers: None

The purpose of this meeting was to meet with the M.I.D. Board of Directors for an informal discussion of matters which concern the two agencies.

Mathew Fiscalini, President of the M.I.D. Board of Directors, gave a resume of the history of the development of the electrical power phase of the M.I.D. operations and also discussed possibilities of future sources of power and water uses in the District.

The group discussed the various facets of the M.I.D. and had an interesting question and answer period.

The meeting adjourned at 10:10 P.M.

ATTEST:



W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 6, 1973 AT 4:00 P.M.

Roll Call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies
Absent: None

Pledge of allegiance to the Flag.

Invocation by Reverend Louis Ray, Doctors' Hospital Chaplain

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 5, 7, 8, 9, 10, 11, 12,
Item 33 dropped from agenda 20, 21, 24, 25, 26, ~~27~~, 28, 29, 30,
Items 5, 27 and 37 removed from consent. 31, 32, ~~33~~, 34, 36, ~~37~~, 38, 39, 40,
Simon/Dunlap, unan. 42, 43, 45, 46, 47, 48, 49

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items).

APPROVAL OF MINUTES

CONSENT

1. Approval of minutes of July 23, July 26 (noon) and July 26 (evening).
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

2. Letter of censure from Modesto City Employees' Association.

ACTION: No action taken.

CONSENT

3. Letter from Ecology Action Educational Institute regarding curbside pick-up project.
(Motion accepting report needed)

ACTION: By motion, report accepted.

4. Communication relating to proposed incorporation of the town of Empire.

ACTION: (Councilman Kullijian excused himself from consideration of this item)
By motion (Elliott/Newton, unan.) staff directed to inform LAFCO that the City recommends that an E.I.R. be required and that no property owner should be forced into Empire if he wishes to annex to Modesto. (C/Mgr to handle)

5. Letter from Mr. and Mrs. Donald L. Weston regarding formation of a Boys' Club.
(Motion referring to staff for report needed)

ACTION: By motion (Kullijian/Elliott, unan.) letter referred to staff for report. (P & R to handle)

6. Communication regarding Diamond Anniversary Celebration of League of California Cities.

NO ACTION TAKEN

BIDS

CONSENT

7. Approve plans and specifications and call for bids for street lighting modernization Phase 5 - 1972-73. (Bid opening August 28, 1973 at 2:00 P.M. This project is part of a continuing effort to modernize the street lighting in the older areas of the City to bring the street lighting up to current subdivision standard. The Modesto Irrigation District has agreed to share one-half the cost of this project. Resolution approving plans, specifications and call for bids needed. Estimated cost \$172,640 (Contract \$156,740; Eng. \$15,900). Funds budgeted in Account 6626-41-321, Modernize City Lighting Phase 5 & 6)

ACTION: Res. 73-655 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Consider acceptance of Matteson Construction Company's contract for construction of arbor at Marshall Park. (Original contract \$10,537.00). All work on this project has been completed to the satisfaction of the Parks and Recreation Department and the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution accepting the work needed. Final contract \$10,590. Funds budgeted in Account 6274-31-321, Marshall Park Stage 2)

ACTION: Res. 73-656 adopted accepting contract. (Clerk to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for installation of waterlines in Sonoma Gardens, Capistrano Park #1, 2, & 3, Greenfield Village #4 and Wyldewood Estates No. 4. (Suggested bid opening date August 21, 1973 at 10:00 A.M.)

Costs & Revenues	Sonoma Gardens	Capistrano Parks 1,2,3	Greenfield #4
Construction	19,943.60	26,465.40	18,975.22
Conn. Charges	18,200.00	15,375.00	8,500.00
Net Revenue	1456.00	1,968.00	1,088.00

(Resolution needed. Estimated cost \$75,098.32 (\$39,008.61 Matl;\$36,089.71, Labor). Funds budgeted in Accounts 6804-50-101, Waterline Extension, and 5301-50-101, New Services)

ACTION: Res. 73-657 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

10. Approve plans and specifications and call for bids for the improvement of Rumble Road at TWSRR Crossing, (Bid opening August 28, 1973 at 10:10 A.M.) Rumble Road is part of the Select Street system. This project will complete Rumble Road through the north part of the City from Dale Road on the West to Coffee Road on the East. Resolution approving plans and specifications and call for bids needed. Estimated cost \$8,190 (Contract \$6,500, Eng. & Contg \$1,690). Funds budgeted in Accounts 6682-1-207, Rumble Road and TWSRR, and 6647-2-207, Misc. R/W & Improvements)

ACTION: Res. 73-658 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

11. Consider award to low bidder Hawkins/Hawkins Co., Inc., for furnishing traffic signs and accessories and authorize purchase. Tabulation with agenda. Resolution needed. Estimated cost \$4,100. Funds budgeted in Account 223 & 5301-56-101, M & R Equipment, other, and traffic signs)

ACTION: Res. 73-659 adopted awarding contract to Hawkins/Hawkins Co., Inc. (Finance to handle)

CONSENT

12. Consider award of contract for installation of waterlines in Lincoln Manor #1, Dragoo Park #2, Erin Estates #2, and Eastridge #2. (Bids were opened July 31, 1973 at 10:00 A.M. The low bid submitted by Rutan Construction Co., which was 12% under the Engineer's Estimate is considered acceptable. It is recommended that the contract be awarded to them. Resolution needed. Estimated cost \$18,798.75. Funds budgeted in Accounts 6804-50-101, Waterlines Extension, and 5301-50-101, New Services)

ACTION: Res. 73-660 adopted awarding contract to Rutan Construction Co. (P/W to handle)

HEARINGS

13. Hearing on application of T. L. Civalier for license to collect swill.

4:00 P.M.

ACTION: By motion (Elliott/Dunlap, unan.) intention declared to grant license at such time as Health Dept. has approved. (C/Mgr and C/Atty to handle)

14. Hearings on requirement for construction of sidewalks and/or curb & gutter at the following locations: (Project No. 73/21-6-12)

4:05 P.M.

- (a) Sidewalk at 512 W. Granger Ave., Lot 2 of Block 6128
(Elmo Gerbo)
(Drop from agenda - doing own work)
- (b) Sidewalk at 506 W. Granger Ave., Lot 3 of Block 6128.
(Ivan H. Gillette)
(Drop from agenda - doing own work)
- (c) Sidewalk at 500 W. Granger Ave., Lot 4 of Block 6128.
(Pauline J. Stockham)
(Drop from agenda - doing own work)
- (d) Sidewalk at 444 W. Granger Ave., Lot 5 of Block 6128.
(Lawrence E. Warburton)
(Drop from agenda - doing own work)
- (e) Sidewalk at 438 W. Granger Ave., Lot 6 of Block 6128.
(Edward J. Ward)
(Drop from agenda - doing own work)
- (f) Sidewalk at 432 W. Granger Ave., Lot 7 of Block 6128.
(Marilyn L. Gulley)
- (g) Sidewalk at 426 W. Granger Ave., Lot 8 of Block 6128.
(Amilcare A. Sereno)
(Drop from agenda - doing own work)

ACTION: Res. 73-661 adopted (Dunlap/Simon, unan.) ordering work done.
(P/W to handle)

15. Hearings on the cost of installation of curbs & gutters and/or sidewalks at the following locations:

4:10 P.M.

- (a) Sidewalk at 1121 Grantland Ct., Lot 13 of Block 1006.
(Phyllis A. Bjornson - \$161.60)
(Payment over a 3-year period recommended)

ACTION: Res. 73-662 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 3-year period) (Finance to handle)

- (b) Curb at 405 Wilson Ave., a portion of Block 2027.
(Jean J. Brill - \$303.60)
(Payment over a 6-year period recommended)

ACTION: Res. 73-663 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 6-year period). (Finance to handle)

15. Hearings on the cost of installation of sidewalks, etc. 4:10 P.M.
(continued)

- (c) Curb and sidewalk along Encina Ave. and along Wilson Ave. at 416 Wilson Ave., a portion of Block 2028.
(Thomas K. Dempsey - \$1,480.40)
(Payment over a 10-year period recommended)

ACTION: Res. 73-664 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 10-year period). (Finance to handle)

- (d) Sidewalk along Sherwood Ave. at 1505 Sherwood Ave., Lot 9 of Block 6065. (Paul Doane - \$225.00)
(Payment over a 4-year period recommended)

ACTION: Res. 73-665 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 4-year period). (Finance to handle)

- (e) Curb along Wilson Ave. at 401 Wilson Ave., the south 70 feet of Lot 7 of Block 2027. (Helen L. Lindgren - \$283.00)
(Payment over a 6-year period recommended)

ACTION: Res. 73-666 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 6-year period). (Finance to handle)

- (f) Sidewalk along W. Briggsmore Ave. and along Sherwood Ave. at 1802 Sherwood Ave., a portion of Block 6808.
(Frances Pansini - \$605.00)
(Payment over a 10-year period recommended)

ACTION: Res. 73-667 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 10-year period). (Finance to handle)

- (g) Sidewalk along E. Morris Ave. and along John Muir Ct. at 101 John Muir Ct., Lot 1 of Block 606. (Viola M. Patton - \$491.60)
(Payment over a 10-year period recommended)

ACTION: Res. 73-668 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 10-year period). (Finance to handle)

- (h) Sidewalk along E. Morris Ave. and along Hunter Ave. at 502 Hunter Ave., Lot 5 of Block 1002A. (Kenneth L. Waddell - \$510.00)
(Payment over a 10-year period recommended)

ACTION: Res. 73-669 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 10-year period). (Finance to handle)

- (i) Sidewalk along W. Roseburg Ave. and along Brady Ave. at 433 W. Roseburg Ave., Lot 28 of Block 6003. (John P. Williams - \$610.00)
(Payment over a 10-year period recommended)

ACTION: Res. 73-670 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 10-year period). (Finance to handle)

16. Continued hearing on Open Space and Recreation Element to the Modesto Urban Area General Plan and the Environmental Impact Report on said Element. 4:15 P.M.

ACTION: Res. 73-671 adopted (Elliott/Simon, unan.) adding Open Space and Recreation Elements to Modesto Urban Area General Plan. (Planning to handle)

17. Continued hearing on amendments to Zoning and Sign regulations to include a "purpose" section to the Flood Plain Zone and for the addition of an Exclusive Agricultural and Recreational Zone (A-R). 4:15 P.M.

ACTION: Ord. No. 1281-C.S. introduced (Elliott/Simon, unan.) amending Section 9-6.07 of Chapter 6 of Title IX of Municipal Code

Ord. No. 1282-C.S. introduced (Elliott/Simon, unan.) amending Title X of Municipal Code. (Clerk to handle)

18. Continued hearing on amendment to Section 9-3-9 of zoning map to rezone from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, property located on the northwest corner of Rumble Road and Lancelot Lane. (Charles F. Dotson) 4:20 P.M.

ACTION: Ord. No. 1283-C.S. introduced (Simon/Dunlap, unan.) amending Section 9-3-9 of zoning map. (Clerk to handle)

19. Matters for the good of the community. 4:25 P.M.
(These may be presented by interested persons in the audience)

ACTION: Mary Bailey requested that consideration be given to Senior Citizens living at Neighborhood Manor who need public transportation. It was pointed out that the 5th bus line will serve this area in the near future.

Dave Cummerow, Associate Editor of the Modesto Bee, was introduced.

ORDINANCES

CONSENT

20. Final adoption of the following ordinances:

- (a) Ordinance No. 1278-C.S. amending Section 27-3-9 (James Price)
- (b) Ordinance No. 1279-C.S. relating to city council decorum.
- (c) Ordinance No. 1280-C.S. amending taxicab regulations.

(Motions adopting needed)

ACTION: By motion, Ord. No. 1278-C.S. adopted.
By motion, Ord. No. 1279-C.S. adopted.
By motion, Ord. No. 1280-C.S. adopted. (Clerk to handle)

CONSENT

21. Ordinance amending existing animal control ordinance.
(Copies of a memo and the proposed ordinance with agenda. Introduction of ordinance needed)

ACTION: Ord. No. 1284-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

22. Further consideration of request of Nick Sciabica and Sons for council approval to bring 18 acres of grapes within Modesto City limits under Williamson Act (continued from meeting of July 16, 1973). (Memo with agenda. Motion directing staff or motion denying request needed)

ACTION: By motion (Elliott/Newton, unan.) further consideration delayed to August 20 at request of applicant. (Clerk to handle)

23. Further consideration of complaint regarding 310 Elmwood Avenue.

(a) Proposed amendment to zoning regulations for referral to Planning Commission.

(Motion referring proposed amendment to the Planning Commission needed)

ACTION: By motion (Kullijian/Simon, unan.) proposed amendment referred to Planning Commission for public hearing. (Planning to handle)

NEW BUSINESS

CONSENT

24. Consider proposal of Mr. Thomas Fontana Jr. to harvest nuts and grapes on city property.

(A letter has been received from Mr. Thomas Fontana, Jr. offering to harvest nuts and grapes from city-owned property located at Dryden Park Municipal Golf Course, Roosevelt Park, at City Pump Station No. 14 on Virginia Avenue, the City Pump Station on Emerald Ave., and the small parcel purchased by the City from the State on the south side of Tuolumne River near 9th Street bridge approach, and the Mancini Park property at 1204 River Road. He proposes to complete the harvest and pay to the City by November 20, 1973 35% of the gross revenue for the crop. He harvested the walnuts in 1972 and paid the City \$485.52. Resolution approving proposal needed)

ACTION: Res. 73-672 adopted approving proposal. (P & R to handle)

CONSENT

25. Agricultural lease, Beyer Park site, Arnold R. Johnson. (Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-673 adopted approving agreement. (Clerk to handle)

CONSENT

- E.
26. Request of Nicholas Pasco, /2543 Hatch Road (537-1970) to harvest black walnuts on City of Modesto property along the Tuolumne River between Conejo Ave. and Mitchell Road and in the Whitmore Park on College and Bowen Avenues. (Mr. Pascoe harvested black walnuts on city property last year. There is little market for black walnuts; therefore, if we permit Mr. Pascoe to harvest the black walnuts it will eliminate the necessity of city staff having to clean them up. Motion granting request needed)

ACTION: By motion, request granted. (P & R to handle)

~~CONSENT~~

27. Amendment to agreement with Cushman Motor Sales, Inc.
(Amendment to agreement with Cushman Motor Sales, Inc., exempting extra tournament golf cars from any payment of fees to City. Resolution approving amendment needed)

ACTION: By motion (Elliott/Dunlap, unan.) staff directed to negotiate further with Cushman Motor Sales to attempt to obtain some part of rental for City and Golf Pro. (P & R to handle)

CONSENT

28. Consider stop signs at some TSRR crossings.
(The Granger, Bowen and Roseburg crossings were to get crossing gates. TSRR cannot install these gates until 1975. Stop signs are recommended in the interim. Resolution authorizing stop signs at these crossings subject to FUC approval needed. Estimated cost \$100.00. Funds budgeted in Account 5301, Traffic Signs)

ACTION: Res. 73-674 adopted authorizing stop signs at Granger, Bowen and Roseburg crossings of TSRR tracks subject to P.U.C. approval. (P & T to handle)

CONSENT

29. Establish warrants for placement of traffic control devices near schools.
(The California Vehicle Code requires local authorities to establish these warrants. It is recommended that Chapter 10 of the State Division of Highways Traffic Manual be adopted to satisfy this requirement. Resolution adopting Chapter 10 as the warrants for placement of traffic control devices near schools needed)

ACTION: Res. 73-675 adopted adopting Chapter 10, School Crossing Protection, of State Division of Highways Traffic Manual. (P & T to handle)

CONSENT

30. Request for permission for Councilman Clyde Dunlap to attend the annual Town Affiliation Association Conference, September 5-8, 1973 in Atlanta, Georgia and request that Councilman Dunlap be designated as the voting delegate with the authority to cast two votes for the City of Modesto.
(Motion approving requests needed. Estimated cost \$500. Funds budgeted in Account 207-7-101, Conference Expense)

ACTION: By motion, requests approved.

CONSENT

31. Consider requests for sewer service to property outside the City. The property owners have signed agreements to annex when requested to do so.:
1. 3325 McHenry Ave. - Shell Oil Co.
 2. 3320 McHenry Avenue - Pop Shoppe.
 3. 213 Glacier Avenue - Ella Jean Silva.
- (Three resolutions approving agreements needed)

ACTION: Res. 73-676 adopted approving agreement with STAFAC, Inc. (Shell Oil Co.).
Res. 73-677 adopted approving agreement with Pop Shoppe.
Res. 73-678 adopted approving agreement with Ella Jean Silva.
(P/W to handle)

CONSENT

32. Increase of petty cash fund from \$500 to \$700.
(Memo with agenda. Resolution authorizing increase needed)

ACTION: Res. 73-679 adopted authorizing increase in petty cash fund from \$500 to \$700. (Finance to handle)

CONSENT

33. Consider building demolition at 1020 9th Street.
(Memo with agenda. Resolution authorizing City Attorney to obtain a court order for the demolition of the building at 1020 9th Street needed. Estimated cost \$5,500)

DROPPED FROM AGENDA

CONSENT

34. Designate portions of Briggsmore Ave. and 9th Street as one-way streets.
(Briggsmore south of M.I.D. Lateral #3 between Sherwood and McHenry should be made one-way eastbound for safety, and the expressway portions of Briggsmore and 9th Street should be legalized as one-way roadways. Resolution designating portions of Briggsmore and 9th Street as one-way streets needed. Estimated cost \$75.00 for signs. Funds budgeted in Account 5301-56-101, Traffic Signs)

ACTION: Res. 73-680 adopted designating portions of Briggsmore Ave. and 9th Street as one-way roadways. (P & T to handle)

35. Consideration of proposed EPA rules.
(The Environmental Protection Agency has proposed some air pollution rules that affect parking and traffic. Memo with agenda suggests Council authorize its position to be conveyed to EPA. Motion authorizing staff to transmit council position to EPA Needed)

ACTION: By motion (Kullijian/Elliott, unan.) staff directed to make written and oral objections to proposed rules. (P & T to handle)

CONSENT

36. Request of Stanislaus County 4th of July Committee for amount included in the 1973-74 budget.
(Letter from Mr. Richard C. Bratz, Secretary-Treasurer of the 4th of July Committee, with agenda. Motion authorizing payment of amount included in the 1973-74 budget needed. Estimated cost \$1,000. Funds budgeted in Account 444-61-101, 4th of July Celebration)

ACTION: By motion, payment authorized. (Finance to handle)

~~EDH/FRK~~

37. Museum items:
(Council members Mensinger and Simon were excused from consideration of this item)

- (1) Consider acceptance of Bill of Sale for museum items.
(Resolution accepting bill of sale needed)

ACTION: Res. 73-681 adopted (Elliott/Newton, unan. - Mensinger and Simon, absent) accepting bill of sale.

- (2) Consider authorizing the Director of Parks & Recreation to accept museum items.
(Resolution authorizing Director of Parks and Recreation to accept museum items needed.)

ACTION: Res. 73-682 adopted (Elliott/Newton, unan. - Mensinger and Simon, absent) authorizing Director of Parks and Recreation to accept museum items. (P & R to handle)

- (3) Consider insurance coverage for museum items and appropriation transfer to provide funds.
(Motion authorizing staff to obtain insurance coverage and resolution appropriating funds needed. Estimated cost \$784)

ACTION: By motion, staff authorized to obtain insurance coverage.
Res. 73-683 adopted (Elliott/Newton, unan. - Mensinger and Simon, absent) approving appropriation transfer of \$784 from Account 60-101 to Account 417-29-101. (Finance to handle)

CONSENT

38. Accept improvements in Sunset Country Estates Subdivision and authorize City Clerk to record notice of completion and release bonds upon expiration of statutory periods.
(This subdivision is located south of Standiford Ave. and east of Dale Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid.
Resolution accepting improvements needed)

ACTION: Res. 73-684 adopted accepting improvements. (Clerk to handle)

CONSENT

39. Amendment to agreement with Empire School District for acquisition of school-park site.
(Memo with agenda. Resolution approving amendment to agreement needed)

ACTION: Res. 72-685 adopted approving amendment to agreement. (Clerk to handle)

CONSENT

40. Property acquisition, Dry Creek Park, Eugene Crismon.
(Memo with agenda. Resolution accepting grant deed and authorizing execution of agreement needed. Estimated cost \$50,900. Funds budgeted in Dry Creek Park Acquisition Account)

ACTION: Res. 73-686 adopted accepting deed and approving agreement.

40A. Letter from State regarding delay in Highway 99 construction.
(Letter with agenda. Four-month delay likely because of environmental requirement.)

NO ACTION TAKEN

REPORTS

41. Consider Project Greater Modesto Committees' recommendations, Status Report No. 4.
(Copies of report with agenda. Motion accepting report needed)

ACTION: By motion (Kullijian/Dunlap, unan.) report accepted. (C/Mgr to handle)

CONSENT

42. Report of Greater Modesto Chamber of Commerce for April, May, and June, 1973.
(Motion accepting needed)

ACTION: By motion, report accepted.

CONSENT

43. Submission of annual summary reports of activities of all city departments for the 1972-73 fiscal year.
(Copies of the report being distributed with the agenda. It is recommended by the City Manager that these reports be accepted as the City Manager's annual report on administrative activities of the City, as required by the City Charter. Motion accepting report needed)

ACTION: By motion, report accepted.

44. Report on additional General Fund reserve.
(Memo with agenda. Motion accepting report needed)

ACTION: Res. 73-687 adopted (Davies/Dunlap, maj. - Simon, no) appropriating \$567,000 in the Community Center Fund. (Finance to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

45. Recommend amendment to Section 19-3-9 of the zoning map. (Kenneth L. Hill, Carole L. Hill and Kenneth L. Hill, Jr.)
(By Resolution No. 73-84 adopted by the Planning Commission on July 24, 1973, it recommends an amendment to Section 19-3-9 of the zoning map as requested by Kenneth L. Hill, Carole L. Hill and Kenneth L. Hill, Jr. to rezone from One-family Residential Zone, R-1 to Two-family Residential Zone, R-2, property located on the south corner of Orangeburg Ave. and Carver Road. Resolution setting date for public hearing. Suggested date August 27, 1973 at 7:35 P.M.)

ACTION: Res. 73-688 adopted setting hearing. (Clerk to handle)

CONSENT

46. Recommend amendment to Section 33-3-9 of the zoning map. (Benson & Zimmerman Co.)
(By Resolution No. 73-83 adopted by the Planning Commission July 24, 1973, it recommends an amendment to Section 33-3-9 of the zoning map as requested by Benson & Zimmerman Co. to rezone from General Commercial Zone, C-2, to Light Industrial Zone, M-1, property located on the northeasterly side of 12th Street between D & E Streets. Resolution setting August 27, 1973 at 7:40 P.M. for hearing needed)

ACTION: Res. 73-689 adopted setting hearing. (Clerk to handle)

CONSENT

47. County referral of open space contracts: Application No. 74-1564, Joe Hart et ux, Maze Boulevard near Rosemore Avenue; application No. 74-1565, James Morris et ux, Rosemore at Kansas Avenues. (Memo with agenda. Two resolutions expressing recommendation of no opposition to the County Board of Supervisors needed)

ACTION: Res. 73-690 adopted expressing no opposition (Hart).

Res. 73-691 adopted expressing no opposition (Morris).
(Clerk to handle)

CONSENT

48. Recommend amendment to Section 27-3-9 of the zoning map (James Price - Oakridge P.D. Condominium Townhouses).

(a) Letter from Planning Commission Chairman.
(By Resolution No. 73-85, adopted by the Planning Commission on July 24, 1973, it recommends an amendment to Section 27-3-9 of the zoning map as requested by James Price, to prezone to Planned Development Zone, P.D., for a 73-unit, 2-story condominium town-house residential development on property located west of Fortuna Street north of Edgebrook Drive extended and south of Dry Creek. Resolution setting August 27, 1973 at 7:45 P.M. for public hearing needed)

ACTION: Res. 73-692 adopted setting hearing. (Clerk to handle)

CONSENT

49. Uninhabited annexation to the City of Modesto - Orangeburg-Eastridge Addition.
(LAF Commission approved this annexation and authorized completion without notice or public hearing on July 20, 1973. Subdividers - Wolverine Building Service, Inc. and others, Modesto, California. Resolution approving annexation needed)

ACTION: Res. 73-693 adopted annexing Orangeburg-Eastridge Addition to City of Modesto. (Clerk to handle)

MISCELLANEOUS

50. Legislation.

(a) League of California Cities Legislative Bulletin.

ACTION: It was agreed that this would be discussed on August 13, 1973.

51. Appointments.

NONE

52. Matters too late for the agenda.

ACTION: By motion (Elliott/Kullijian, unan.) Mayor directed to inform Planning Commission that the Council is concerned about the bluffland overlooking Dry Creek. (C/Mgr. to handle)

53. Executive session to discuss personnel matters.

Adjournment at 5:35 P.M. to executive session to discuss personnel matters with the announcement that the Council would not return to open meeting.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

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8/6/73

Modesto City Council
Special Meeting
August 13, 1973


The Council of the City of Modesto met in special meeting at 5:30 P.M. this date at the Sundial Lodge Restaurant and there were:

Present: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, Mayor Davies
Absent: Councilmen: None

The purpose of the meeting was to hold an executive session to discuss personnel matters. No action was taken.

The meeting adjourned at 7:00 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 13, 1973 AT 7:30 P.M.

Roll Call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 11, 12, 13,
Items 18, 20 and 21 removed from consent 14, 15, 16, 17, 18, 19, 20, 21,
Dunlap/Newton, unan. 23, 24

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items).

PRESENTATION OF AWARDS

1. Suggestion awards:

- (a) \$10 to George Martin (Public Works) for suggestion to adapt lighting fixtures in city hall stairwells.
- (b) \$100 to Jerry Jacobson (Public Works) for suggestion to use attachment he designed for use on vacuum truck to clean dry well cores more effectively.

ACTION: The above two awards were presented by Mayor Davies.

APPROVAL OF MINUTES

CONSENT

2. Minutes of August 6, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

BIDS

CONSENT

3. Consider award of contract for installation of waterlines in Kewin Park and Thousand Oaks Park to Parrish, Inc., of Stockton. (Memo with agenda. Resolution needed. Estimated cost \$28,586.21 (\$14,660; contract, \$13,926.21, Material). Funds budgeted in Account 6385-31-321, Thousand Oaks Park)

ACTION: Res. 73-694 adopted awarding contract to Parrish, Inc. (P/W to handle)

CONSENT

4. Consider award of contract for installation of waterlines in Coleman Acres #3, Coffee Villa, Lincoln Square, and Flintridge Estates #1. (Bids were opened August 7, 1973. The low bid submitted by Valley Construction, which is 18% under the Engineer's Estimate, is considered acceptable. It is recommended that the contract be awarded to them. Resolution needed. Estimated cost \$19,528.50. Funds budgeted in Account 6804-50-101, Waterline Extensions, and 5301-50-101, New Services.)

ACTION: Res. 73-695 adopted awarding contract to Valley Construction. (P/W to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for installation of waterlines in Granada Park #4. (Suggested bid opening date August 28, 1973 at 10:00 A.M.)
- Costs and Revenues
- Construction, \$15,855.26; Conn. Charges, \$15,520.00; Net Revenue, \$1,952.00.

Resolution approving plans, specifications and call for bids needed. Estimated cost \$15,855.26 (\$7,766.51, Materials; \$8,088.75, Labor) Funds budgeted in Account 6804-50-101, Waterline Extensions, and 5301-50-101, New Services)

ACTION: Res. 73-696 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider accepting sole bid of Graybill Company of Oakland, and authorize purchase of Fire Department Power Rescue Tool and accessories. (Bids were opened August 7, 1973 at 2:00 P.M. as authorized by Resolution 73-635. The offer is slightly less than our estimate and is considered acceptable. Resolution awarding contract needed. Actual cost \$4,293.00. Funds budgeted in Account 5402-21-101, Capital Outlay)

ACTION: Res. 73-697 adopted awarding contract to Graybill Co. (Finance to handle)

HEARINGS

7. Hearing on annexation of Standiford-Tully No. 1 Addition to City of Modesto.

7:30 P.M.

ACTION: Hearing closed.
By motion (Newton/Kullijian, unan.) further consideration continued to August 20, 1973.

8. Continued hearing on appeal by A. & L Investment Co. to denial by Board of Zoning Adjustment of amendment to H-1 Use Permit to allow longer hours of operation for commercial establishments on west side of McHenry, north of Bowen Avenue.

7:35 P.M.

ACTION: After all persons wishing to testify had been given an opportunity to testify, the hearing was closed. By motion (Simon/Newton, maj. - Dunlap, no) staff directed to prepare for the September 17 meeting an amendment to Conditional Use Permit to allow the Wind-jammer to remain open from 10:00 A.M. to 2:00 A.M. during the time of the present lease or until change of ownership, providing recommended improvements are made. It was agreed that the City Attorney would report to the Council on the possibility of the developer or the City recording Use Permits. (C/Atty to handle)

9. Hearing on proposed 5th bus route.

7:40 P.M.

ACTION: By motion (Elliott/Dunlap, unan.) 5th bus route as proposed by Director of Parking & Traffic approved. (P & T to handle)

10. Matters for the good of the community.

7:45 P.M.

(These may be presented by interested persons in the audience)

ACTION: W. R. (Bud) Patton requested that careful consideration be given to the expansion of usable space at Dryden Clubhouse by removing the interior stairway. It was agreed that staff would check this out. He also urged rapid development of the Dry Creek golf course.

Dean Olson, representing the Disabled American Veterans, invited the Council members and their spouses to the Modesto Reds ball game on August 16 as all proceeds are to go to that organization.

ORDINANCES

CONSENT

11. Final adoption of the following ordinances:
(Motions adopting needed)

(a) Ordinance No. 1281-C.S. relating to sign regulations.

ACTION: By motion, Ord. 1281-C.S. adopted.

(b) Ordinance No. 1282-C.S. amending zoning regulations.

ACTION: By motion, Ord. 1282-C.S. adopted.

(c) Ordinance No. 1283-C.S. amending Section 9-3-9 of zoning map.

ACTION: By motion, Ord. 1283-C.S. adopted.

(d) Ordinance 1284-C.S. relating to animal control.

ACTION: By motion, Ord. 1284-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

12. Approve agreement with State to install a pedestrian push button at 17th-Downey-McHenry, and appropriate funds for the project. (City's share of project is estimated to be \$700. Memo with agenda. Council previously approved preparation of agreement. Resolution approving agreement and resolution approving appropriation transfer of \$1,400 from General Reserve needed. Estimated cost \$1,400)

ACTION: Res. 73-698 adopted approving agreement. (Clerk to handle)

Res. 73-699 adopted approving appropriation transfer of \$1,400 from Account 60-101 to Account 5305-56-101. (Finance to handle)

NEW BUSINESS

CONSENT

13. Consider cooperative agreement with U. S. Geological Survey, Department of Interior, for continuation of ground water study. (We have received a proposed cooperative agreement for water resources investigation from the U. S. Geological Survey. The agreement covers the cost of the water study currently underway for fiscal year 1973-74. The cost of the work, \$26,000, is to be shared equally between the U.S.G.S. and the City of Modesto. Resolution approving agreement needed. Estimated cost \$13,000 (City's share). Funds budgeted in Account 6808-41-321, Water Study, Stage 3)

ACTION: Res. 73-700 adopted approving agreement. (Clerk to handle)

CONSENT

14. Accept improvements in McHenry Estates No. 2 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods. (This subdivision is located north of Sylvan Ave. and east of McHenry Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-701 adopted accepting improvements. (Clerk to handle)

CONSENT

15. A resolution approving the final map of Old Orchard No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4-604(c) of the Modesto Municipal Code. (Agreement has been signed and all fees paid. This subdivision is located north of East Orangeburg Ave. and east of Lakewood Ave. It contains 9.272 acres. Resolution approving final map needed)

ACTION: Res. 73-702 adopted approving final map. (Clerk to handle)

~~CONSENT~~

16. A resolution determining that the public interest and convenience require that Coffee-Floyd No. 2 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing. (The subject area has been annexed to the City of Modesto and it is now necessary to commence proceedings to annex it to the Modesto Municipal Sewer District. Suggested hearing date October 1, 1973 at 4:00 P.M. Resolution setting hearing needed (2/3 affirmative vote required)

ACTION: Res. 73-703 adopted setting hearing. (Clerk to handle)

~~CONSENT~~

17. Resolution withdrawing Coffee-Floyd No. 2 Addition from McHenry-Dry Creek Fire District,
(Resolution withdrawing from fire district needed)

ACTION: Res. 73-704 adopted withdrawing Coffee-Floyd No. 2 Addition from McHenry-Dry Creek Fire Protection District. (Clerk to handle)

~~CONSENT~~

18. Lease agreement with Muir Trail Girl Scout Council for office space in Modesto Community Service Center.
(Resolution approving lease agreement needed)

ACTION: (Council member Mensinger was excused from consideration of this item)

Res. 73-705 adopted (Simon/Dunlap, unan. - Mensinger, absent) approving lease agreement. (Clerk to handle)

~~CONSENT~~

19. Request from Modesto Roadmen for permission to conduct bicycle race around Downey Park and Downey High School.
(Memo with agenda. Motion approving request needed)

ACTION: By motion, request granted. (P & R to handle)

~~CONSENT~~

20. Consider approval of agreement with Synercomp, Inc. to prepare computer programs and approval of letter amendment to the agreement with the Burroughs Corporation extending evaluation and acceptance time from September 1, 1973, to October 1, 1973.
(Memo with agenda. Resolution approving agreement and resolution approving amendment to the Burroughs Corporation agreement needed)

ACTION: Res. 73-706 adopted (Elliott/Simon, unan.) approving agreement with Synercomp, Inc.

Res. 73-707 adopted (Elliott/Simon, unan.) approving amendment to agreement with Burroughs Corp. (Clerk to handle)

~~CONSENT~~

21. Approve new agreements with Department of Transportation and Hahn Co. covering \$1,000,000 donation toward Highway 99 construction. (The new agreement covers the four months delay reported to the Council last week. The new agreements rescind and supersede the previous agreements. Two resolutions approving new agreements needed)

ACTION: Res. 73-708 adopted (Simon/Newton, maj. - Mensinger, no - Dunlap, absent) approving new agreement with Ernest W. Hahn, Inc.

Res. 73-709 adopted (Simon/Newton, maj. - Mensinger, no - Dunlap, absent) approving new agreement with Department of Transportation, State of California. (Clerk to handle)

(Councilman Dunlap was excused from consideration of this item)

21A. Request for permission to purchase trophy to be presented to Barranquilla Police Officer, Jose Briera, as he is returning to Barranquilla after a several months educational tour of duty with the Modesto Police Department.

ACTION: By motion (Dunlap/Kullijian, unan.) request granted. (Police to handle)

REPORTS

22. Consider Project Greater Modesto Committees' recommendations Status Report No. 5.
(Report with agenda. Motion accepting report needed)

ACTION: By motion (Dunlap/Kullijian, unan.) report accepted.

CONSENT

23. Progress report on Orangeline Sanitation Company.
(Memo with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

24. Approval of revenue sharing planned use report, Entitlement 4, July 1, 1973, through June 30, 1974.
(Memo with agenda. Resolution approving report needed)

ACTION: Res. 73-710 adopted approving revenue sharing planned use report. (Finance to handle)

MISCELLANEOUS

25. Legislation.

ACTION: By motion (Dunlap/Kullijian, unan.) AB 2028 opposed.
By motion (Elliott/Dunlap, unan.) AB 33 opposed.
By motion (Dunlap/Newton, unan.) SB 534 opposed.
(C/Mgr to handle)

26. Appointments.

ACTION: Res. 73-711 adopted (Simon/Dunlap, unan.) reappointing Frank Cantele and C. A. Tallent and appointing Wm. Hughes, Merle Mensinger, Jr. and Francis Ruggieri as members of the Downtown Improvement District Advisory Board for terms ending March 28, 1977. (Clerk to handle)

27. Matters too late for the agenda.

NONE

Adjournment at 11:55 P.M. to executive session to discuss personnel matters. It was announced that the Council would not return to open meeting.

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 20, 1973 AT 4:00 P.M.

Roll call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies
Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS: ROLL CALL VOTE REQUIRE: Items 1, 3, 5, 6, 7, 8, 13, 15,
Items 16 and 26 removed from consent ~~18~~, 18, 19, 20, 21, 22, 23, ~~26~~
Newton/Elliott, unan.

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of August 13 (Special) and August 13 (Regular), 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

2. Application of Ella Mae Coleman to present a late claim.
(Resolution denying request needed)

ACTION: (Councilman Simon was excused from consideration of this item due to a conflict of interest)

Res. 73-712 adopted (Elliott/Dunlap, unan. - Simon, absent)
denying request. (Clerk to handle)

CONSENT

3. Request of Ecology Action Education Institute for permission to use Downey Park as beginning and end of second annual bike-a-thon on September 29, 1973.
(Motion referring to staff for report needed)

ACTION: By motion, request referred to staff for report. (Police and P & R to handle)

4. Presentation by League of Women Voters opposing Proposition I, the Tax and Expenditure Limitations Initiative.

ACTION: Carole S. Davis, representing the League, requested that City staff study the possible effects of Proposition I on City taxes and services. She stated that the State League had already taken a stand in opposition and that the local League had to support this stand even if a study showed that the Proposition would be good for Modesto.

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for installation of waterlines in Springcreek No. 1.
(Suggested bid opening date September 4, 1973 at 10:00 A.M.
Costs and Revenues: Construction, \$28,025.63; Conn. charges, \$7,600;
Net revenue, \$618. Resolution needed. Estimated cost \$28,025.63
(\$14,172.88, Matl.; \$13,852.75, Labor). Funds budgeted in Account
5301-50-101, Waterline Extensions, and 5301-50-101, New Services)

ACTION: Res. 73-713 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider acceptance of Matteson Construction Company's contract for construction of stage at the Senior Citizens Center.
(Original contract \$7,252. All work on this project has been completed to the satisfaction of the Parks and Recreation and the Public Works Departments. It would be in order to accept the work and to file the notice of completion. Resolution accepting work needed. Final cost \$7,997. Funds budgeted in Account 6244-31-321, Senior Citizens Center Stage)

ACTION: Res. 73-714 adopted accepting contract. (Clerk to handle)

CONSENT

7. Approve plans and specifications and call for bids for the improvement of G Street from First Street to Sixteenth Street.
(Bid opening September 18, 1973 at 10:00 A.M. This project is part of the City's Select Street System. It will be a Federal Aid Project. The federal government's share of the cost is estimated to be \$59,700. Resolution approving bid call needed. Estimated cost \$103,000 (Contract \$81,770, Engr. and Contingency, \$21,230). Funds budgeted in Account C.I.P. 750, G Street 1st to 16th Street)

ACTION: Res. 73-715 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Consider award of bid for the improvement of Paradise Ave. and H Street from Franklin Street to First Street.
(Memo with agenda. Resolution awarding bid needed. Estimated cost \$194,000 (Contract \$159,945.90 and Contg. \$34,054.10). Funds budgeted in Account 6648-2-207, Paradise-Franklin to First)

ACTION: Res. 73-716 adopted awarding contract to The Flintkote Co.
(P/W to handle)

HEARINGS

Modesto

9. Hearing, annexation of Beckwith No. 1 Addition to Municipal Sewer District No. 1. 4:30 P.M.

ACTION: Res. 73-717 adopted (Elliott/Newton, maj. - Mensinger, no) annexing Beckwith No. 1 Addition (but excluding the S.P. property from Dale Road north) to Modesto Municipal Sewer District No. 1. (Clerk to handle)

10. Hearing, annexation of Beckwith No. 2 Addition to Modesto Municipal Sewer District No. 1. 4:30 P.M.

ACTION: Res. 73-718 adopted (Simon/Elliott, maj. - Mensinger, no) annexing Beckwith No. 2 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

11. Matters for the good of the community. 4:35 P.M.
(These may be presented by interested people in the audience)

NONE

ORDINANCES

12. Consider revised speed limits for 16 streets.
(Speed surveys indicate that speed limits must be raised on these streets if radar is to be used to enforce the speed limits. Memo and listing of streets with agenda. Ordinance amending Section 3-2.1401 of the Municipal Code needed. Estimated cost \$2,000 for 72 signs and labor to install them. Funds budgeted in Account 5301-57-209, Traffic Signs)

ACTION: Ord. No. 1285-C.S. introduced (Simon/Dunlap, unan.) amending speed limits to conform to surveys with the exception of Sycamore which was omitted. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

13. Further consideration of Nick Sciabica and Sons for council approval to bring 18 acres of grapes within Modesto City Limits under Williamson Act.
(Motion continuing to September 4 needed. Requested by applicant)

ACTION: By motion, further consideration continued to September 4.
(Clerk to handle)

14. Further consideration of Standiford-Tully No. 1 Addition to City of Modesto.

ACTION: Res. 73-719 adopted (Kullijian/Elliott, maj. - Mensinger, no) declaring majority protest not made.

Ord. 1286-C.S. adopted (Kullijian/Elliott, maj. - Mensinger, no) annexing Standiford-Tully No. 1 Addition to City of Modesto.
(Clerk to handle)

NEW BUSINESS

CONSENT

15. Request by City Attorney for vacation August 27 through 31, 1973 and September 4, 5, 6, 7, 1973.
(Motion approving request needed)

ACTION: By motion, request approved.

~~CONSENT~~

16. Resolution adopting an affirmative action program for the City of Modesto and directing the City Manager to implement said program.
(Memo and affirmative action program with agenda. Resolution adopting program needed)

ACTION: By motion (Simon/Newton, unan.) referred to staff for change in wording. (Personnel to handle)

17. Consider bus ridership promotions.
(Memo with agenda. Director of Parking and Traffic has proposed a contest to guess starting date for new bus and no charge for rides on the new bus for the first week. Motion approving promotions needed. Estimated cost \$31. Funds budgeted in Account 232-65-101, Transportation Subsidy)

ACTION: By motion (Elliott/Mensing, unan.) promotions approved with provision that free rides on new bus be round trip. (P & T to handle)

CONSENT

18. Accept improvements in Wyldwood Estates No. 3 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(This subdivision is located at Orangeburg Avenue west of Rose Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-720 adopted accepting improvements. (Clerk to handle)

CONSENT

19. Consider release of bond for street repairs in Coffee Plaza 5.
(Memo with agenda. Resolution accepting repairs to streets and releasing bonds needed)

ACTION: Res. 73-721 adopted accepting street repairs. (Clerk to handle)

CONSENT

20. Consider acceptance of fence improvements and release of bond for Greenbrier No. 3 Subdivision.
(Memo with agenda. Resolution accepting work and releasing bond needed)

ACTION: Res. 73-722 adopted accepting fence improvements. (Clerk to handle)

CONSENT

21. Street Projects 1973-74.
(Memo with agenda. Resolution amending budget for fiscal year 1973-74 needed)

ACTION: Res. 73-723 adopted amending budget for fiscal year 1973-74.
(Finance to handle)

CONSENT

22. Renewal of group medical insurance contract with additional coverage for period 9/1/73 through 8/31/74 and authorize premium contribution rates for employees and employees' dependent coverage and approval of appropriation transfer.
(Resolution renewing policy with additional coverage and setting premium contribution rates and resolution approving appropriation transfer needed. Estimated cost \$13,367.90 for 1973-74 budget. Funds budgeted in Account 426-64-101, Group Health Insurance)

ACTION: Res. 73-724 adopted approving renewal of policy for period 9/1/73 through 8/31/74 and approving rate increase effective 9/4/73.
(Personnel to handle)
Res. 73-725 adopted approving appropriation transfer of \$13,368 from Account 60-101 to Account 426-64-101. (Finance to handle)

CONSENT

23. Consider amendment to the agreement for rental of office space in the airport terminal building for the Avis Rent-A-Car system.
(Memo with agenda. Resolution approving amendment to agreement needed)

ACTION: Res. 73-726 adopted approving amendment to agreement with George L. Reed, et ux. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

25. County referral of open space contracts: Application No. 74-1572, Hubert Scott, Riverside Drive at Dry Creek; Application No. 74-1573, Eula Scott, Lincoln Avenue at MID Lateral No. 2 and Claus Road near Yosemite Boulevard; Application No. 74-1574, Theodore Martz, Vella Way.
(Memo with agenda. Two resolutions expressing recommendation of opposition (Hubert and Eula Scott); one resolution expressing recommendation of no opposition (Martz) to the County Board of Supervisors)

ACTION: Res. 73-727 adopted (Dunlap/Kullijian, unan.) expressing opposition to No. 74-1572.

Res. 73-728 adopted (Dunlap/Kullijian, unan.) expressing opposition to No. 74-1573.

Res. 73-729 adopted (Dunlap/Kullijian, unan.) expressing no opposition to No. 74-1574. (Planning to handle)

It was suggested that the City-County Liaison Committee study the effects of opposition to Open Space Contracts. (C/Mgr to handle)

APPROPRIATION TRANSFERS

CONCERN

26. Appropriation transfer to provide the electrical wiring in the Modesto Community Service Center for the installation of a heating and cooling system by the Muir Trail Girl Scout Council which was approved by the Council in the lease agreement of 8/13/73. (Resolution approving appropriation transfer of \$500.00 from General Reserve needed)

ACTION: (Council member Mensinger was excused from consideration of this item due to a conflict of interest)
Res. 73-730 adopted (Dunlap/Kullijian, unan. - Mensinger, absent) approving appropriation transfer of \$500 from Account 60-101 to Account 5301-34-101. (Finance to handle)

MISCELLANEOUS

27. Legislation.

ACTION: By motion (Simon/Newton, unan.) AB 2610 opposed. (C/Mgr to handle)

28. Appointments.

NONE

29. Matters too late for the agenda.

ACTION: Councilman Dunlap reported that representatives from Russia would be in Modesto soon in connection with the Sister-City Program.

It was suggested that a series of special meetings be held to consider the recommendations of Project Greater Modesto.

Councilman Elliott requested that more information (names of adjoining property owners, addresses, etc.) be placed on maps furnished the Council.

Councilman Kullijian reported that the Governor's Council on Aging was defunct but that there was a County Commission on Aging. Mayor Davies then appointed Councilmen Kullijian and Newton as liaison between the City Council and this Commission.

The Council retired to executive session at 6:10 P.M. and returned to open meeting at 6:35 P.M.

By motion (Dunlap/Newton, unan.) intention declared to employ Ralph Anderson to assist in the recruitment of a new City Manager and staff directed to prepare an agreement and appropriation transfer for this purpose. (C/Atty to handle)

Adjournment at 6:40 P.M.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 27, 1973 AT 7:30 P.M.

Roll Call Present: Elliott, Kullijian, Mensinger, Newton, Mayor Davies
Absent: Dunlap, Simon

Pledge of allegiance to the Flag
Invocation by Reverend James Holmes, Temple Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9, 10,
Item 4 removed from consent. 11, 12, 13, 20, 22, 24, 25, 26,
Item 27 dropped from agenda. 27, 28, 29, 31, 35, 36, 37, 38,
Kullijian/Newton, unan. - Dunlap and 39
Simon, absent

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of August 20, 1973. (Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

2. Request of Senior Citizens that a small freezer be installed at the Senior Citizens' Center.

ACTION: Action on a motion (Kullijian/Mensinger) to grant the request was delayed for one week to permit staff to report on cost, size and possible placement of freezer and also the possibility of replacing the present refrigerator with one that has a freezing unit. (P & R to handle)

CONSENT

3. Withdrawal of application of T. L. Civalier for license to collect swill.
(Motion approving withdrawal needed)

ACTION: By motion, withdrawal approved. (Clerk to handle)

~~CONSENT~~

4. Appeal by Mid Valley Engineering to denial by Planning Commission of request for extension of time for P-D(53), Berberian.
(Resolution setting September 24, 1973 at 7:30 P.M. for hearing needed)

ACTION: (Councilman Kullijian was excused from consideration of this item due to a conflict of interest)

Res. 73-731 adopted (Elliott/Newton, unan. - Dunlap, Kullijian and Simon, absent) setting hearing. (Clerk to handle)

BIDS

CONSENT

5. Consider acceptance of Biben's Nursery Co.'s contract for construction of Play Area at J. M. Pike Park. Original contract: \$6,300.00. (All work on this project has been completed to the satisfaction of the Parks Department and the Public Works Department. Therefore, it would be in order to accept the work as complete and file the Notice of Completion. Resolution accepting the work as complete needed. Final cost: \$6,300.00; funds budgeted in Account No. 6383-31-321, Pike Play Apparatus)

ACTION: Res. 73-732 adopted accepting contract. (Clerk to handle)

CONSENT

6. Consider acceptance of Shield Construction Co.'s contract for installation of Waterlines in Old Orchard No. 1 and Granada Park No. 3. Original contract: \$12,490.60. (All work on this project has been completed or arrangements have been made for completion to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work and file the Notice of Completion. Resolution accepting the work as complete needed. Final Cost: Contract: \$10,326.49; work by City: \$2,565.97; funds budgeted in Account No. 6804-50-101, Waterline Extensions and Account 5301-50-101, New Services)

ACTION: Res. 73-733 adopted accepting contract. (Clerk to handle)

CONSENT

7. Consider acceptance of Western Pipeline Co., Inc. contract for installation of waterlines in Carpenter Road from Maze to Elm. Original contract: \$5,844.00. (All work on the project has been completed to the satisfaction of the Public Works Department; therefore, it would be in order to accept the work and file the Notice of Completion. Resolution accepting the work as complete needed. Final cost: Contract \$6,009.70; funds budgeted in Account No. 6828-50101, Strengthen Water System)

ACTION: Res. 73-734 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider acceptance of Lee White Paving Co. contract for construction of curbs and gutters at Beard Brook Park. Original contract: \$10,620. (All work on this project has been completed to the satisfaction of the Parks Department and the Public Works Department; therefore, it would be in order to accept the work and to file the Notice of Completion. Resolution accepting the work as complete needed. Final cost: Contract \$11,192.92; funds budgeted in Account No. 6242-31-321, Beard Brook Park)

ACTION: Res. 73-735 adopted accepting contract. (Clerk to handle)

CONSENT

9. Consider approval of specifications and authorize call for bids to be opened September 12, 1973 at 2:00 P.M. for painting of digester structure. (Resolution approving bid call needed. Estimated cost: \$8,000.00; funds budgeted in Account No. 224-53-101, Page 89, M&R - Bldgs. & Grounds)

ACTION: Res. 73-736 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

10. Consider approval of specifications and authorize call for bids to be opened on September 12, 1973 at 2:30 P.M. for furnishing one new golf course tractor with dump body. (Resolution approving bid call needed. Estimated cost: \$4,486.00; funds budgeted in Account No. 5439-48-512, Page 142, Service Division - Capital Outlay)

ACTION: Res. 73-737 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

11. Consider approval of specifications and authorize call for bids to be opened September 12, 1973 at 2:15 P.M. for furnishing one new self-propelled vibrating roller. (Resolution approving bid call needed. Estimated cost: \$4,841.00; funds budgeted in Account No. 5433-48-512, Page 142, Service Division - Capital Outlay)

ACTION: Res. 73-738 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

12. Approve plans and specifications and call for bids for the Improvement of Morris Avenue and Virginia Avenue at Modesto Irrigation District Lateral No. 4 - TOPICS Project No. T-3048(7). (Suggested bid opening date September 25, 1973 at 10:00 A.M. This project is part of the City's Select Street System. It will be a Topics Project. The Federal Governments share of the total cost is estimated to be \$93,700. Resolution approving bid call needed. Estimated cost: \$134,000 (Contract \$90,430-RR Xing \$26,000, Engr. & Contg. \$17,570); funds budgeted in Account No. 6695-2-207, Virginia-Morris Siphon)

ACTION: Res. 73-739 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

13. Consider award of contract for installation of waterlines in Sonoma Gardens, Capistrano Park No. 1, 2, & 3, Greenfield Village No. 4, and Wyldewood Estates No. 4. (Bids were opened on August 21, 1973. The low bid submitted by Joe Martin which is 20% under the Engineer's Estimate is considered acceptable. It is therefore recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost: \$23,549.00; funds budgeted in Account No. 6804-50-101, Waterline Extension and Account No. 5301-50-101, New Services)

ACTION: Res. 73-740 adopted awarding contract to Joe Martin. (P/W to handle)

HEARINGS

14. Hearing, annexation of Whitmore No. 1 Addition to Modesto Municipal Sewer District No. 1. 7:30 P.M.

ACTION: Res. 73-741 adopted (Elliott/Kullijian, unan. - Dunlap and Simon, absent) annexing Whitmore No. 1 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

15. Hearing on amendment to Section 19-3-9 of the zoning map to rezone from One-family Residential Zone, R-1 to Two-family Residential Zone, R-2, property located on the south corner of Orangeburg Ave. and Carver Road. (Kenneth L. & Carole L. Hill and Kenneth L. Hill, Jr.) 7:35 P.M.

ACTION: Ord. No. 1287-C.S. introduced (Kullijian/Mensingler, unan. - Dunlap and Simon, absent) amending Section 19-3-9 of the zoning map. (Clerk to handle)

16. Hearing on amendment to Section 33-3-9 of the zoning map to rezone from General Commercial Zone, C-2, to Light Industrial Zone, M-1, property located on the northeasterly side of 12th Street between D & E Streets. (Benson & Zimmerman) 7:40 P.M.

ACTION: Ord. No. 1288-C.S. introduced (Kullijian/Elliott, unan. - Dunlap and Simon, absent) amending Section 33-3-9 of the zoning map. (Clerk to handle)

17. Hearing on amendment to Section 27-3-9 of the zoning map to prezone to Planned Development Zone, P-D, for a 73-unit, 2-story condominium townhouse residential development on property located west of Fortuna Street north of Edgebrook Drive extended and south of Dry Creek. (James Price) 7:45 P.M.

ACTION: Ord. No. 1289-C.S. introduced (Elliott/Newton, unan. - Dunlap and Simon, absent) amending Section 27-3-9 of the zoning map. (Clerk to handle)

Res. 73-742 adopted (Elliott/Newton, unan. - Dunlap and Simon, absent) approving development plan. (Planning to handle)

18. Matters for the good of the community. 7:50 P.M.
(These may be presented by interested persons in the audience)

ACTION: Harold Jolliff, member of the Farm-City Advisory Committee, was introduced.

ORDINANCES

19. Report on the 1973-74 City assessed values and tax rates.
(Ordinance setting the tax rates needed)

ACTION: Ord. No. 1290-C.S. introduced and adopted (Elliott/Mensing, maj. - Kullijian, no - Dunlap and Simon, absent) setting tax rates for 1973-74. (Clerk to handle)

CONSENT

20. Consider effective date of September 1, 1973, for water rate increases.
(Memo with agenda. Adoption of an urgency ordinance needed)

ACTION: Ord. No. 1291-C.S. introduced and adopted. (Clerk to handle)

UNFINISHED BUSINESS

21. Council review of community center.
(This matter has been discussed by the City-County Liaison Committee, and is back to the Council for further discussion.)

ACTION: By motion (Kullijian/Elliott, unan.) Mayor or his representative authorized to request Board of Supervisors for informal approval of proposal to form a district for a community center; boundaries to be the same as the Modesto High School District. (C/Mgr to handle)

CONSENT

22. Professional Service Agreement with Ralph Andersen and Associates for recruiting services for position of City Manager.
(This was considered by the City Council at its meeting of August 20, 1973. A copy of the proposed agreement has been sent to the Council with the agenda. Resolution approving agreement and Resolution approving appropriation transfer needed. Estimated cost: \$4,500.00)

ACTION: Res. 73-743 adopted approving agreement. (Clerk to handle)

Res. 73-744 adopted approving appropriation transfer of \$4,500 from Account 60-101 to Account 458-65-101. (Finance to handle)

NEW BUSINESS

23. Request for assistance from Red Cross--printing of cards advertising rides for senior citizens.
(Correspondence with agenda. Motion directing staff needed.)

ACTION: It was agreed that this was the type of project which should be handled by a service club. The Councilmembers expressed their appreciation that this worthwhile program had been started.

CONSENT

24. Notice of P.U.C. hearing on P. G & E. request to raise gas rates.
(Memo with agenda. The request is for about a \$20,000,000/year rate increase. No action required.)

NO ACTION

CONSENT

25. Right-of-Way Acquisition--Needham Street Widening Project.
(a) First Baptist Church of Modesto, (b) Mr. and Mrs. Elmo Wilson, Sr. and (c) Roy Coffey and Dorothy Coffey.
(Memo with agenda. Four resolutions accepting Grant Deeds and approving Purchase Agreements needed. Estimated cost: (a) \$2,188, (b) \$2,400 and (c) \$2,600; Total \$7,188; funds budgeted in Account No. 6700-205, Needham Street Improvement)

ACTION: Res. 73-745 adopted accepting Grant Deed and approving agreement (Block 89 - First Baptist Church of Modesto).
Res. 73-746 adopted accepting Grant Deed and approving agreement (Block H - First Baptist Church of Modesto).
Res. 73-747 adopted accepting Grant Deed and approving agreement (Wilson).
Res. 73-748 adopted accepting Grant Deed and approving agreement (Coffey). (Clerk to handle)

CONSENT

26. Consider approval of the proposed cooperative agreement for the installation of landscaping in the joint use area of the intersection of Briggsmore and Sunrise.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 73-749 adopted approving agreement with Stanislaus County and / Modesto Irrigation Dist.
(Clerk to handle)

~~CONSENT~~

27. Consider approval of the proposed agreement between the City and County to declare Briggsmore Avenue at Sunrise Avenue a County Road for construction purposes.
(Memo with agenda. Resolution approving agreement needed)

DROPPED FROM AGENDA

CONSENT

28. Consider the proposed joint use agreement for MID property for the improvement of the Briggsmore-Sunrise intersection.
(Council has previously approved the cooperative agreement for the joint construction of the intersection by the City and County. This agreement provides for the joint use of MID property in the intersection by the City and County and MID. Resolution approving agreement needed)

ACTION: Res. 73-750 adopted approving agreement with Stanislaus County and the Modesto Irrigation District. (Clerk to handle)

CONSENT

29. Consider construction of a Helicopter Landing Pad at the Modesto City-County Airport.
(Memo with agenda. Resolution appropriating money and motion authorizing the construction of the Helicopter Landing Pad. (\$1,700 from fund balance of Airport Fund)

ACTION: By motion, construction of Helicopter Landing Pad approved.
(P/W to handle)

Res. 73-751 adopted appropriating \$1,700 from fund balance of Airport Fund. (Finance to handle)

30. Consideration of bus management after October 31, 1973. (Memo with agenda. Our contract with Modesto Motor Bus Service expires on October 31, 1972, and a new operator must be found. A combined bid sheet-contract is suggested to see if we can find a replacement. Motion directing staff to prepare necessary bid sheet-contract is needed.)

ACTION: By motion (Elliott/Mensing, unan.) staff directed to prepare bid sheet-contract. (P & T to handle)

CONSENT

31. Authorize a new savings account or accounts, depending on deposit procedures and interest rates in effect, for the City's Deferred Compensation Plan. (The balance on deposit with First Federal Savings and Loan Association of Fresno, Modesto Branch, has exceeded by \$288 the maximum amount protected by insurance. The Deferred Compensation Committee has recommended that a new account be established at the Golden West Savings and Loan Association. Resolution authorizing a new savings account or accounts.)

ACTION: Res. 73-752 adopted authorizing new savings account(s) with Golden West Savings and Loan Association for Deferred Compensation Plan. (Finance to handle)

32. Consider request to assign Silvail Aviation lease from George L. Reed and Darlene E. Reed to Dr. Elise D. Schneider. (Memo with agenda. Resolution authorizing the assignment of Airport Fixed Base Operator Lease needed)

ACTION: Res. 73-753 adopted (Elliott/Kullijian, unan. - Dunlap and Simon, absent) authorizing assignment of lease. (P/W to handle)

REPORTS

33. Consider Project Greater Modesto Committees' recommendations, Status Report No. 6. (Copies of report with agenda. Motion accepting report needed)

ACTION: By motion (Kullijian/Elliott, unan.) report accepted.

Mayor Davies commended Mr. Bartholomew for the excellent Status Reports.

34. Oral Report on meeting with California Highway Commission held August 23, 1973.

ACTION: Mayor Davies reported that the meeting had been successful and expressed his appreciation to those who supported the request to advance the Beckwith interchange.

REPORTS FROM PLANNING COMMISSION

CONSENT

35. On August 21, 1973, the Planning Commission adopted Resolution No. 73-97, recommending to the Council the commencement of proceedings for the annexation to the City of Inhabited Territory (Kansas Avenue Addition) bounded on the north and east by the U.S. 99 Freeway, on the west by Emerald Avenue, and on the south by the property lines 250 feet south of Elm Avenue.
(Resolution consenting to commencing of proceedings to annex needed)

ACTION: Res. 73-754 adopted consenting to commencement of proceedings.
(Planning to handle)

CONSENT

36. Tentative Subdivision Map, Oakmont No. 1 and 2 Subdivision.
(On August 21, 1973, the Planning Commission approved the tentative map of the above subdivision and found that said subdivision, together with its design and improvements, is consistent with applicable general and specific plans of the City. The City Council is required to make the same findings. An environmental assessment of the subdivision has been made and Negative Declaration has been filed. A resolution making findings needed)

ACTION: Res. 73-755 adopted making necessary findings. (Clerk to handle)

CONSENT

37. Recommend that the name of that portion of "Fortuna Avenue" between Edgebrook Drive and Moran Avenue which is within the City of Modesto be changed to "Phoenix Avenue".
(On August 21, 1973, the Planning Commission, by adoption of Resolution No. 73-95, recommends that the name of that portion of "Fortuna Avenue" between Edgebrook Drive and Moran Avenue which is within the City of Modesto be changed to "Phoenix Avenue". Adoption of resolution needed)

ACTION: Res. 73-756 adopted changing name of that portion of Fortuna Ave. between Edgebrook Drive and Moran Ave. which is within Modesto's city limits to Phoenix Ave; said change to be effective at same time as the portion of Fortuna Ave. which is not within the city limits is renamed by Stanislaus County. (Planning to handle)

CONSENT

38. By Resolution No. 73-94, adopted on August 21, 1973, the Planning Commission recommends an amendment to Article 24 of Chapter 2 of Title X of the Modesto Municipal Code pertaining to minor revisions to development plans. Resolution setting September 17, 1973 at 4:00 P.M. for public hearing needed)

ACTION: Res. 73-757 adopted setting hearing. (Clerk to handle).

CONSENT

39. By Resolution No. 73-93, adopted by the Planning Commission on August 21, 1973, it recommends an amendment to Section 23-3-9 of the Zoning Map to repeal P-D(97) (Ellis & Klink) and Rezone the property to R-1 because of expiration of the approved development schedule; property located at the southeast corner of Old Oakdale Road and Orangeburg Avenue. Resolution setting September 24, 1973 at 7:35 P.M. for public hearing needed)

ACTION: Res. 73-758 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

40. Legislation

NONE

41. Appointments

NONE

42. Matters too late for the agenda.

ACTION: Res. 73-759 adopted (Elliott/Kullijian, unan. - Dunlap and Simon, absent) granting an encroachment permit to Western Geophysical Co. for oil and gas exploration in a portion of Dry Creek Park west of McClure Road and south of the M.I.D. canal. (P/W to handle)

Councilman Kullijian introduced his daughter Missie.

Adjournment at 9:00 P.M.

ATTEST:

W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

Modesto City Council
Special Meeting
August 28, 1973

The Council of the City of Modesto met in Special Meeting in the Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at 4:00 P.M. this date and there were:

Present: Councilmembers: Elliott, Kullijian, Mensinger, Newton,
Mayor Davies
Absent: Councilmembers: Dunlap, Simon

The Assistant City Attorney was excused from attending this series of Special Meetings with the provision that he be available if needed.

It was agreed that Special Meetings would be held from 4:00 P.M. to 5:30 P.M. on Tuesdays and Thursdays (except September 4 and 11) and staff was directed to prepare a schedule for the Council.

The Council further agreed that staff attendance would not be required unless specifically requested.

The following items from Status Report No. 1 were considered by Council:

1. It was agreed that action taken was satisfactory for now.
2. Recommendation under consideration by Public Projects Committee.
3. The point was made that City-County cooperation was continually improving and had never been better.
4. Progress is being made in this area.
5. There was general agreement that Modesto did an excellent job in this area but it was pointed out that caution should be used to avoid competition with private enterprise.
6. See No. 2.
7. It was pointed out that all employees were involved in public relations and that perhaps some form of P.R. training be used. The staff agreed to furnish information concerning the ombudsman type of operation to Councilmembers Kullijian and Mensinger.
8. See No. 2.
9. Recreation sites are being purchased at an acceptable level.
10. The City, in cooperation with other public agencies, is doing this.
11. FACE, even though it is successful, is not enough to solve the problem. The City should look into local action to stimulate renewal, i.e. Neighborhood Improvement Districts.
12. This item will be discussed fully later with the Director of Planning present.
13. This item, along with No. 12, referred to Director of Planning for report to Council.
14. After the difficulty of abandoning alleys was pointed out, it was agreed that a study should be made of the possibility of some type of program to get and keep alleys cleaned up either by the property owners or by the City with the property owners paying the costs.

The meeting was adjourned at 5:30 P.M. to 4:00 P.M. on Thursday, August 30, 1973.

ATTEST:


W. T. CHYNOWETH, City Clerk

The Council of the City of Modesto met in Adjourned Special Meeting in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at 4:00 P.M. this date and there were:

Present: Councilmembers: Elliott, Kullijian, Mensinger, Mayor Davies
Absent: Councilmembers: Dunlap, Newton, Simon

The following items from Status Report No. 1 were considered:

15. This is the policy which is in practice at this time with the exceptions of the Proctor & Gamble development and industries in the Beard Industrial Tract and other areas that are in the Sewer District.
16. It was pointed out that the voters turned down Urban Renewal, the property owners rejected the downtown mall concept and EPA is attempting to cut down on available parking.
17. It was agreed that efforts to improve the airport would be continued and the point was made that the Airport Advisory Committee was studying airport development and that a Master Plan for the airport was being worked on.
18. This is proceeding on schedule. The proposed dam will likely be in a different location than Dennett Dam.
19. Mayor Davies commented that the State Department of Motor Vehicles would be located as close to downtown as the State felt was economically feasible.
20. The Planning Department was directed to keep an eye on this.
21. Parks & Recreation Department was requested to prepare a brief report on what has been done in this area; age groups of dancers, attendance, problems and costs. The point was made that a Community Center would provide better facilities than are now available.
22. Participation by City employees is encouraged but the Council felt that such things as service club memberships should not be a City cost.
23. This program is underway. The headquarters will be in Stockton.
24. This is being handled at this time and there will be additional programs instituted in October when funds are available.
25. The Human Rights Commission does a good deal in this area.
26. PEP and the Youth Opportunity Programs are supported.
27. It appears there are no minority contractors in this vicinity but there may be some minority sub-contractors.
28. This has been done.
29. This has been done.

STATUS REPORT NO. 3


1. The Public Projects Committee is working on this.
2. This is a responsibility of LAFCO but Modesto will have input.
3. Special revenue sharing funds may permit this to continue. This item is to be considered more fully later.
4. A study group could look at local taxes but as most tax problems are at a Federal, State or County level the League and County Supervisors' Association would have the greatest influence on legislation.
5. No grants or fellowships are planned at this time.
6. A report from Planning was requested.
7. These studies are required by law.

Minutes of Adjourned Special Meeting 8/30/73, (continued)

8. Planning to study this.
9. The defeat of Urban Renewal hurt this situation. A further study should be made as to what can be done and what the costs would be. The City Attorney was requested to see if the City can condemn land for use as mini-parks and to determine if the property across the alley from City Hall could be used for a park if the Court had approved condemnation for use as a parking lot.
10. This should be coordinated with action on Item 11 of Status Report No. 1.
11. The Airport Advisory Committee is studying this. The Council indicated it was not in favor of local air freight being shipped from Stockton Airport if the local airport can handle it.
12. Councilman Kullijian raised the point that undergrounding of utilities should be required in H-1 zones as well as residential zones.

The meeting was adjourned at 5:30 P.M. to 4:00 P.M. on Thursday, September 6, 1973.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 4, 1973 AT 4:00 P.M.

Roll Call Present: Elliott, Kullijian, Mensinger, Newton, Simon,
Mayor Davies
Absent: Dunlap
Councilman Newton arrived at 4:10 P.M.

Pledge of allegiance to the Flag

Invocation: Reverend Harold Knowles, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 8, 9, 10,
Simon/Elliott, unan. - Dunlap and 12, 13, 14, 15, 20, 21, 22, 23,
Newton, absent 24, 26, 27, 28, 29, 30, 32, 33

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items).

PRESENTATION OF AWARD

1. Presentation of 1973 pedestrian safety award by California State Automobile Association.

ACTION: The plaque was presented by a representative of the American Automobile Association to Mayor Davies and Police Chief Ammerman. The Council and Police Department were commended for the excellent record set by Modesto.

APPROVAL OF MINUTES

CONSENT

2. Minutes of August 27 and 28, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

3. Request of League of California Cities that voting delegate and alternate voting delegate be named for annual league conference.

ACTION: By motion (Simon/Kullijian, unan.) Mayor Davies appointed voting delegate and Councilman Elliott appointed alternate. (C/Mgr to handle)

CONSENT

4. Offer by Fannie Bartholomew of L. J. Banks property for proposed Community Center site.
(Motion acknowledging receipt of offer needed)

ACTION: By motion, receipt of letter acknowledged.

CONSENT

5. Offer of The Transaditise Co. to furnish bus bench or benches for placement at south entrance to McHenry Village on Granger Ave.
(Motion referring to staff needed)

ACTION: By motion, referred to staff. (P & T to handle)

CONSENT

6. Request of Bill Hughes Dodge for permission to close portion of 8th St. on October 5 from 3:30 P.M. to 10:30 P.M. and on October 6 from 8:00 A.M. to 7:00 P.M.
(Motion referring to staff for report needed)

ACTION: By motion, referred to staff for report. (Police and P & T to handle)

BIDS

CONSENT

7. Approve bid call for bus operation.
(Memo and proposed contract with agenda. Resolution approving the contract documents and call for bids to be opened September 25, 1973 at 2:00 P.M. No cost to City at this time. Funds to be requested later from Fund No. 60 of the General Reserve as costs will not be known until bids are received.)

ACTION: Res. 73-760 adopted approving contract documents and bid call.
(Clerk to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for installation of waterlines at W. Union Avenue and McHenry Avenue.
(Suggested bid opening date September 18, 1973 at 10:10 A.M.
Costs and Revenues: Construction cost \$11,767.74; connection charges, \$4,071.00; Net revenue, \$428.00. Resolution needed. Estimated cost \$11,767.64 (\$5,992.64 Matl; \$5,775.00 Labor). Funds budgeted in Account 6804-50-101, Waterline Extension)

ACTION: Res. 73-761 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

9. Consider acceptance of Lee White Paving's contract for construction of tennis courts at Davis Park.
(Original contract \$75,494.00. All work on this project has been completed to the satisfaction of the Parks Department and the Public Works Department. It would be in order to accept the work as complete and record notice of completion. Resolution accepting work needed. Final cost \$75,494.00. Funds budgeted in Account 6315-31-321, Davis Park Devel. 3, 4, & 5)

ACTION: Res. 73-762 adopted accepting contract. (Clerk to handle)

CONSENT

10. Consider acceptance of Stanislaus Pump and Supply's contract for construction of new facilities at Pump Station #32.
(Original contract \$25,900. All work on this contract has been completed to the satisfaction of the Public Works Dept., and it is in order to accept the work as complete and record the notice of completion. Resolution needed. Final cost \$26,371.37. Funds budgeted in Account 6845-50-101, Increase Capacity Pump Station #32)

ACTION: Res. 73-763 adopted accepting contract. (Clerk to handle)

CONSENT

12. Consider award of contract for the construction of Rumble Road Crossing of the Tidewater Southern Railway.
(Memo with agenda. Resolution awarding contract to Lee White Paving Co. needed. Estimated cost \$8,000 (Contract \$7,245; Engr. \$755). Funds budgeted in Account 6681-1-207, Rumble Road and T.W.S.R.R.)

ACTION: Res. 73-764 adopted awarding contract to Lee White Paving Co.
(P/W to handle)

CONSENT

13. Approve plans and specifications and call for bids for asphalt concrete resurfacing various city streets, 1973-74, Unit No. 1 Select Streets, Unit No. 2 Residential Streets.
(Bid opening September 18, 1973 at 10:15 A.M. This is our yearly program for street overlays, both select streets and residential streets. Memo with agenda. Resolution approving plans, specifications and call for bids needed. Estimated cost \$64,710 (Contract \$58,828 - Engr. \$5,882) Funds budgeted in Account 6660-2-207, Misc. Resurfacing and 6657-41-321, Various Residential Street A.C. Overlay)

ACTION: Res. 73-765 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

14. Consider award of contract for installation of waterlines in Granada Park No. 4.
(Bids were opened August 28, 1973 at 10:00 A.M. The low bid submitted by Valley Construction, which is 17% under the Engineer's Estimate, is considered acceptable. It is recommended that the low bid be awarded to them. Resolution needed. Estimated cost \$5,780.25. Funds budgeted in Accounts 6804-50-101, Waterline Extension; 5301-50-101, New Services)

ACTION: Res. 73-766 adopted awarding contract to Valley Construction.
(P/W to handle)

CONSENT

15. Consider approval of specifications and authorize call for bids to be opened 2:00 P.M. September 18, 1973 for furnishing one trailer-mounted high pressure sprayer.
(Resolution needed. Estimated cost \$6,173.00. Funds budgeted in Account 5442-48-512, Service Division Capital Outlay, Page 142)

ACTION: Res. 73-767 adopted approving specifications and bid call.
(Clerk to handle)

16. Matters for the good of the community.
(These may be presented by interested persons in the audience)

ACTION: Jim West, representing the Greater Modesto Chamber of Commerce, showed a model of the proposed Agriculture Display Center. He explained that the Center would contain a restaurant and coffee shop in addition to display areas and it was hoped that it would be located between 7th Street and Tuolumne Blvd. As this would be within the Tuolumne River Regional Park, he expressed the hope that the City and County would lend financial assistance.

By motion (Kullijian/Simon, unan.) proposal referred to staff for study and for presentation to the Tuolumne River Regional Park Committee. (P & R to handle)

UNFINISHED BUSINESS

17. Further consideration of Nick Sciabica & Sons for Williamson Act contract.

ACTION: By motion (Elliott/Kullijian, unan.) continued to September 17 at request of applicants. (Clerk to handle)

18. Adoption of an affirmative action program for the City of Modesto and directing the City Manager to implement said program.
(Memo and affirmative action program with agenda. Resolution adopting program needed)

ACTION: Res. 73-768 adopted (Newton/Mensing, unan. - Dunlap, absent) adopting program. (Personnel to handle)

19. Further consideration of motion (Kullijian/Mensing) to grant request of Senior Citizens that a small freezer be installed at the Senior Citizens' Center.
(Memo with agenda)

ACTION: By motion (Kullijian/Mensing, unan.) action delayed for one week.

NEW BUSINESS

CONSENT

20. A resolution determining that the public interest and convenience require that the Orangeburg-Eastridge Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.
(It is now necessary to commence proceedings to annex this Addition to the Modesto Municipal Sewer District No. 1. Suggested hearing date October 23, 1973 at 7:30 P.M. Resolution setting hearing needed. (2/3 Affirmative vote required)

ACTION: Res. 73-769 adopted setting hearing. (Clerk to handle)

CONSENT

21. Resolution withdrawing Orangeburg-Eastridge Addition from the McHenry-Dry Creek Fire District.
(This annexation was effective August 17, 1973. Resolution withdrawing from Fire District needed)

ACTION: Res. 73-770 adopted withdrawing Orangeburg-Eastridge Addition from McHenry-Dry Creek Fire Protection District. (Clerk to handle)

CONSENT

22. Consider request for variance to install exposed aggregate sidewalk in the public right of way on 14th Street in Block 107.
(Memo with agenda. Resolution granting variance needed)

ACTION: Res. 73-771 adopted granting variance to allow installation of exposed aggregate sidewalk on 14th Street in Block 107.
(P/W to handle)

CONSENT

23. Accept improvements in Newcastle Estates No. 2 Subdivision and authorize City Clerk to record notice of completion and release bonds upon expiration of the statutory periods.
(Newcastle Estates No. 2 Subdivision is located west of Sonoma Avenue and south of Surrey Avenue. Resolution accepting improvements needed)

ACTION: Res. 73-772 adopted accepting improvements in Newcastle Estates No. 2 Subdivision. (Clerk to handle)

CONSENT

24. Consideration of Fidelity Bonds insurance bid presented by Chubb-Pacific Indemnity for the period September 10, 1973 through 1976.
(Resolution accepting bid and resolution approving appropriation transfer of \$2,105 needed.)

ACTION: Res. 73-773 adopted accepting bid of Chubb-Pacific Indemnity for employee surety and fidelity bonds.
Res. 73-774 adopted approving appropriation transfer of \$2,105 from Account 424-64-101 to Account 414-64-101. (Finance to handle)

25. Request for permission by Director of Parks and Recreation to engage in temporary outside employment.
(Memo with agenda. Motion approving request needed)

ACTION: By motion (Newton/Mensing, unan.) request approved (for fall quarter only)

CONSENT

26. Lease agreement with United Way of Stanislaus Area for office space in the Modesto Community Service Center, 800 E. Morris Avenue.
(Memo with agenda. Resolution needed)

ACTION: Res. 73-775 adopted approving lease agreement. (Clerk to handle)

CONSENT

27. Accept improvements in Dry Creek Estates No. 2 Subdivision and authorize City Clerk to record notice of completion and release bonds upon expiration of the statutory periods.
(Dry Creek Estates No. 2 Subdivision is located west of El Vista Ave. at Lance Street. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-776 adopted accepting improvements in Dry Creek Estates No. 2 Subdivision. (Clerk to handle)

CONSENT

28. Consider request from Pacific Telephone for an encroachment permit to construct fuel lines in the alley of Block 91.
(Memo with agenda. Resolution granting revocable encroachment permit needed)

ACTION: Res. 73-777 adopted granting revocable encroachment permit to Pacific Telephone Co. (P/W to handle)

CONSENT

29. Consider approval of the proposed agreement between the City and County to declare Briggsmore Ave. at Sunrise Ave. a county road for construction purposes.
(Memo with agenda. Resolution approving proposed agreement. Resolution declaring Briggsmore Ave. at Sunrise a county road for construction purposes.needed)

ACTION: Res. 73-778 adopted approving agreement with Stanislaus County.
Res. 73-779 adopted declaring Briggsmore Avenue at Sunrise a County Road for construction purposes. (Clerk to handle)

CONSENT

30. Consider amendment to the lease between the City of Modesto and Darold Jolliff, dba Hawke Flying Service, to provide an additional three months to the date construction shall commence on a new office building.
(Memo with agenda. Resolution approving amendment to agreement needed)

ACTION: Res. 73-780 adopted approving amendment to agreement. (Clerk to handle)

REPORTS

31. Report on McHenry Village access to Briggsmore.
(Memo with agenda. City Council asked for report to be made in early September. The accidents have persisted, but an extension of the evaluation period through 1973 is recommended. Motion approving recommendation needed)

ACTION: (Councilman Kullijian was excused from consideration of this item due to a conflict of interest.
It was reported that McHenry Village had been sold and that the new owners wanted time to study this matter. By motion (Simon/Elliott, unan.) evaluation period extended through 1973. (P & T to handle)

APPROPRIATION TRANSFERS

CONSENT

32. Request for appropriation transfer from the General Reserve for the proposed Lakewood Park Land acquisition.
(The City Council agreed (Resolution 73-685, 8-6-73, to pay Empire School District \$2,500 additional for site cost. An additional \$1,500 is requested for incidental costs (appraisal, title fees) to be paid by the City. Resolution approving appropriation transfer of \$4,000 needed. Funds budgeted in Account 6412-31-321, Lakewood Park Acquisition)

ACTION: Res. 73-781 adopted approving appropriation transfer of \$4,000 from Account 60-321 to Account 6412-31-321. (Finance to handle)

CONSENT

33. Request for appropriation transfer for the proposed Standiford Park #2 Land Acquisition (6417-31-321).
(This transfer is necessary to pay the additional amount necessary to pay for extra moving expenses. Resolution approving appropriation transfer of \$350 needed.)

ACTION: Res. 73-782 adopted approving appropriation transfer of \$350 from Account 60-321 to Account 6417-31-321. (Finance to handle)

MISCELLANEOUS

34. Legislation.

ACTION: By motion (Elliott/Simon, unan.) Mayor Davies authorized to request President Nixon to veto S 1861 and to use same reasons as previously given to Senators and Congressmen.
By motion (Mensingher/Newton, unan.) staff directed to inform Senate Committee on Finance of support for AB 352. (C/Mgr to handle)

35. Appointments.

NONE

36. Matters too late for the agenda.

ACTION: Mayor Davies requested staff to check into the signs for the Epic Theatre and the Adult Book Store. (Planning to handle)

Adjournment at 5:00 P.M. to executive session to discuss land acquisition. It was announced that the Council would not return to open meeting.

ATTEST:


W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Special Meeting
September 6, 1973

The Council of the City of Modesto met in Adjourned Special Meeting in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at 4:00 P.M. this date and there were:

Present: Councilmembers: Elliott, Mensinger, Mayor Davies
Absent: Councilmembers: Dunlap, Kullijian, Newton, Simon

As there was not a quorum, those present met as a Committee to continue the review of Project Greater Modesto Committees' recommendations.

The following items from Status Report No. 3 were discussed:

13. The feasibility study concerning the possibility of a combined Police-Sheriff's department in the Greater Modesto area has been completed and will be discussed at a later date. It was pointed out that several functions are combined at this time and that progress had been made as to land use in the area around Modesto.
14. Modesto is involved as much as is possible at this time. S.A.A.G. is the vehicle for involvement but any other developments will be watched closely.
15. Since EPA regulations will have a great effect on this, it would be preferable to wait for the EPA rules to be developed before making any changes.
16. The Council is concerned about this but is also concerned over the huge cost and disruption of the downtown area. Further exploration of the removal of the railroad tracks from 9th Street was suggested and the Parking & Traffic Department was requested to ascertain whether or not the Tidewater Southern Railway Company is required to furnish passenger service. The suggestion was made that placing the tracks below grade rather than underground might be a better approach in the future.
17. It was agreed that any action concerning this should wait until the County-wide transportation study has been completed.
18. This recommendation has been referred to County Planning.
19. It was reported that Fresno requires an inspection of a house before any new occupancy whether it is a rental or owner-occupied. Staff was directed to check into this program.
20. The Public Works Department is continually looking into methods to improve garbage service. At this time, the department and the garbage companies are investigating the possibility of compacting garbage and also the establishment of a collection center to reduce the number of trips to the land-fill site.
21. It was pointed out that the noise ordinance is now in effect but that the City cannot require that sound-absorbing materials be used in construction.
22. There are City staff members, including the police, doing this at the present time. Discussion concerning the appointment of an environmental protection commission will be a part of Status Report No. 4 deliberations.
23. As the U. S. Geological Survey has not been completed, any action will have to be delayed until the results are available and studied.
24. The point was made that while some limited areas in the City can be served most areas would need to have a main trunk system installed. It was noted that the cost of such a study would be out of proportion to the benefits.

The meeting was adjourned at 5:15 P.M. to 4:00 P.M. on Thursday, September 13, 1973.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 11, 1973 AT 7:30 P.M.

Roll Call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Vice Mayor Simon
Absent: Mayor Davies
(Vice Mayor Simon presided)

Pledge of allegiance to the Flag
Invocation: Captain Ronald Bawden, Salvation Army

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 2, 3, 4, 5, 7, 9, 10, 11, 12,
Items 17 and 20 removed from consent 13, 14, 15, 16, XX, 18, 19, XX,
Elliott/Kullijian, unan. - Davies, absent 21

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items).

PRESENTATIONS

1. Presentation to Jose Briera, Barranquilla, Colombia, police officer.

ACTION: Vice Mayor Simon presented a trophy to Officer Briera on behalf of the Council and the people of Modesto. Lt. House acted as interpreter.

APPROVAL OF MINUTES

CONSENT

2. Minutes of August 30 and September 4, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

BIDS

CONSENT

3. Consider approval of plans and specifications and call for bids for construction of a subtrunk sewer in McHenry Avenue between Warriner and Union.
(Suggested Bid Opening: September 25, 1973 at 10:10 A.M. This subtrunk line is needed to provide sewer service for the developments at Union Avenue. Resolution approving plans and specifications and bid call needed. Estimated cost: \$30,000 (\$27,660 Const. \$2,340 Eng); funds budgeted in Account No. 6561-212, Extension Subtrunk Sewers)

ACTION: Res. 73-783 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

4. Approve plans and specifications and call for bids for construction of Lighting, Sidewalks and Parking Lots at Davis Park and Downey Park and Street Improvements on Crestview Drive and Kruger Drive adjacent to Downey Park.
(Suggested Bid Opening: October 2, 1973 at 10:00 A.M. The project is part of the Ultimate Park Development for Davis and Downey Parks, and will complete the part width streets adjacent to Downey Park. Resolution approving plans and specifications and bid call needed. Estimated cost: \$144,356 (Contract \$129,921 - Engr. \$14,435); funds budgeted in Account No. 6315-31-321, Davis Park Development - Stage 5 & 6 (Total Cost \$60,357); 6290-31-321, Downey Park Development Stage 6 (Total Cost \$62,008); 6647-2-207, Misc. R/W & Improvements (Total Cost \$21,991)

ACTION: Res. 73-784 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

5. Consider award of contract for installation of waterlines in Spring-creek #1 Subdivision.
(Bids were opened on September 4, 1973 at 10:00 A.M. The low bid submitted by Joe Martin, which is 19.9% under the Engineer's Estimate, is considered acceptable. It is recommended that the bid be awarded to Joe Martin. Resolution awarding contract to Joe Martin. Estimated cost: \$24,700 (Contract \$10,459.50 Matl. & Engr. \$14,240.50); funds budgeted in Account No. 6804-50-101, Waterline Extensions and 5301-50-101, New Services)

ACTION: Res. 73-785 adopted awarding contract to Joe Martin. (P/W to handle)

6. Matters for the good of the community.
(These may be presented by interested persons in the audience)

ACTION: Bernie Cusey, representing the National Council of Senior Citizens, reported that the Senior Citizens' Water Patrol had been successful in a program to conserve water by informing residents of the problems associated with "gutter flooding."

ORDINANCES

CONSENT

7. Final adoption of the following ordinances:

(a) Ord. No. 1285-C.S. (Speed limits).

ACTION: By motion, Ord. No. 1285-C.S. adopted.

(b) Ord. No. 1287-C.S. (Amendment to Sec. 19-3-9 - Hill)

ACTION: By motion, Ord. No. 1287-C.S. adopted.

(c) Ord. No. 1288-C.S. (Amendment to Sec. 33-3-9 - Benson & Zimmerman)

ACTION: By motion, Ord. No. 1288-C.S. adopted.

CONSENT

7. Final adoption of ordinances, (continued)

(d) Ord. No. 1289-C.S. (Amendment to Sec. 27-3-9 - Price)

ACTION: By motion, Ord. No. 1289-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

8. Further consideration of Senior Citizens' request for small freezer to be installed at Senior Citizens' Center.

ACTION: By motion (Kullijian/Newton, unan. - Davies, absent) purchase of a combination refrigerator-freezer approved.

Res. 72-786 adopted (Kullijian/Newton, unan. - Davies, absent) approving appropriation transfer of \$552 from Account 60-101. (Finance to handle)

CONSENT

9. Bike-A-Thon Permit.

(Memo with agenda. Motion granting permission needed)

ACTION: By motion, Ecology Action Educational Institute permitted to use Pike Park on September 29, 1973 in connection with Bike-A-Thon. (P & R to handle)

CONSENT

10. Architectural Services - Fire Training Center - Blue Gum and Carpenter Road.

(Memo with agenda. Motion authorizing negotiation of an Agreement needed)

ACTION: By motion, staff authorized to negotiate an agreement with Duane D. Stone for presentation to Council. (C/Mgr to handle)

NEW BUSINESS

CONSENT

11. Report of Superintendent of Streets on the cost of installation of curbs and gutters and/or sidewalks at the locations listed below: (Resolution setting 4:05 P.M. on October 1, 1973 for hearings needed)

(a) Sidewalk at 504 E. Rumble Rd., Lot 2 of Block 6993. (George J. Dedier - \$189.20)

(b) Curb along Melrose Ave. at 508 E. Granger Ave., a portion of Block 1230. (Roy E. Huntley - \$536.55)

(c) Sidewalk along Princeton Ave. at N.W. corner College Ave. & Princeton Ave., Lot 8 of Block 824. (George R. Sanders - \$102.00)

(d) Curb and Sidewalk at 406 E. Granger Ave., a portion of Block 1231. (Gail M. Thomas - \$555.00)

(e) Curb and sidewalk along E. Granger Ave. and along Melrose Ave. at 422 E. Granger Ave., a portion of Block 1231. (Guy W. Thomas - \$1,486.90)

(f) Sidewalk along John Muir Ct. and along Morris Ave. at 141 John Muir Ct., Lot 2 of Block 606. (H. N. Vallez - \$529.80)

CONSENT

11. Report of Superintendent of Streets on cost of installation of curbs and gutters and/or sidewalks, (continued)

- (g) Sidewalk along Coldwell Ave. at 554 Enslin Ave., Lot 12 of Block 521. (Lealon G. Wyckoff - \$358.00)
- (h) Sidewalk along Miller Ave. at 1705 Miller Ave., Lot 7 of Block 2132-A. (Rose R. Smith - \$390.80)
- (i) Curb at 1209 Tuolumne Blvd., Lot 26 & 27 of Block 337. (Marc L. Soderstrom - \$210.00)
- (j) Curb and sidewalk at 1538 Sunrise Ave., a portion of Block 1223. (Gladys L. Todd - \$592.50)
- (k) Curb and sidewalk along Santa Barbara Ave. and along Haddon Ave. at 1213 La Loma, a portion of Block 2061-1. (Charles D. Woodard - \$1,117.20)

ACTION: Res. 73-787 adopted setting hearings. (P/W to handle)

CONSENT

12. Consider request for sewer service to property outside the City at 1233 Harris Avenue. Property Owners: Bryan & Rita M. Grimes. (The property owners have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City but sewer main exists to serve it. Resolution approving the agreement needed)

ACTION: Res. 73-788 adopted approving agreement. (P/W to handle)

CONSENT

13. Consider request for sewer service to property outside the City at 301 Standiford Avenue. Property Owner: A. G. Spanos. (The owner has signed an agreement requiring annexation when so requested by the City. The property is being developed as an apartment complex and a sewer line exists to serve the property. Resolution approving the agreement needed)

ACTION: Res. 73-789 adopted approving agreement. (P/W to handle)

CONSENT

14. Agreement between City and Modesto City School District of Stanislaus County whereby City agrees to operate the Modesto Elementary School District playgrounds on an afterschool basis to commence on or about September 24, 1973, and to extend to on or about May 31, 1974. District is to pay City \$7,206.00 for these services. (This agreement is the usual agreement which has been entered into previously. Resolution approving agreement needed)

ACTION: Res. 73-790 adopted approving agreement. (P & R to handle)

CONSENT

15. Land Acquisition - Tuolumne River Regional Park (Bowlin).
(Memo with agenda. Resolution approving agreement needed. Estimated cost: \$4,000; funds budgeted in Account No. 6329-31-321, Tuolumne River Land Acquisition)

ACTION: Res. 73-791 adopted approving agreement with Mrs. Fala M. Bowlin.
(Clerk to handle)

CONSENT

16. Request for approval to sponsor three youth to the Juvenile Justice Conference in Sacramento on November 6, 1973.
(Memo with agenda. Motion approving request needed. Estimated cost: \$22.50; funds budgeted in Account No. 428-65-101, Miscellaneous Expense)

ACTION: By motion, request approved. (Police to handle)

REPORTS

CONSENT

17. Report on special painting of bus bench on Granger at McHenry Village.
(Memo with agenda. The \$30-\$50 expenditure to designate this transfer point - bus stop is not recommended. Motion accepting recommendation that bench not be installed needed)

ACTION: By motion (Elliott/Mensinger) offer of Transadtise Co. accepted.
(P & T to handle)

CONSENT

18. Progress Report on Orangeline Sanitation Company.
(Memo with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

19. Presentation of Financial Statement for August, 1973.
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion, report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

20. Tentative Subdivision Map, Park Place No. 4 Subdivision.
(On September 4, 1973, the Planning Commission approved the tentative map of the above subdivision and found that said subdivision, together with its design and improvements, is consistent with applicable general and specific plans of the City. The City Council is required to make the same findings. An environmental assessment of the subdivision has been made and Negative Declaration has been filed. A resolution making findings needed)

ACTION: By motion (Mensinger/Dunlap, unan.) action delayed for one week to permit Council to review action of Planning Commission.
(Clerk to handle)

CONSENT

21. Recommend amendment to Section 15-3-9 of the Zoning Map (Harley Brannan)
(On September 4, 1973, the Planning Commission adopted a resolution recommending an amendment to Section 15-3-9 of the Zoning Map as requested by Harley Brannan to rezone from One-Family Residential, R-1, to Planned Development, P-D, for a 96-Unit, One-Story Apartment complex, property located on the north side of Floyd Avenue, east of Coffee Road. Resolution setting October 9, 1973 at 7:30 P.M. for public hearing needed)

ACTION: Res. 73-792 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

22. Legislation

NONE

23. Matters too late for the agenda.

ACTION: By motion (Elliott/Kullijian, unan.) approval given to draft of letter to M.I.D. offering to pay \$1,000 per month for costs incurred in collecting Utility Users' Tax. (C/Mgr to handle)

Adjournment at 8:00 P.M. to 4:00 P.M. on September 14, 1973 for the purpose of meeting with the Sister City representatives from Russia.

ATTEST:


W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Special Meeting
September 13, 1973

The Council of the City of Modesto met in Adjourned Special Meeting in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at 4:00 P.M. this date and there were:

Present: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Vice Mayor Simon
Absent: Councilmembers: Newton, Mayor Davies
(Vice Mayor Simon presided)

The following items from Status Report No. 4 were discussed:

1. The possibility of a Human Resources Block Grant was discussed but it was agreed that the newly-established position of Coordinator of Human Affairs was taking care of this situation at this time.
2. By motion (Dunlap/Elliott, unan.) City Manager directed to meet with the Director of Planning and the Chairman of the Planning Commission to discuss the possibility of shifting certain responsibilities from the Planning Commission to allow the Commission to have more time available for long-range planning functions.
It was suggested that this item could be re-considered after the County Land Use Study is completed.
3. This is being studied in depth by the League of California Cities and the State at this time.
4. The suggestion was made that private firms were a more logical source of funds for matters of this type.
5. It was agreed that staff should review the present status of the Library & Culture Commission and attempt to have the vacancies filled. By motion (Mensinger/Dunlap, unan.) this item was referred to the Library & Culture Commission for review.
6. By motion (Dunlap/Mensinger, unan.) this item was referred to the City-County Liaison Committee for study.
7. The County is expanding these services.
8. No comments made.
9. This recommendation is being accomplished.
10. It was agreed that more should be done in this area and that this should be discussed with the County Housing Conservation Team. The Hot Line maintained by the Modesto Board of Realtors was pointed out as being an effective tool in this.
11. By motion (Kullijian/Mensinger, unan.) insurance portion of recommendation referred to Modesto Independent Insurance Agents Association and financing portion referred to Modesto Board of Realtors.
12. This is being done at this time.
13. By motion (Simon/Kullijian, unan.) staff directed to prepare a draft of a proposed brochure which would be distributed to all residents and would assist them in learning where to turn for assistance. It was agreed that Linda Kenyon would start working on a project to have alleys improved.
14. This should be left with the Planning Commission but there could be citizen input to assist the Commission. The point was made that the Commission would have more time for matters of this type if relieved of routine duties.
15. The Council requested a report on emergency services. Perhaps paramedics could be used but any vehicles used for this should be under the jurisdiction of a City department (most probably fire).

The meeting was adjourned at 5:05 P.M. to 4:00 P.M. on Tuesday, September 18, 1973.

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 17, 1973 AT 4:00 P.M.

Roll Call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies
Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend George Weber, First Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, ~~X~~, 3, 5, 6, 7, 8, 9,
Items 2 and 22 removed from consent 14, 16, 18, 19, 20, 21, ~~XX~~, 23
Kullijian/Dunlap, unan.

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of September 6 and 11, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

~~CONSENT~~

2. Application of Willie Green and Odessa Green for leave to present late claim (Memo with agenda).
(Resolution denying request needed)

ACTION: (Councilman Simon excused himself from consideration of this item due to a conflict of interest)
Res. 73-793 adopted (Elliott/Dunlap, unan. - Simon, absent)
denying application. (Clerk to handle)

CONSENT

3. Request of Central California Heart Association for approval of Cyclethon to be held October 13, 1973 over the established bike route.
(Motion approving request needed)

ACTION: By motion, request approved. (P & T to handle)

4. Designation of voting and alternate voting delegate to Annual Congress of Cities.

ACTION: By motion (Elliott/Dunlap, unan.) Mayor Davies appointed voting delegate and Vice Mayor Simon appointed alternate voting delegate.
(C/Mgr to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for installation of waterlines in Sylvan Meadows.
(Suggested Bid Opening Date: October 2, 1973 at 10:10 A.M. Costs and Revenues: Construction Costs \$48,143.29, Connection Charges \$28,050.00, Net Ann. Revenue \$3,253.80. Resolution needed. Estimated cost: \$48,143.29 (Matl. \$26,415.79 Labor \$21,727.50; funds budgeted in Account No. 6804-50-101, Waterline Extension and Account No. 5301-50-101, New Services.

ACTION: Res. 73-794 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider award of contract for street light Modernization Phase 5, 1972-73.
(Memo with agenda. Resolution awarding contract to Industrial Electric Co. Estimated cost: \$190,236 (Contract \$174,336 - Engr. \$15,900); funds budgeted in Account No. 6626-41-321, Modernize City Lights, Stage 5)

ACTION: Res. 73-795 adopted awarding contract to Modesto Industrial Electrical Co. (P/W to handle)

CONSENT

7. Consider award of contract to low bidder, Don L. Davis, Modesto, to paint one digester structure.
(Memo with agenda. Resolution awarding contract needed. Estimated cost \$5,210.00; funds budgeted in Account No. 224-53-101, page 89, M & R - Bldgs & Grounds)

ACTION: Res. 73-796 adopted awarding contract to Don L. Davis.
(Finance to handle)

CONSENT

8. Consider award to low bidder, Berry Equipment Rentals, Inc., to furnish one new self-propelled vibrating roller and trailer.
(Memo with agenda. Resolution awarding bid needed. Estimated cost: \$4,705.00; funds budgeted in Account No. 5433-48-512, page 142, Service Division - Capital Outlay)

ACTION: Res. 73-797 adopted awarding contract to Berry Equipment Co.
(Finance to handle)

CONSENT

9. Consider award to low bidder, H. V. Carter Co., Inc. of Oakland, to furnish one new golf course tractor with dump body.
(Memo with agenda. Resolution awarding bid needed. Estimated cost: \$3,710.00; funds budgeted in Account No. 5439-48-512, Service Division - Capital Outlay)

ACTION: Res. 73-798 adopted awarding contract to H. V. Carter Co., Inc.
(Finance to handle)

HEARINGS

10. Hearing on amendment to Article 24 of Chapter 2 of Title X. (Minor revisions to development plans. 4:00 P.M.)

ACTION: Ord. No. 1292-C.S. introduced. (Newton/Simon, unan.)
(Clerk to handle)

11. Matters for the good of the community. 4:05 P.M.
(These may be presented by interested persons in the audience)

ACTION: Mary Bailey, Coordinator of Special Projects for Senior Citizens, invited the members of the City Council to a picnic lunch on October 2 at Graceada Park in celebration of the new bus service. It was agreed that the Clerk would furnish Mrs. Bailey a list of the Councilmembers who will attend.

UNFINISHED BUSINESS

12. Further consideration on appeal by A & L Investment Co. to denial by Board of Zoning Adjustment of amendment to H-1 Use Permit to allow longer hours of operation for commercial establishments on west side of McHenry, north of Bowen.
(Note: Hearing was closed on August 13, 1973)

ACTION: Following a lengthy discussion, a resolution (Elliott/Dunlap) to deny the appeal was introduced. This resolution was then withdrawn.
Res. 73-799 adopted (Elliott/Dunlap, unan.) setting October 9, 1973 at 7:30 P.M. for further public hearing of the appeal.
(Clerk to handle)

13. Further consideration of request of Nick Sciabica and Sons for Williamson Act contract.

ACTION: By Order of the Chair this item was continued for one week at request of applicant. (Clerk to handle)

CONSENT

14. Report on request of Bill Hughes Dodge for permission to close portion of 8th Street on October 5 from 3:30 P.M. to 10:30 P.M. and on October 6 from 8:00 A.M. to 7:00 P.M.
(Memo with agenda. Motion approving request needed)

ACTION: By motion, request approved. (Police to handle)

15. Tentative Subdivision Map, Park Place No. 4 Subdivision.
(On September 4, 1973, the Planning Commission approved the tentative map of the above subdivision and found that said subdivision, together with its design and improvements, is consistent with applicable general and specific plans of the City. The City Council is required to make the same findings. An environmental assessment of the subdivision has been made and Negative Declaration has been filed. A resolution making findings needed)

ACTION: Res. 73-800 adopted (Mensing/Dunlap, unan.) making necessary findings. (Clerk to handle)

NEW BUSINESS

CONSENT

16. Accept improvements in Granada Park No. 3 Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of the statutory periods.
(This Subdivision is located north of Haddon Avenue and east of Riverside Drive. Resolution accepting improvements needed)

ACTION: Res. 73-801 adopted accepting improvements. (Clerk to handle)

17. Review of City Ordinance relating to Campers, Trailers, Etc.
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Kullijian/Mensing, unan.) staff directed to make a study of this matter and to include the possibility of neighborhood storage for campers, etc. and special zoning to accommodate that type of facility. (C/Mgr to handle)

CONSENT

18. Consider agreement with Tidewater Southern Railway Company for the construction of Briggsmore Avenue across the right of way of the railroad.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: \$25,900.00; funds budgeted in Account No. 6715-1-207, Briggsmore-Prescott to McHenry)

ACTION: Res. 73-802 adopted approving agreement. (Clerk to handle)

CONSENT

19. Requirement for construction of sidewalks at the locations listed below: (Project No. 73/24-01-03)
(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting 4:10 P.M., October 1, 1973 for hearings needed)

- (a) Sidewalk at 435 Maze Blvd., Lot 10 and West 25 feet of Lot 9 of Block 4095. (Charlotte W. Pike)
- (b) Sidewalk at 421 Maze Blvd., Lots 5 and 6 of Block 4095. (Henry W. Garber)
- (c) Sidewalk along Maze Blvd. at 401 Maze Blvd., Lots 1 and 2 of Block 4095. (Henry W. Garber)

ACTION: Res. 73-803 adopted setting hearings. (P/W to handle)

CONSENT

20. Public Personnel Intern Program.
(To permit City of Modesto to continue to use two students from Stanislaus State College under the federally funded Intergovernmental Personnel Act of 1970 for fall semester 1973-74. Resolution approving agreement with Stanislaus State College Foundation needed)

ACTION: Res. 73-804 adopted approving agreement. (Personnel to handle)

CONSENT

21. Agreement between City and Sylvan Union School District of Stanislaus County whereby City agrees to operate the Sylvan Union School District playgrounds on an afterschool basis to commence on or about September 24, 1973, and to extend to on or about June 1, 1974. District is to pay City \$1,693.00 for these services.
(This agreement is similar to the usual agreement which has been entered into previously with the Modesto City School District whereby City agrees to operate the playgrounds on an afterschool basis. Adoption of resolution approving agreement needed)

ACTION: Res. 73-805 adopted approving agreement. (Clerk to handle)

REPORTS

CONSENT

22. Report on annual premiums for City's basic liability policy, Airport liability policy, and Umbrella liability policy and approval of appropriation transfers to provide funds for payment of premiums.
(Memo with agenda. Motion accepting report and two resolutions approving appropriation transfers to provide additional funds needed)

ACTION: (Councilman Simon was excused from consideration of this item due to a conflict of interest)
By motion (Elliott/Dunlap, unan.) report accepted
Res. 73-806 adopted (Elliott/Dunlap, unan. - Simon absent) approving appropriation transfer of \$280 from Account 60-512 to Account 412-48-512.
Res. 73-807 adopted (Elliott/Dunlap, unan. - Simon absent) approving appropriation transfer of \$500 from Account 415-64-101 to Account 409-64-101. (Finance to handle)

APPROPRIATION TRANSFERS

CONSENT

23. Appropriation Transfer to appropriate funds to hire a microfilm technician.
(Memo with agenda. Resolution approving transfer needed. Estimated cost: \$3,455 for the rest of this fiscal year)

ACTION: Res. 73-808 adopted approving appropriation transfer of \$3,455 from Account 60-101 to Account 120-9-101. (Finance to handle)

MISCELLANEOUS

24. Legislation.

ACTION: The Council was furnished a League Labor Relation Newsletter for information only.

25. Appointments.

NONE

ACTION: The Mayor agreed to work on filling the vacancies on the Library & Culture Commission.

26. Matters too late for the agenda.

ACTION: At the request of Councilman Simon, the City Attorney reported on the progress of negotiations concerning the Modesto Citizens' Cemetery.

Adjournment at 5:50 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

The Council of the City of Modesto met in Adjourned Special Meeting in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at 4:00 P.M. this date and there were:

Present: Councilmembers: Mensinger, Simon, Mayor Davies
Absent: Councilmembers: Dunlap, Elliott, Kullijian, Newton

As there was not a quorum, those present met as a Committee to continue the review of Project Greater Modesto Committees' recommendations.

The following items from Status Report No. 5 were discussed:


1. The Council was informed that the agriculture section of SAAG's ERME would be presented to the Council shortly.
2. The specifics of SAAG's ERME are acted upon by the Council and all sections of ERME will be reviewed by Council.
3. The Council and staff agrees. The conservation of prime agricultural lands is to be studied by the Public Projects Committee. The point was made that while attempts are made to steer growth into the downtown area this is not always possible due to the size of the project.
4. The M.I.D. has agreed to consider matters of this type on an individual basis.
5. The specific problems which prompted this recommendation occurred in the unincorporated area and the County is making an effort to prevent a reoccurrence. State regulations preempt most action by the City.
6. This is very difficult to achieve but the D.I.D. does attempt it. Urban Renewal would have been useful in this area but was turned down by the voters. There is a possibility that after the October meeting of the League of California Cities legislation will be introduced to change the present tax structure to reward property owners who improve downtown structures.
7. Reduction of street widths is opposed as it would cause too many problems.
8. The cost of irrigation systems would be prohibitive for short-term parks. It is possible that individuals might pay for mini-parks if approached properly.
9. Similar projects have been attempted but were unsuccessful. Cul-de-sacs cause problems for emergency vehicles making turns.
10. The City is moving ahead in this area.
11. There are some neighborhood centers now and there will be more as they are valuable assets to the community.
12. The cost of meeting new water quality standards will be high. Modesto has been fortunate as far as air polluting industries is concerned. Certain industries, such as poultry processing plants, are needed in this area.
13. It was pointed out that while new canneries are not being encouraged now other agriculture-related industries are sought.
14. Due to the central location of Modesto this is an excellent area for warehouses and there is plenty of suitable land available.
15. Staff and Council agrees.
16. This is being undertaken at this time.
17. Staff is keeping a close eye on technological developments in this field and will keep Council informed. A central segregation-compaction center for solid wastes will be needed in the future.

Minutes of Adjourned Special Meeting 9/18/73, (continued)

18. An ice-skating rink is in operation. An equestrian center will be a part of the Tuolumne River Regional Park. A speedway is not desirable.
19. Staff and Council agrees.
20. Staff and Council agrees.
21. Staff and Council agrees.

The meeting adjourned at 4:50 P.M. to 4:00 P.M. on Thursday, September 20, 1973.

ATTEST:



W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Special Meeting
September 20, 1973

As there were no members of the Modesto City Council present at 4:00 P.M., the meeting was adjourned by the City Clerk to Tuesday, September 25, 1973, at 4:00 P.M.

ATTEST:

W. T. Chyroweth
W. T. CHYROWETH, City Clerk

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 24, 1973 AT 7:30 P.M.

Roll call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies

Absent: None
(Councilman Newton arrived at 7:40 P.M.)

Pledge of allegiance to the Flag

Invocation: Reverend Thomas Champness, First Orthodox Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 5, 6, 7, 8, 9, 10,
Dunlap/Kullijian, unan. - Newton, absent 14, 17, 18, 19, 20, 21, 22, 23,
24, 25, 26

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items).

APPROVAL OF MINUTES

CONSENT

- Minutes of September 13, 17, 18, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

- Request of City of Petaluma for financial assistance in court proceedings concerning the growth-limitation plan.

ACTION: By motion (Kullijian/Simon, unan.) staff directed to write to Mayor Putman of Petaluma expressing regrets that Modesto is unable to assist. (C/Mgr to handle)

CONSENT

- Request of League of Women Voters to meet with Councilwoman Mensinger in council chambers on October 25 from 12 to 1:00 P.M.
(Motion granting request needed)

ACTION: By motion, request granted.

- Request of Cablecom General of Modesto that authorized personnel of the City meet with representatives of company to attempt to resolve problems relating to franchise.

ACTION: Res. 73-809 adopted (Simon/Dunlap, unan.) giving notice of intention to revoke franchise and setting November 12, 1973 at 7:35 P.M. as time for public hearing. (Clerk to handle)

- Request of Downtown Improvement District for approval of purchase of sixteen new Christmas tree decorations.

ACTION: Res. 73-810 adopted (Kullijian/Simon, unan.) waiving formal bid procedure and authorizing purchase from Valley Decorating, Fresno.
(Finance to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for installation of water lines in Bowen Avenue.
(Suggested bid opening date: October 9, 1973 at 10:00 A.M. This project has been budgeted as a water strengthening project in the Capital Improvement Program. Resolution needed. Estimated cost \$8,693.95 (Labor \$5,681.25; Materials \$3,012.70). Funds budgeted in Account 6228-50-101, Strengthen Water System)

ACTION: Res. 73-811 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for paving overlay in Beard Brook Park.
(Suggested bid opening date October 9, 1973 at 10:15 A.M. The interior road at Beard Brook Park has deteriorated and needs to be resurfaced at this time. Resolution needed. Estimated cost \$8,500 (\$8,160 Const., \$340 Eng.) Funds budgeted in Account 6364-31-321, Beard Brook Overlay)

ACTION: Res. 73-812 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for installation of waterlines in Old Orchard #2 Subdivision.
(Suggested bid opening October 9, 1973 at 10:10 A.M. Costs and Revenues: Construction cost, \$8,104.19; connection charge, \$5,750; net revenue, \$736. Resolution needed. Estimated cost \$8,104.19; Mats. \$4,671.69; \$3,432.50, labor). Funds budgeted in Account Nos. 6804-5--101, Waterline Extensions, and 5301-50-101, New Services)

ACTION: Res. 73-813 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Consider award of contract for installation of waterlines at W. Union Avenue and McHenry Avenue.
(Bids were opened September 18, 1973. The low bid submitted by Valley Construction, which is 7% under the Engineer's Estimate, is considered acceptable. It is therefore recommended that the contract be awarded to them. Resolution awarding contract needed. Funds budgeted in Account 6804-50-101, Waterline Extension. Estimated cost \$5,000)

ACTION: Res. 73-814 adopted awarding contract to Valley Construction. (P/W to handle)

CONSENT

9. Consider award of bid for asphalt concrete resurfacing, various city streets - 1973-74.
(Bids were opened September 18, 1973. The low bid submitted by George Reed, Inc. was 19.8% below the Engineer's Estimate and is considered to be acceptable. The Public Works Department recommends that the bid be awarded to them. Resolution awarding contract needed. Estimated cost \$52,612.50. (Contract \$46,730.50; Engr. \$5,882.00) Funds budgeted in Account Nos. 6660-2-207, Misc. Resurfacing, and 6657-41-321, Various Residential Streets A.C. Overlay)

ACTION: Res. 73-815 adopted awarding contract to George Reed, Inc.
(P/W to handle)

CONSENT

10. Consider approval of specifications and authorize call for bids for furnishing one new 60 K W Emergency Generator for Fire Station #5 to be opened October 16, 1973 at 2:00 P.M.
(Resolution needed. Estimated cost \$8,000. Funds budgeted in Account 6130-41-321, Special Fund for Capital Outlays, p. 131).

ACTION: Res. 73-816 adopted approving specifications and bid call.
(Clerk to handle)

HEARINGS

11. Hearing on appeal by Mid Valley Engineering to denial by Planning Commission of extension of time for P-D(53). 7:30 P.M.
(Berberian)

ACTION: (Councilman Kullijian was excused from consideration of this item due to a conflict of interest.)

By motion (Simon/Newton, unan.) hearing continued to October 23, 1973 at 7:30 P.M. (Clerk to handle)

12. Hearing on amendment to Section 23-3-9 of the zoning map to repeal P-D(97) and rezone property to R-1, property located at the southeast corner of Old Oakdale Road and Orangeburg Avenue. (Ellis & Klink) 7:35 P.M.

ACTION: Ord. No. 1293-C.S. introduced (Elliott/Newton, unan) amending Sec. 23-3-9 of zoning map to repeal P-D(97) and rezone property to R-1. (Clerk to handle)

13. Matters for the good of the community. 7:40 P.M.
(These may be presented by interested persons in the audience)

ACTION: By motion (Elliott/Dunlap, unan.) request for closure of portion of Rue De Yoe on September 29 and 30 from 10:00 A.M. to 6:00 P.M. approved and Police Department authorized to issue permit for same. (Police to handle)

CONSENT

14. Final adoption of Ordinance No. 1292-C.S. - amendments to Title X.
(Motion adopting needed)

ACTION: By motion, Ord. No. 1292-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

15. Further consideration of request of Nick Sciabica and Sons for Williamson Act contract.

ACTION: By motion (Dunlap/Elliott, unan.) request of applicant to terminate proceedings granted.

NEW BUSINESS

CONSENT

17. Letter from Guy Brooks concerning Gerald McKinsey.
(Memoranda and letter with agenda. For your information; no
action needed)

ACTION: None.

CONSENT

18. A resolution determining that the public interest and convenience require that Standiford-Tully No. 1 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.
(This annexation was effective August 28, 1973. It is now necessary to annex this area to the Modesto Municipal Sewer District No. 1. Suggested hearing date November 12, 1973 at 7:30 P.M. Resolution setting hearing needed. 2/3 affirmative vote required.)

ACTION: Res. 73-817 adopted setting hearing. (Clerk to handle)

CONSENT

19. A resolution withdrawing Standiford-Tully No. 1 Addition from the Salida Fire District.
(Effective date of this annexation to the City was August 28, 1973. Resolution withdrawing from fire district needed)

ACTION: Res. 73-818 adopted withdrawing Standiford-Tully No. 1 Addition from Salida Fire Protection District. (Clerk to handle)

CONSENT

20. Right of way acquisition - McHenry Avenue, Loeb's Department Store, Inc.
(Memo with agenda. Resolution accepting two grant deeds and one quitclaim deed, and approving purchase agreements. Estimated cost \$9,685; funds budgeted in Account 6647-41-321, Misc. R/W Improvements, Special Fund for Capital Outlays.)

ACTION: Res. 73-819 adopted approving agreement and accepting grant deed from Loeb's Department Store, Inc.

Res. 73-820 adopted approving agreement and accepting grant deed from Loeb's Department Store, Inc.

Res. 73-821 adopted approving agreement and accepting quitclaim deed from Antonio G. Ramirez, et al. (Clerk to handle)

CONSENT

21. Pacific Gas and Electric Application for gas rate increase.
(On August 30, 1973 P. G. & E. filed application with the Public Utilities Commission for a gas rate increase (No. 54280). It is recommended that this matter be left to the P.U.C. to decide. Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

22. Resolution amending the budget of the City of Modesto for the fiscal year ending June 30, 1974 to account for funds received from California Council on Criminal Justice, the Stanislaus Drug Abuse Council, and Modesto City School District.
(Copies of resolution with agenda. Resolution amending budget needed)

ACTION: Res. 73-822 adopted amending budget. (Finance to handle)

CONSENT

23. Accept improvements in Poppypatch No. 1 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of the statutory periods.
(Poppypatch No. 1 Subdivision is located west of Lincoln Avenue and north of Yosemite Boulevard. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-823 adopted accepting improvements. (Clerk to handle)

CONSENT

24. Recommendation that the final acceptance date for delivery of our Burroughs computer be extended from October 1st to October 15, 1973.
(Additional time is needed to complete the testing of the Burroughs computer programs prior to the final acceptance by the City. Memo with agenda. Resolution approving extension needed)

ACTION: Res. 73-824 adopted extending final acceptance date to October 15, 1973. (Finance to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

25. Recommend amendment to Section 16-3-9 of the zoning map.
(Altamont Builders)
(On September 18, 1973 the Planning Commission adopted a resolution recommending an amendment to Section 16-3-9 of the zoning map as requested by Altamont Builders to prezone to Planned Development Zone, P-D, for a 67-unit, 1- and 2-story condominium, property located on the west side of Sunrise Avenue between Norwegian Avenue and the Briggsmore Expressway. Resolution setting October 15, 1973 at 4:00 P.M. for public hearing needed)

ACTION: Res. 73-825 adopted setting hearing. (Clerk to handle)

CONSENT

26. County referral of open space contract - Application No. 74-1584, Duane and Janice Flora, Whitmore Avenue at Yuma Avenue.
(Memo attached. Resolution expressing recommendation of no opposition to the County Board of Supervisors needed)

ACTION: Res. 73-826 adopted expressing no opposition to contract.
(Planning to handle)

MISCELLANEOUS

27. Legislation.

ACTION: By motion (Mensingher/Newton, unan.) veto of AB 2223 urged.
By motion (Kullijian/Elliott, unan.) veto of AB 1392 urged.
(C/Mgr to handle)

28. Appointments.

NONE

29. Matters too late for the agenda.

NONE

30. The Council retired to Executive session to discuss property acquisition at 9:45 P.M. with the announcement that they would not return to open meeting.

Adjournment at 9:45 P.M.

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

The Council of the City of Modesto met in Adjourned Special Meeting in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at 4:00 P.M. this date and there were:

Present: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies
Absent: Councilmembers: Newton, Simon

The following items from Status Report No. 5 were discussed:

22. This is not a responsibility of the City in many instances. Many of the problems come from the unincorporated areas. Some time in the future a Social Services Element will be needed. Staff does have a responsibility to coordinate efforts in this field.
23. The County is working with motorcycle groups. This type of activity is too disturbing for an urban area.
24. A low-interest loan program is needed at the State or Federal level as is grant money. There are no more funds available in the FACE Program as it is being phased out. Steve Locke, a member of the Disadvantaged Committee, commented that Fresno has a low-interest program but it was pointed out that Fresno money came from a Model Cities Program. There could be more educational programs in the schools similar to the type carried out by the Fire Department. It was agreed that staff would stay close to this and report to Council on any developments in this field.
25. At the present time this would only create confusion. The downtown merchants are satisfied with the present set-up. If a metropolitan police force were established this would be necessary in order to retain parking meter money for the city.
26. This is being done.
27. The involvement of the business community is the greatest need.
28. Being handled by Personnel Office.
29. There is a group of businessmen working on this. The question was raised as to the advisability of the city accepting responsibility for rehabilitation in connection with Item 22. The County should take the lead in this. At this time there is no real leadership.
30. A division of the State Department of Education is doing this.
31. This is not a problem here.
32. There is a need for this but financing is difficult to obtain.
33. This is being done.
34. This is being watched closely by staff. General Revenue Sharing funds cannot be used for this.
35. This is being watched closely by staff.
36. This will be a part of the Housing Element.
37. It was requested that the City Attorney look into the liability of the city in the event permits were issued.
38. The new bus, which will make the 5th bus route possible, is on its way from the factory.
39. So what else is new?
40. This is a good suggestion. The State has a program that could be enlarged. Something of this type might be operated by the school system with financial help. Perhaps the League of California Cities could sponsor legislation in this direction.
41. This is properly a County function.

The meeting was adjourned at 5:00 P.M. to 4:00 P.M. on Tuesday, October 2, 1973.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, OCTOBER 1, 1973 AT 4:00 P.M.

Roll call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies
Absent: None
(Councilman Elliott arrived at 4:03 P.M.)

Pledge of allegiance to the Flag

Invocation: Reverend Randal Denny, First Church of the Nazarene

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 10, 11,
Kullijian/Simon, unan. - Elliott, absent 12, 13, 14, 15, 16, 17, 18,
19, 20, 21, 22

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of September 24 and 25, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

CONSENT

2. Request of Harry Merker that City look into manner in which \$2,500 budgeted by City for North San Joaquin Comprehensive Health Planning Council is spent.
(Motion referring to staff needed)

ACTION: By motion, referred to staff for report. (C/Mgr to handle)

CONSENT

3. Petition requesting road closure at intersection of Sunrise and Oxford Way.
(Resolution referring to Planning Commission for recommendation needed)

ACTION: Res. 73-827 adopted referring petition to Planning Commission for recommendation. (Planning to handle)

BIDS

CONSENT

4. Consider award of contract for construction of subtrunk sewer in McHenry between Warren and Union. (Bids were opened September 25, 1973. The low bid submitted by Parrish, Inc., which is 4% under the Engineer's Estimate, is considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost \$26,508. Funds budgeted in Account 6561-212, Ext. Subtrunk Sewers)

ACTION: Res. 73-828 adopted awarding contract to Parrish, Inc. (P/W to handle)

CONSENT

5. Consider award of contract to Howk Well and Equipment Co., Inc. to furnish one new trailer mounted high speed stainless steel tank sprayer and approve appropriation transfer. (Memo with agenda. Resolution awarding bid, resolution transferring funds from the Unappropriated Fund Balance to the General Reserve of the Working Capital Fund, and resolution approving appropriation transfer from General Reserve of Working Capital Fund to Account 5442-48-512, Spray Rig. Estimated cost: \$10,529.00; funds budgeted in Account No. 5442-48-512, p. 142, Service Division/Capital Outlay; amount of appropriation transfer \$4,356.)

ACTION: Res. 73-829 adopted awarding contract to Howk Well & Equipment Co., Inc.
Res. 73-829-A adopted transferring \$4,356 from Unappropriated Fund Balance to the General Reserve of Working Capital Fund.
Res. 73-829-B adopted approving appropriation transfer of \$4,356 from Account 60-48-512 to Account 5442-48-512) (Finance to handle)

HEARINGS

6. Hearing on annexation of Coffee-Floyd No. 2 Addition to Modesto Municipal Sewer District #1. 4:00 P.M.

ACTION: Res. 73-830 adopted (Simon/Dunlap, unan. - Elliott, absent) annexing Coffee-Floyd No. 2 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

7. Hearings on cost of installation of sidewalk and/or curbs and gutters at the following locations: 4:05 P.M.

- (a) Sidewalk at 504 E. Rumble Road, Lot 2 of Block 6993. (George J. Dedier - \$189.20)

ACTION: Res. 73-831 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection. (Finance to handle)

- (b) Curb along Melrose Ave. at 508 E. Granger Ave., a portion of Block 1230. (Roy E. Huntley - \$536.55)

ACTION: Res. 73-832 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection. (Finance to handle)

- (c) Sidewalk along Princeton Ave. at N/W corner College Avenue and Princeton Avenue, Lot 8 of Block 824. (George R. Sanders - \$102.00)
(Paid - drop from agenda)

DROPPED FROM AGENDA

- (d) Curb and sidewalk at 406 E. Granger Ave., a portion of Block 1231. (Gail M. Thomas - \$555.00)
(Payment over a ten-year period recommended)

ACTION: Res. 73-833 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 10-year period). (Finance to handle)

7. Hearings, cost of installation (continued)

4:05 P.M.

(e) Curb and sidewalk along E. Granger Ave. and along Melrose Ave. at 422 E. Granger Ave., a portion of Block 1231. (Guy W. Thomas - \$1,486.90)

(Payment over a ten-year period recommended)

ACTION: Res. 73-834 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 10-year period). (Finance to handle)

(f) Sidewalk along John Muir Court and along Morris Ave. at 141 John Muir Court, Lot 2 of Block 606. (H. N. Vallez - \$529.80)

(Payment over a ten-year period recommended)

ACTION: Res. 73-835 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 10-year period). (Finance to handle)

(g) Sidewalk along Coldwell Ave. at 554 Enslin Ave., Lot 12 of Block 521. (Lealon G. Wyckoff - \$358.00)

(Payment over an 8-year period recommended)

ACTION: Res. 73-836 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over an 8-year period). (Finance to handle)

(h) Sidewalk along Miller Ave. at 1705 Miller Ave., Lot 7 of Block 2132-A. (Rose R. Smith - \$390.80)

(Drop from agenda - work not complete)

DROPPED FROM AGENDA

(i) Curb at 1209 Tuolumne Blvd., Lot 26 and 27 of Block 337.

(Marc L. Soderstrom - \$210.00)

(Payment over a 4-year period recommended)

ACTION: Res. 73-837 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 4-year period). (Finance to handle)

(j) Curb and sidewalk at 1538 Sunrise Ave., a portion of Block 1223. (Gladys L. Todd - \$592.50)

(Payment over a ten-year period recommended)

ACTION: Res. 73-838 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 10-year period). (Finance to handle)

(k) Curb and sidewalk along Santa Barbara Ave. and along Haddon Ave. at 1213 La Loma, a portion of Block 2061-1. (Charles D. Woodard - \$1,149.20)

(Payment over a ten-year period recommended)

ACTION: Res. 73-839 adopted (Dunlap/Kullijian, unan.) approving report, assessing costs and directing method of collection (over a 10-year period). (Finance to handle)

8. Hearings on requirement to construct sidewalks at the following locations: (Project No. 73/24-01-03)

4:10 P.M.

(a) Sidewalk at 435 Maze Blvd., Lot 10 and west 25 feet of Lot 9 of Block 4095. (Charlotte W. Pike)

(b) Sidewalk at 421 Maze Blvd., Lots 5 and 6 of Block 4095. (Henry W. Garber)

(c) Sidewalk along Maze Blvd. at 401 Maze Blvd., Lots 1 and 2 of Block 4095. (Henry W. Garber)

ACTION: Res. 73-840 adopted (Kullijian/Elliott, unan.) ordering work done. (P/W to handle)

9. Matters for the good of the community. 4:15 P.M.
(These may be presented by interested persons in the audience)

NONE

CONSENT

ORDINANCES

10. Final adoption of Ord. No. 1293-C.S. - amendment to Section 23-3-9 of zoning map (Ellis & Klink)
(Motion adopting needed)

ACTION: By motion, Ord. No. 1293-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

11. Resolution designating Chief of Police of the Modesto Police Department as the issuing authority for permits for the storage and sales of "explosives".
(Section 12001 of the Health and Safety Code requires persons selling, furnishing or giving away certain small arms ammunition, black powder, and smokeless powder, to obtain a permit to do so. Section 12007 of the same code makes it the responsibility of the City Council to adopt a resolution designating the issuing authority. Resolution designating the Chief of Police of the Modesto Police Department as the "issuing authority" to issue permits for the storage and sale of explosives needed.)

ACTION: Res. 73-841 adopted designating Chief of Police as "issuing authority". (Police to handle)

CONSENT

12. Property acquisition - City Hall parking, Rose Mehegan heirs.
(The Mehegan heirs have offered their property on 10th Street for sale to the City for the sum of \$138,000. This amount agrees with appraisal obtained by the City. Resolution accepting offer and resolution approving appropriation transfer from General Reserve, Special Fund for Capital Outlays Fund. Estimated cost \$138,000. Funds budgeted in Account 6043-56-321, City Hall Parking Annex Land Acquisition)

ACTION: Res. 73-842 adopted accepting offer. (Clerk to handle)
Res. 73-843 adopted approving appropriation transfer of \$135,000 from Account 60-321 to Account 6043-56-321. (Finance to handle)

CONSENT

13. Consider approval of application to the State Division of Water Quality Control for reimbursement for sewer construction.
(Copies of memos and applications with agenda. Two resolutions approving applications and authorizing Mayor to sign needed)

ACTION: Res. 73-844 adopted approving application for \$115,215.50 (Clarifier and Mixing Basin).
Res. 73-845 adopted approving application for \$30,189.00 (Aeration facilities). (C/Mgr to handle)

14. Property acquisition - City Hall parking, Rose Mehegan heirs.
(The Mehegan heirs have offered their property on 10th Street for sale to the City for the sum of \$138,000. This amount agrees with appraisal obtained by the City. Resolution accepting offer and resolution approving appropriation transfer from General Reserve, Special Fund for Capital Outlays Fund. Estimated cost \$138,000. Funds budgeted in Account 6043-56-321, City Hall Parking Annex Land Acquisition)

CONSENT

14. Accept improvements in Applegate No. 4 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period.
(This subdivision is located on the north side of Rumble west of Pembroke Drive. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-846 adopted accepting improvements in Applegate No. 4 Subdivision. (Clerk to handle)

CONSENT

15. Accept improvements in Old Orchard No. 1 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of the statutory lien period.
(Old Orchard No. 1 Subdivision is located on the north side of East Orangeburg Ave. east of Lakewood Ave. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-847 adopted accepting improvements in Old Orchard No. 1 Subdivision. (Clerk to handle)

CONSENT

16. Accept improvements in Riedel Estates No. 2 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of the statutory lien periods.
(Riedel Estates No. 2 Subdivision is located north of Scenic Drive and east of Sonoma Ave. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-848 adopted accepting improvements in Riedel Estates No. 2 Subdivision. (Clerk to handle)

CONSENT

17. Resolution revising Position Classification Plan and resolution establishing compensation for new classifications.
(Memo of explanation, job specifications and alphabetical listing with agenda. Two resolutions needed)

ACTION: Res. 73-849 adopted revising Position Classification Plan.
Res. 73-850 adopted establishing compensation for new classifications. (Personnel to handle)

CONSENT

18. Letter from Church of the Nazarene requesting permission to occupy building on H Street until November 1, 1973.
(Under terms of the City's purchase agreement, the church was given six months to vacate the premises. The six-month period expired July 24. The City has no present use for the building. It is therefore recommended that the request be granted. Motion granting request needed)

ACTION: By motion, request granted. (C/Mgr to handle)

CONSENT

19. Resolution approving final map of Applegate No. 5 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(The subdivision agreement has been signed and all fees paid. This subdivision is located north of Rumble Road east of Prescott Road. It contains 8.83 acres. Resolution approving final map and agreement needed)

ACTION: Res. 73-851 adopted approving final map of Applegate No. 5 Subdivision. (Clerk to handle)

CONSENT

20. Continental Trailways application for fare increase.
(On August 23, Trailways filed an application to increase fares 5%, the same increase granted to Greyhound July 31, 1973. It is recommended that this matter be left to the P.U.C. to decide. Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

21. Request to sponsor Celebrity Golf Tournament.
(Request from S.O.S. to sponsor Celebrity Golf Tournament at Dryden Golf Course on January 26, 1974.
(Motion approving report needed)

ACTION: By motion, report approved. (P & R to handle)

CONSENT

22. Request of museum society.
(Request of newly formed Museum Society for assistance from City. Report with agenda. Motion approving report needed)

ACTION: By motion, report approved. (P & R to handle)

23. Letter from Cushman Golf Car Company in reply to request from City to share revenue from rental of tournament golf cars.
(Resolution approving amendment to agreement needed)

ACTION: Res. 73-852 adopted (Simon/Mensing, unan.) approving amendment to agreement with Cushman Motor Sales, Inc.
(P & R to handle)

MISCELLANEOUS

24. Legislation.

NONE

25. Appointments.

ACTION: Mayor Davies informed the Council that he had reappointed Jack Jones as a member of the Board of Governors of the Greater Modesto Community Foundation for a term ending December 31, 1978.

26. Matters too late for the agenda.

ACTION: By motion (Newton/Mensing, unan.) Mayor authorized to send telegrams to our representatives in Congress requesting assistance in processing of an application by Stanislaus County to the National Institute of Mental Health for a drug abuse treatment program.
(C/Mgr to handle)

Councilman Simon and Mr. Harries, 1429 Chapala, reported that a foster home for teen-age girls located on Bahia Avenue was not supervised correctly and was causing a great deal of trouble for the neighbors and was not good for the girls. By motion (Simon/Kullijian, unan.) staff was directed to check into this to see what can be done on either the State, County or City level.
(C/Mgr to handle)

Staff was requested to furnish the Council with information on procedures used in issuing permits for street banners. (C/Mgr to handle)

Adjournment at 4:45 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Special Meeting
October 2, 1973

As there were no members of the Modesto City Council present at 4:00 P.M., the meeting was adjourned by the City Clerk to Thursday, October 4, 1973, at 4:00 P.M.

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

The Council of the City of Modesto met in Adjourned Special Meeting in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at 4:00 P.M. this date and there were:

Present: Councilmembers: Dunlap, Elliott, Mayor Davies
Absent: Councilmembers: Kullijian, Mensinger, Newton, Simon

As there was not a quorum, those present met as a Committee to continue the review of Project Greater Modesto Committees' recommendations.

The following items from Status Report No. 5 were discussed:

42. Staff is keeping an eye on developments in this field and will keep the Council informed.
43. Same comment as 42.
44. This is not feasible at this time. It was agreed that the City Manager would keep the Council informed as to any worthwhile developments in this field or any related fields.
45. Staff is working on this.
46. Staff is watching this and will proceed when it is feasible.
47. This is being worked on.
48. Studies are underway.
49. This has been done.
50. Same as 45.
51. Same as 45.
52. This is under consideration. This promotion of high rise apartments in the downtown area might help to solve this and other problems.
53. Staff is working on this.
54. Being approached at State level. City will wait for State study.
55. Suggestion is premature at this time. Council agrees with staff comment.
56. This has merit. City is working with County.
57. A State responsibility.
58. More centers are planned. They should not be limited to Senior Citizens.
59. Covered by No. 38.
60. The Meals on Wheels Program is working fine. Staff requested to look into possibility of using elementary school cafeterias for this.
61. The Red Cross is trying a program of this type. The program should not be limited to buses.
62. There is a program for this going on.
63. This is being studied.
64. Nothing is planned in this area.
65. Same as 64.
66. Covered under No. 61.
67. Being done.
68. The County is being approached concerning this recommendation.
69. This is being worked on. No firm plans as yet.
70. This has been referred to the M.I.D.
71. Virginia Avenue has been considered in connection with this. Under study.
72. City is not ready to get into this at this time.
73. See No. 71.
74. Being done.
75. Being done.


Minutes of Adjourned Special Meeting 10/4/73, (continued)

76. A State and/or County problem. Is being considered.
77. Being done.
78. May be considered in future.
79. This is being done to some extent.
80. This is being worked on.
81. Being done at an active pace.
82. This is under consideration at all times. Will do when economically feasible.
83. The D.I.D. is working on deletion of J Street as a truck route. This will help.
84. This is done.
85. This does not seem to work in most cities.
86. Has been partially accomplished.
87. A very costly subsidy would be needed.
88. Being worked on.
89. Relocation of tracks on 9th Street would take a long time and be very costly.
90. The Downtown Plan will include this.
91. Being done.
92. This should not be abandoned.
93. Staff continues to study this.
94. This is done.
95. Being done.
96. Being done.
97. A good idea. The Youth Commission should work on this.
98. Money for mini parks is generally put to better use in development of larger parks.
99. A good idea. The Art League does this now.

The Council requested that Mr. Bartholomew develop an "action plan" in summary or digest form outlining those areas the Council has indicated as needing further consideration and action.

The meeting was adjourned at 4:50 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

Roll call: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon,
Mayor Davies

Absent: None

Pledge of allegiance to the Flag
Invocation: Reverend James Holmes, Baptist Temple Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, ~~5~~, 6, 7, 8, 12,
13, 15, 16, 17, 18, 19, 20, 21,
23
Item 5 removed from consent.
Dunlap/Mensinger, unan.

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items).

APPROVAL OF MINUTES

CONSENT

- Minutes of October 1, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

- Request that Council waive \$2,300 sewer lateral assessment for sewer service to property at 1200 Norwegian owned by Pete Baggesi.
(Motion referring to staff for report needed)

ACTION: By motion, request referred to staff for report.
(P/W to handle)

- Request for discussion of city ordinance on amplified music.
Rudy Mensinger reported that he had been denied permission to use Mancini Bowl or Del Webb Field for a "rock concert." He stated that a concert of this type could be held without violating the noise ordinance. By motion (Elliott/Dunlap, unan.) this matter referred to staff for study and report to Council. (Parks & Rec. CONSENT to handle)

- Request of Greater Modesto Chamber of Commerce for payment of \$15,000 budgeted for 1973-74.
(Motion granting request needed)

ACTION: By motion, request granted. (Finance to handle)

BIDS

~~CONSENT~~

5. Award contract for operating city buses..
(Kenny Transportation, Inc., was the low bidder at \$6.20 per bus hour, and it is recommended that the contract be awarded to them. (Resolution awarding contract to Kenny Transportation, Inc. needed. Estimated cost \$67,300 - partially recovered by revenue)

ACTION: By motion (Kullijian/Simon, unan) further consideration delayed for one week to permit Kenny Transportation Co. time to furnish cost breakdown. (Clerk to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for replacement of sewer lines in Chabot Court and John Muir Court. (Suggested bid opening date October 23, 1973 at 10:00 A.M. These sewer lines have deteriorated and have become a maintenance problem. Resolution approving plans and specifications and bid call needed. Estimated cost \$35,250 (\$34,850 contract, \$400 Engr.) Funds budgeted in Account 6582-212, Chabot Ct. Line Replacement, and 6581-212, John Muir Court Line Replacement)

ACTION: Res. 73-853 adopted approving plans and specs. and bid call. (Clerk to handle)

CONSENT

7. Consider award of contract for installation of waterlines in Sylvan Meadows.

(Bids were opened October 2, 1973. The low bid submitted by Joe Martin, which is 16% under the Engineer's Estimate, is considered acceptable. It is recommended that the contract be awarded to him. Estimated cost \$16,854. Funds budgeted in Account 6804-50-101, Waterline Extension, and 5301-50-101, New Services)

ACTION: Res. 73-854 adopted awarding contract to Joe Martin. P/W to handle)

CONSENT

8. Consider award on contract for construction of lighting, sidewalks and parking lots at Davis Park and Downey Park and street improvements on Crestview Drive and Kruger Drive adjacent to Downey Park.

(Bids were opened October 2, 1973. The low bid submitted by The Flintkote Company was 10.8% below the Engineer's Estimate and is considered acceptable. The Public Works Department recommends that the contract be awarded to them. Resolution awarding contract needed. Estimated cost \$128,734.32 (Contract \$117,031.20, Engr. \$11,703.12) Funds budgeted in Account 6315-31-321, Davis Park Stg 5&6 Development; 6290-31-321, Downey Park Development, Stage 6; 6647-2-207, Misc. R/W & Improvements)

ACTION: Res. 73-855 adopted awarding contract to The Flintkote Co. (P/W to handle)

HEARINGS

9. Hearing on amendment to Section 15-3-9 of the zoning map to 7:30 P.M. rezone from one-family residential zone, R-1, to planned development, P-D, for a 96-unit, one-story apartment complex, property located on the north side of Floyd Ave., east of Coffee Road. (Harley Brannan)

ACTION: Ord. 1294-C.S. introduced amending Section 15-3-9 of zoning map. (Clerk to handle) (Simon/Dunlap, unan.)

Res. 73-856 adopted approving development plan. (Simon/Dunlap, unan.) (Planning to handle)

10. Further hearing on appeal by A & L Investment Co. to denial 7:30 P.M. by BZA of amendment to H-1 Use Permit to allow longer hours of operation for commercial establishments on west side of McHenry, north of Bowen.

ACTION: Res. 73-857 (Dunlap/Elliott, unan.) denying appeal and up holding action of Board of Zoning Adjustment adopted.

By motion (Simon/Dunlap, unan.) Windjammer permitted to operate under present conditions for up to 90 days.

By motion, (Dunlap/Elliott, unan.) Foxy Lady permitted to operate under present conditions for up to 30 days. (City Clerk to handle)

The Council took a 5-minute recess at 10:00 P.M.)

11. Matters for the good of the community. 7:35 P.M.

Mrs. Harries reported that her neighbors were present to support her husband's complaints concerning the foster home at 1429 Chapela. The City Manager informed the Council that this matter was under study.

Dr. George Valentine complained about the lack of sidewalks in the vicinity of the Junior College. It was suggested that the Public Works Dept. give serious consideration to this area when preparing the list of proposed improvements for next year.

ORDINANCES

CONSENT

12. An ordinance amending Chapter 9 of Title IV of the Modesto Municipal Code entitled "Environmental Impact," as added by Ordinance No. 1236-C.S. to renumber said Chapter 9 to Chapter 10 and to renumber the sections contained therein. (Memo with agenda. Introduction of ordinance needed)

ACTION: By motion, Ord. 1295-C.S. introduced. (Clerk to handle)

CONSENT

13. An ordinance amending Section 5-6.11 of Chapter 6 of Title V of the Modesto Municipal Code Relating to sewer service. (Memo with agenda. Introduction of ordinance needed)

ACTION: By Motion, Ord. 1296-C.S. introduced. (Clerk to handle)

14. Ordinance adopting 1973 fire prevention code as amended. (Memo with agenda. Introduction of ordinance needed)

ACTION: By motion, (Kullijian/Dunlap, unan.) further consideration delayed for two weeks to permit study and comments by interested parties. (Clerk to handle)

CONSENT

15. (a) An ordinance amending Sections 8-2.403 and 8-2.404 of Article 4 of Chapter 2 of Title VIII of the Modesto Municipal Code, and adding Section 8-2.405.1 thereto relating to Sales and Use Tax.

ACTION: By motion, Ord. 1297-C.S. introduced. (Clerk to handle)

- (b) Agreement for State Administration of Local Sales and Use Taxes between the State Board of Equalization and the City of Modesto.

(Introduction of ordinance and resolution authorizing execution of agreement needed)

ACTION: Res. 73-858 adopted approving agreement. (Clerk to handle)

NEW BUSINESS

CONSENT

16. Consider approving staff discussions with engineers and architects for the design of Building no. 5 at Service Yard. (The Capital Improvement Program includes \$96,000 in 1974-75 for the construction of Service Yard Building No. 5. It is proposed to construct this building parallel with and to the west of the three buildings at the yard. The construction of this building was planned at the time the Service Yard was constructed several years ago. On August 13, 1973 the City Council approved the use of revenue sharing funds to advance construction of Building No. 5 during the 1973-74 fiscal year. Motion authorizing city staff to interview engineers and architects and to recommend to Council an engineer or architect for the work needed)

ACTION: By motion, staff authorized to interview engineers and architects and make recommendation to Council. (P/W to handle)

CONSENT

17. Accept improvements in Northridge No. 1 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods. (This subdivision is located north of Rumble Road at Conant Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Resolution 73-859 adopted accepting improvements. (Clerk to handle)

CONSENT

18. Presentation of annual inventory of the City of Modesto's fixed assets. (The City Charter, Section 801(n) requires that the City Manager shall annually "...inventory and place a value on all real estate, buildings, furniture and fixtures, supplies and movable property. . . belonging to the City . . ." and file one copy of the inventory with the City Council and one with the City Auditor. Memo with agenda. Motion accepting inventory needed)

ACTION: By motion, annual inventory accepted. (Clerk to handle)

CONSENT

19. New bus service to commence October 10, 1973 in north part of City.
(Memo with agenda. No action needed)

ACTION: For information only. No action taken.

REPORTS

CONSENT

20. Progress report on Orange Line Sanitation Company.
(Memo with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

21. Presentation of annual financial report for 1972-73 fiscal year.
(Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion, report accepted.

22. Presentation of annual financial audit.
(The fiscal records of the City of Modesto have been audited by Nattinger, Lowry & Company, Certified Public Accountants. Copies of the audit report are with agenda. Motion accepting audit and authorizing payment needed. Estimated cost \$3,250. Funds budgeted in Account 235-65-101, Independent Audit)

ACTION: By motion (Elliot/Dunlap, unan.) audit accepted and payment authorized. (Finance to handle)

CONSENT.

23. Presentation of financial statement for month of September, 1973.
(Copies of the report will be presented at the meeting. Motion accepting report needed)

ACTION: By motion, report accepted.

MISCELLANEOUS

24. Legislation.

None

25. Appointments.

None

26. Matters too late for the agenda.

The City Attorney reported that the 5th District Court of Appeals had upheld the City's position in connection with the Utility Users' Tax.

Resolution 73-860 adopted (Simon/Kullijian, unan.) accepting offer of M. E. Grover to pay \$250 for permission to harvest the olives in Mellis Park. (Finance to handle)

Adjournment at 11:25 P.M.

ATTEST:


W. T. CHYNOWETH
City Clerk

CITY OF MODESTO
MINUTES AND ACTION AGENDA
AGENDA FOR COUNCIL MEETING OF MONDAY, OCTOBER 15, 1973 AT 4:00 P.M.

Roll Call Present: Dunlap, Elliott, Kullijian, Mensinger, Simon,
Mayor Davies

Absent: Newton

Pledge of allegiance to the Flag

Invocation: Reverend Larry Duncan, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 10, 12,
13, 14, 16, 17, 18, 20, 21, 22,
Kullijian/Elliott, unan. - Newton 23, 24, 25, 26
absent

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

PRESENTATION

1. Award prizes to Mrs. Frances Koziol, 1421 Overholtzer Drive, Modesto, for bus contest.
(A 12-ride bus pass and \$45 in gift certificates are to be given to Mrs. Koziol for her August 31, 1973 postmarked entry that bus service would begin on Route 5 on October 10, 1973)

ACTION: The prizes were presented by Mayor Davies.

APPROVAL OF MINUTES

CONSENT

2. Minutes of October 4 and 9, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

BIDS

CONSENT

3. Call for bids for sale of property on Bodem, south of Lucerne.
(Memo with agenda. Resolution approving specifications and call for bids to be opened at 2:00 P.M., November 5, 1973 needed)

ACTION: Resolution 73-861 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

4. Consider award of contract for improvement of Morris Ave. and Virginia Ave. at M.I.D. Lateral No. 4.
(Bids were opened September 25, 1973. The low bid submitted by Teichert Construction was 4.2% below the Engineer's Estimate and is considered acceptable. The Public Works Department recommends that contract be awarded to low bidder. Resolution needed. Estimated cost \$130,205 (Contract \$86,635; RRKing, \$26,000; Engr. & Contg. \$17,570). Funds budgeted in Account 6695-2-207, Virginia-Morris Siphon)

ACTION: Resolution 73-862 adopted awarding contract to Teichert Construction Co. (P/W to handle)

CONSENT

5. Consider award of contract for installation of waterlines in Old Orchard #2.
(Bids were opened October 9, 1973. The low bid submitted by Valley Construction, which was 6% under the Engineer's Estimate, is considered acceptable. It is therefore recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost \$3,898.25; funds budgeted in Account 6804-50-101, Waterline Extensions, and 5301-50-101, New Services)

ACTION: Res. 73-863 adopted awarding contract to Valley Construction.
(P/W to handle)

CONSENT

6. Consider award of contract for installation of waterlines in Bowen Avenue.
(Bids were opened October 9, 1973. The low bid submitted by Valley Construction, which is 35% under the Engineer's Estimate, is considered acceptable. It is recommended that the bid be awarded to them. Resolution awarding contract needed. Estimated cost \$3,468. Funds budgeted in Account 6828-50-101, Strengthen Water System)

ACTION: Res. 73-864 adopted awarding contract to Valley Construction. (P/W to handle)

CONSENT

7. Consider award of contract for paving overlay in Beard Brook Park.
(Bids were opened October 9, 1973. The low bid submitted by George Reed, Inc., which is 28% under the Engineer's Estimate, is considered acceptable. It is recommended that the contract be awarded to them. Resolution needed. Estimated cost \$5,840. Funds budgeted in Account 6364-31-321, Beard Brook Overlay)

ACTION: Res. 73-865 adopted awarding contract to George Reed, Inc.
(P/W to handle)

HEARINGS

8. Hearing on amendment to Section 16-3-9 of the zoning map to 4:00 P.M. prezone to Planned Development Zone, P-D, for a 67-unit, 1 and 2-story condominium, property located on the west side of Sunrise Ave. between Norwegian Ave. and the Briggsmore Expressway. (Altamont Builders)

ACTION: Ord. No. 1298-C.S. introduced (Elliott/Kullijian, unan., Newton, absent) amending Section 16-3-9 of zoning map. (Clerk to handle)
Res. 73-866 adopted (Elliott/Kullijian, unan., Newton absent) approving development plan. (Planning to handle)

9. Matters for the good of the community.
(These may be presented by interested persons in the audience)

4:05 P.M.

NONE

CONSENT

ORDINANCES

10. Final adoption of the following ordinances:

- (a) Ord. No. 1295-C.S. - environmental impact.
- (b) Ord. 1296-C.S. - sewer service.
- (c) Ord. 1297-C.S. - uniform sales and use tax.
(motions adopting needed)

ACTION: (a) By motion, Ord. No. 1295-C.S. adopted.
(b) By motion, Ord. No. 1296-C.S. adopted.
(c) By motion, Ord. No. 1297-C.S. adopted.
(Clerk to handle)

UNFINISHED BUSINESS

11. Further consideration of bus operation contract.
(The two breakdowns of bids are included with agenda.)

ACTION: Res. 73-867 adopted (Elliott/Dunlap, majority;
Simon, no; Newton, absent) awarding contract for
operation of buses to Kenny Transportation, Inc.
(P & T to handle)

NEW BUSINESS

CONSENT

12. Accept improvements in Arington Manor Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(This subdivision is located west of Carver and north of Rumble Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-868 adopted accepting improvements. (Clerk to handle)

CONSENT

13. Accept improvements in Kingswood Estates No. 2 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory period.
(This subdivision is located between Rose Avenue and Coffee Road south of Sylvan Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees paid. Resolution accepting improvements needed)

ACTION: Res. 73-869 adopted accepting improvements. (Clerk to handle)

CONSENT

14. Property acquisition - Dry Creek Park - McClure property.
(Memo with agenda. Resolution authorizing City Manager to execute purchase agreement and accepting grant deed needed. Estimated cost \$123,500. Funds budgeted in Account 6415-31-321, Dry Creek Park Land Acquisition.)

ACTION: Res. 73-870 adopted approving agreement and accepting grant deed. (Clerk to handle)

15. Consider City participation in the financing of reconstruction of 7th Street bridge.
(Memo with agenda. Motion approving City's participation in funding local share of reconstruction of 7th Street bridge on the basis of local share being 85% City, 15% County, needed)

ACTION: By motion (Elliott/Dunlap, unan.) City participation on 85% - City, 15%-County basis approved. (P/W to handle)

CONSENT

16. Approve agreement between the City of Modesto and Cynthia Kaiser Roberts and Kenneth H. Kaiser, individuals, for the construction of a sanitary sewer on Coffee Road to serve a development on the west side of Coffee Road north of Coolidge Avenue.
(The developers have constructed the sanitary sewer at their own expense and the agreement provides that the City will act as agent for the developers in refunding a share of the cost when the adjacent area desires service. No city funds are required. Resolution approving agreement needed)

ACTION: Res. 73-871 adopted approving agreement. (City Clerk to handle)

CONSENT

17. Authorize City Manager to execute agreement with State Lands Commission covering the installation of an 18" concrete sewer pipe crossing the Tuolumne River in the vicinity of the 2nd hole on the Dryden Park Golf Course.
(Agreement grants City a 30' wide easement across Tuolumne River for the installation of the 18" concrete sewer pipe and includes the standard covenants of the St. Lands Commission which establishes the conditions for occupancy of the submerged land area occupied by the City. Resolution approving agreement needed)

ACTION: Res. 73-872 adopted approving agreement.
(P/W to handle)

CONSENT

18. Authorize a new savings account or accounts, depending on deposit procedures and interest rates in effect, for the City's deferred compensation plan.
(The deferred compensation committee has recommended that a new account be authorized for our deferred compensation plan at Stockton Savings and Loan Association, Stockton, California. Resolution authorizing new savings account or accounts needed)

ACTION: Res. 73-873 adopted authorizing new account(s) with Stockton Savings and Loan Association. (Finance to handle)

19. Discussion of city staff attendance at S.A.A.G. meetings.
(Motion directing staff needed)

ACTION: By motion (Dunlap/Mensing, unan.) City Manager authorized to request S.A.A.G. to allow staff representatives to substitute for council members at S.A.A.G. meetings when council members cannot attend.
(City Manager to handle)

CONSENT

20. Agreement for architectural services on fire training center - Duane D. Stone.
(Memo with agenda. Resolution approving agreement needed. Estimated cost \$2,100. Funds budgeted in Account 6111-41-321, Phase 2, Drill Training Center)

ACTION: Res. 73-874 adopted approving agreement.
(Clerk to handle)

CONSENT

21. Resolution authorizing the institution of condemnation proceedings to acquire certain real property in the City of Modesto to be used for city hall buildings, grounds, and off-street parking.
(Memo with agenda. Resolution needed)

ACTION: Res. 73-875 adopted authorizing court action.
(City/Atty to handle)

REPORTS

CONSENT

22. Progress report on recycling by Ecology Action Institute.
(Report with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

CONSENT

23. Report on Pacific Telephone request to provide extended area service at Modesto.
(Memo with agenda. It is recommended that matter be left to the P.U.C. Motion accepting report needed)

ACTION: By motion, report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

24. Recommend amendment to Section 9-3-9 of zoning map (Warren Lee and Avel Harris).
(On October 2, 1973 the Planning Commission adopted a resolution recommending an amendment to Section 9-3-9 of the zoning map as requested by Warren Lee and Avel Harris to rezone from one-family residential zone, R-1, to Highway Frontage Zone, H-1, property located on the northeast corner of McHenry Ave. and Warren Way. Resolution setting November 5, 1973 at 4:00 P.M. for hearing needed)

ACTION: Res. 73-876 adopted setting hearing. (Clerk to handle)

CONSENT

25. Uninhabited annexation to the City of Modesto - Finch No. 1 Addition.
(The IAF Commission has authorized this annexation without notice or public hearing - September 28, 1973.
(Resolution approving annexation to City needed)

ACTION: Res. 73-877 adopted annexing Finch No. 1 Addition to City of Modesto. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

26. Consider appropriation transfer from General Reserve (General Fund) into waterline extensions (6804-50-101) in amount of \$200,000.
(Memo with agenda. Resolution approving appropriation transfer needed. Estimated cost \$200,000)

ACTION: Res. 73-878 adopted approving appropriation transfer of \$200,000 from Account 60-101 to Account 6804-50-101.
(Finance to handle)

MISCELLANEOUS

27. Legislation.
NONE

28. Appointments.
ACTION: Res. 73-879 adopted (Kullijian/Elliott, unan - Newton absent) reappointing Joe Hart and John C. deBoer as members of the Farm-City Advisory Committee for terms ending May 1, 1977. (Clerk to handle)

29. Matters too late for the agenda.
NONE

Adjournment at 5:35 P.M. to 2:00 P.M. on October 16, 1973 in the Law Library, 3rd Floor, City Hall, for the purpose of meeting with representatives of Cable-Com General.

ATTEST: 
W. T. CRYNOWETH
City Clerk

Page 6 10/15/73

The Council of the City of Modesto met at 2:00 P.M. in the Law Library pursuant to adjournment and there were:

Present: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies

Absent: Councilmembers: Newton

In addition to city staff, there were also present: Robert Lewis, Richard Forsling and Jack Shrouf of Cablecom General.

Mr. Lewis explained that the present difficulties of Cablecom General of Modesto were partially caused by inflation, the unexpectedly rapid growth of Modesto, and the large amount of undergrounding of lines.

Mr. Forsling then presented what he considered to be the four alternatives available.

1. Cablecom General of Modesto continue under the present conditions, either with or without expansion.

2. Cablecom General sell the system (including sale to the City of Modesto). He pointed out that this had not been explored but would likely be a financial loss to the company and would result in higher rates.

3. Revocation of the franchise. Mr. Forsling stated that this would mean cutting off service immediately and would result in a long delay before the service was restored. He also made the point that this action would cause higher rates and lower franchise fees.

4. A change in the present conditions. Among the changes he suggested was an increase in rates to perhaps \$5.95 a month with the increase to be accomplished in steps. He also suggested the possibility of the franchise fee being based on a percentage of the profits rather than the gross.

After offering the above alternatives, Mr. Forsling stated that his company would prefer number 4.

There was a question and answer period following Mr. Forsling's presentation. During this period the company representatives and members of the Council did not agree as to whether or not Cablecom General of Modesto had lived up to all of the conditions which are a part of the franchise. Mr. Forsling told the Council that a physical audit was to be made to insure that all persons using the facilities were subscribers.

The City Attorney pointed out that the company not only has a right to use public rights of way for its lines, but also has an obligation to furnish service to all areas of the City of Modesto.

In response to a question concerning the company's obligations to the schools, it was suggested that Tony Bosio be contacted.

Councilmembers and staff commented that the City could operate the system in the event this was found to be desirable.

By motion (Simon/Elliott, unan.) staff authorized to meet with representatives of Cablecom General in an attempt to arrive at some means by which cable service will be available to all residents of Modesto within a reasonable time. Authorization was also given to staff to discuss other matters, including but not limited to, justification for changes in rate schedules and/or franchise fees. It was agreed that staff would report to the Public Projects Committee.

The meeting was adjourned at 3:35 P.M.

ATTEST:

W. T. Chynoweth

W. T. CHYNOWETH
City Clerk

Modesto City Council
October 24, 1973

As there were no members of the Modesto City Council present at 7:30 P.M., the meeting was adjourned by the City Clerk to Thursday, October 25, 1973 at 4:00 P.M.

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 23, 1973 AT 7:30 P.M.

NOTE: All items on this agenda will be considered at an adjourned regular meeting on October 25, 1973 at 4:00 P.M.

Roll call Present: Dunlap, Kullijian, Mensinger, Newton, Simon,
Mayor Davies
Absent: Elliott
(Councilman Newton arrived at 4:05 P.M.)

Pledge of allegiance to the Flag
Invocation: Reverend Royal Friezen, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 9, 11, 12, 13,
Kullijian/Dunlap, unan. - Elliott and 14, 15, 17, 18
Newton, absent

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of October 15 and 16, 1973
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

2. Request of North San Joaquin Comprehensive Health Planning Association for payment of \$2,500 budgeted for 1973-74.
(Memo with agenda)

ACTION: By motion (Kullijian/Dunlap, unan.) payment authorized with condition that Association furnish City Council with minutes of monthly meetings, quarterly reports and other documents to enable Council to determine whether or not objectives are being met. (Finance to handle)

BIDS

CONSENT

3. Consider award to low bidder, King-Knight Company of Emeryville, California to furnish one new 60 KW natural gas-powered emergency generator.

(Memo and tabulation with agenda. Resolution needed. Estimated cost \$7,439.00. Funds budgeted in Account 6130-41-321, p. 131)

ACTION: Res. 73-880 adopted awarding contract to King-Knight Co.
(Finance to handle)

CONSENT

4. Final acceptance of new bus.
(The new bus meets specifications and it is recommended that it be accepted and payment authorized. Resolution accepting bus needed. Estimated cost \$30,461.54. Funds budgeted in Account 6067-56-321, Bus)

ACTION: Res. 73-881 adopted accepting bus. (Finance to handle)

CONSENT

5. Consider award of contract for the improvement of "G" Street from First St. to Sixteenth Street.
(This is a Federal Aid Project. The federal government's share of the cost is estimated to be \$59,700. Memo with agenda. Resolution awarding contract to low bidder, George Reed, Inc. needed. Estimated cost \$103,000 (Contract \$94,665; Eng. \$8,335). Funds budgeted in Account 6750-1-207, "G"/First to 16th)

ACTION: Res. 73-882 adopted awarding contract to George Reed, Inc. (P/W to handle)

HEARINGS

NOTE: Both hearings will be continued to October 25, 1973 at 4:00 P.M.

6. Annexation of Orangeburg-Eastridge Addition to Modesto Municipal Sewer District No. 1. 7:30 P.M.

ACTION: Res. 73-883 adopted (Dunlap/Simon, unan. - Elliott, absent) annexing Orangeburg-Eastridge Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

7. Continued hearing on appeal by Mid-Valley Engineering to denial by Planning Commission of extension of time for P-D(53) (Berberian) 7:30 P.M.

ACTION: (Councilman Kullijian was excused from consideration of this item due to a conflict of interest)
Res. 73-884 adopted (Simon/Dunlap, unan. - Elliott and Kullijian, absent) granting appeal to the extent of an additional 6 months time for the start of construction of P-D(53). (Planning to handle)

8. Matters for the good of the community. 7:30 P.M.

ACTION: Frank Andrews spoke.

ORDINANCES

CONSENT

9. Final adoption of the following ordinances:

- (a) Ord. No. 1294-C.S. - amending to Section 15-3-9 of zoning map, (Brannan)

ACTION: By motion, Ord. No. 1294-C.S. adopted.

- (b) Ord. No. 1298-C.S. - amendment to Section 16-3-9 of zoning map. (Altamont Builders)

ACTION: By motion, Ord. No. 1298-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

10. Further consideration of 1973 Fire Prevention Code,
(Letter from Construction Industry Liaison Committee with agenda)

ACTION: By motion (Simon/Kullijian, maj. - Davies, no - Elliott, absent) Ord. No. 1299-C.S. introduced adopting 1973 Fire Prevention Code with certain amendments including the omission of Article 12 (Fireworks). (Clerk to handle)

By motion (Simon/Mensing, unan.) staff directed to prepare a report on the fires around July 4, 1972 (causes, cost, etc.) and report to Council on November 19, 1973. (Fire to handle)

NEW BUSINESS

CONSENT

11. Letter from Yosemite Area Council Boy Scouts of America requesting use of Mancini Park to train adult scout leaders on an overnight experience Friday, October 26, 1973 and all day Saturday, October 27, 1973. Staff recommends approval and staff will work out details. (Motion granting request needed)

ACTION: By motion, request granted. (P & R to handle)

CONSENT

12. Resolution authorizing City Manager to execute specific subordination agreements regarding refinancing of lots or resale of lots in Modesto Verde Subdivision.
(Memo of explanation and letter from title company transmitted to Mayor and Councilmen with agenda. Resolution needed)

ACTION: Res. 73-885 adopted authorizing City Manager to execute subordination agreements. (C/Mgr to handle)

REPORTS

CONSENT

13. Report on improvement of McHenry Ave.
(Report with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

- 13A. Report by Public Projects Committee on Land Use Study,
(Memo with agenda)

ACTION: Report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

14. Uninhabited annexation to the City of Modesto - Scenic-Rose Addition.
(This annexation will be considered by L.A.F.C. on October 19, 1973 and it is anticipated that it will be approved and that the City will be authorized to complete the annexation without notice and public hearing. The annexation area is rezoned P-D(68) for development of 120 apartment units to be developed by James Price et al, Modesto, California. Resolution approving annexation needed)

ACTION: Res. 73-886 adopted annexing Scenic-Rose Addition to City of Modesto. (Clerk to handle)

CONSENT

15. Uninhabited annexation to the City of Modesto - Sunrise-Briggsmore Addition.
(This annexation will be considered by L.A.F.C. on October 19, 1973 and it is anticipated that it will be approved and that the City will be authorized to complete the annexation without notice and public hearing. The annexation area is rezoned P-D(116) for development of 67 individually owned multiple-family units by Altamont Builders, Inc., Modesto, California. Resolution approving annexation needed)

ACTION: Res. 73-887 adopted annexing Sunrise-Briggsmore Addition to City of Modesto. (Clerk to handle)

16. Planning Commission recommendation - Workable Program, 1973-75.
(Council adoption needed prior to submission to HUD; re-certification deadline is November 1, 1973. See attached Planning Commission resolution and Workable Program. Resolution approving and adopting Workable Program, 1973-75 needed)

ACTION: Res. 73-888 adopted (Newton/Simon, unan. - Elliott, absent) approving and adopting Workable Program, 1973-75. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

17. To establish a Bus Service Fund; to estimate revenue; to authorize appropriations; to provide for transfer from General Fund.
(Memo with agenda. Resolution needed)

ACTION: Res. 73-889 adopted amending budget to establish a bus service fund, estimate revenue, authorizing appropriations for expenditure and providing for transfer from the General Fund.
(Finance to handle)

CONSENT

18. To amend the Service Division Working Capital Fund budget to provide for maintenance and care of municipal buses.
(Memo with agenda. Resolution estimating additional revenue and amending appropriation accounts needed)

ACTION: Res. 73-890 adopted amending budget to provide for maintenance and operation of five city-owned buses. (Finance to handle)

MISCELLANEOUS

19. Legislation.

NONE

20. Appointments.

NONE

21. Matters too late for the agenda.

ACTION: Res. 73-891 adopted (Kullijian/Simon, unan. - Elliott, absent) setting November 19, 1973 at 4:00 P.M. as time for hearing on appeal by Stone Bros. to denial by Planning Commission of request for six month time extension for starting Phase IV of P-D(21).
(Clerk to handle)

Adjournment at 7:30 P.M. to 12:00 o'clock noon on October 26, 1973 in the Law Library, City Hall, for the purpose of hearing a presentation to the Public Projects Committee by Stanislaus County Planning Director Davis.

ATTEST:


W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Regular Meeting
October 26, 1973

The Council of the City of Modesto met in the Law Library, Third Floor, City Hall, at 12:00 o'clock noon pursuant to adjournment and there were:

Present: Councilmembers: Dunlap, Kullijian, Mensinger, Mayor
Davies
Absent: Councilmembers: Elliott, Newton, Simon

This meeting was for the purpose of having Robert Davis, Stanislaus County Planning Director, and his staff make a presentation to the Public Projects Committee in connection with control of urban sprawl in the Greater Modesto Area.

It was agreed that the City can control residential growth to a great extent by extending or refusing to extend sewer trunks but that control of commercial development will require cooperation between City and County.

The meeting was adjourned at 1:45 P.M.

ATTEST:

W. T. Chykweth
W. T. CHYKOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 5, 1973 AT 4:00 P.M.

Roll Call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies

Absent: None
(Councilman Newton arrived at 4:05 P.M.)

Pledge of allegiance to the Flag

Invocation: Reverend Mark Randy, Church of Jesus Christ

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9,
Elliott/Kullijian, unan. - Newton, 10, 11, 12, 13, 14, 18, 19, 20,
absent 21, 22, 24, 27, 28, 30, 31, 32

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of October 25 and 26, 1973.

ACTION: By motion, minutes approved.

CONSENT

2. Request of Downtown Improvement District for approval of the following:

- (a) Use of two High Ranger Trucks and personnel to operate to install Christmas decorations on November 18, 1973, and remove on January 6, 1974.
- (b) Use of the first two parking spaces on the 10th Street parking lot next to the Hughson Hotel to place Santa's House from November 18, 1973 to January 6, 1974.
- (c) Use of two parking spaces on the southwest corner of 10th and K Streets on November 23 and 24, and December 1, 8, and 15, from the hours of 10:00 A.M. to 6:00 P.M. for the purpose of parking the Forty and Eight Locomotive to be used during the Christmas Season to give children free rides.
(Motion granting requests needed)

ACTION: By motion, requests granted. (P & R to handle (a) and P & T to handle (b) and (c).

BIDS

CONSENT

3. Consider approval of specifications and authorize call for bids to be opened at 2:15 P.M. November 20, 1973 for furnishing two (2) four-wheel, twin diesel engine street sweepers.
(Resolution needed. Estimated cost \$52,246; funds budgeted in Account 5434-48-512, Service Division Capital Outlay and 5448-48-512, Service Division - Capital Outlay)

ACTION: Res. 73-892 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

4. Consider approval of specifications and authorize call for bids to be opened November 20, 1973 at 2:00 P.M. for furnishing two (2) general purpose, 4-wheel diesel tractors.
(Resolution needed. Estimated cost \$12,792; funds budgeted in Accounts 5431-48-512 and 5447-48-512, Service Division - Working Capital Fund)

ACTION: Res. 73-893 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for construction of Internal Walkways in Kewin Park and Moose Park.
(Suggested bid opening date November 20, 1973 at 10:00 A.M. The improvements are needed to provide access to the bridge and secure the bridge against erosion. Resolution needed. Estimated cost \$11,750 (\$11,000 Const. \$750. Engr.) Funds budgeted in Accounts 6321-324, Moose Park 2 & 3, and 6336-324, Kewin Park Walks)

ACTION: Res. 73-894 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for installation of water lines in Applegate No. 5.
(Suggested bid opening November 20, 1973 at 10:10 A.M. Costs and Revenues: Total cost, \$9,245.78; charges, \$9,240; Net revenue, \$730. Estimated cost \$9,245.78 (\$4,605.78; Matl. \$4,640 Labor. Funds budgeted in Accounts 6804-60-101, Waterline Extension; and 5301-50-101, New Services) Resolution needed.

ACTION: Res. 73-895 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

7. Consider award of contract for replacement of sewer lines in Chabot Court and John Muir Court.
(Bids were opened on October 23, 1973. The low bid submitted by W. M. Lyles Co., which was 49% below the Engineer's Estimate, is considered acceptable. A review of the costs with the bidders indicated that the bids received properly reflected the price for doing the work. It is therefore recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost \$17,927.625. Funds budgeted in Account 6582-212, Chabot Ct. Line Replacement and 6581-212, John Muir Ct. Line Replacement)

ACTION: Res. 73-896 adopted awarding contract to W. M. Lyles Co.
(P/W to handle)

CONSENT

8. Consider acceptance of Western Pipeline's contract for installation of fire hydrants and waterlines in Buena Vista, El Rio, and La Sombra Streets.
(Original contract \$14,164.50. All work on the project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file notice of completion. Resolution accepting work needed. Final contract cost \$13,428.20. Funds budgeted in Account 6125-41-321, Fire Hydrant Installation)

ACTION: Res. 73-897 adopted accepting contract. (Clerk to handle)

CONSENT

9. Consider acceptance of Lee White Paving's contract for construction of improvement of cul-de-sac at north end of Timothy Avenue.
(Original contract \$11,970.50. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution accepting work needed. Final contract cost \$11,473.93. Funds budgeted in Account 6130-41-321, Fire Station #5, Construction Addition)

ACTION: Res. 73-898 adopted accepting contract. (Clerk to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for replacement of the street light circuit at Station #5.
(Suggested bid opening date November 20, 1973 at 10:15 A.M. This project will change the street light circuits coming from Station #5 to 6.6 amp circuits and provide a new regulator structure. Resolution needed. Estimated cost \$15,750 (Contract \$15,000, \$750 Eng.). Funds budgeted in Account 6636-41-321, Replace Controls Station 5)

ACTION: Res. 73-899 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

11. Accept as complete George Reed, Inc. contract to repair leaks in the city hall garage.
(Memo with agenda. The work was completed April 25, 1973; however, acceptance was delayed to make sure asphalt patches would harden. It would now be in order to accept the contract as complete. Resolution accepting contract as complete and authorizing City Clerk to file notice of completion needed. Estimated cost \$4,305 less previous payments). Funds budgeted in Account 224-57-209, M/R Buildings & Grounds)

ACTION: Res. 73-900 adopted accepting contract. (Clerk to handle)

CONSENT

12. Consider acceptance of Elrich Construction Co.'s contract for construction of tennis courts in Downey Park.
(Original contract \$81,987. All work on this project has been completed to the satisfaction of the Parks and Recreation Department and the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution accepting work as complete needed. Final cost \$82,872. Funds budgeted in Accounts 6290-324, Downey State 1, and 6290-31-321, Downey Stage 1, 2, 3, 4)

ACTION: Res. 73-901 adopted accepting contract. (Clerk to handle)

CONSENT

13. Consider acceptance of Joe Martin's contract for installation of waterlines in Dale Road, Northridge No. 1, Smoke Tree No. 1, Applegate No. 4.
(Original contract \$23,412. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution accept work needed. Final cost, contract, \$24,837.95. Funds budgeted in Account 6804-50-101, Waterline Extensions)

ACTION: Res. 73-902 adopted accepting contract. (Clerk to handle)

CONSENT

14. Consider approval of plans and specifications and call for bids for replacement of curbs, gutters, and construction of sidewalks at Graceada Park.
(Suggested bid opening date November 20, 1973, at 10:20 A.M. This project is needed to replace broken and substandard curb and gutter and construct sidewalk. Resolution needed. Estimated cost \$8,000 (\$7,600 Const., \$400 Eng.). Funds budgeted in Account 6333-31-321, Graceada Park Sidewalks).

ACTION: Res. 73-903 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

15. Hearing on amendment to Section 9-3-9 of the zoning map to rezone from R-1 to H-1, property located on the northeast corner of McHenry & Warren Way. (Harris) 4:00 P.M.

ACTION: By motion (Dunlap/Mensing, unan.) Ord. No. 1300-C.S. introduced amending Section 9-3-9 of the zoning map. (Clerk to handle)

16. Matters for the good of the community. 4:05 P.M.
(It is anticipated that the Foxy Lady management will request a time extension as to the 10:00 P.M. closing hour).

Rodney Beidleman, owner of the Foxy Lady Massage Salon, requested that he be given to January 1, 1974 to conform to the 10:00 P.M. closing time.

ACTION: By motion (Kullijian/Simon, maj. - Mensinger, no) request denied. (Clerk to handle)

Mrs. Doris Mitchell introduced Hitoshi Wakae, a law student from Japan.

17. Oral bidding for Bodem Street property. 4:30 P.M.

ACTION: One written bid in the amount of \$9,500 was received from Domenico Frisone, 502 Leveland Lane. No oral bids were received.

Res. 73-904 adopted (Newton/Elliott, unan.) accepting bid of Domenico Frisone. (Clerk to handle)

ORDINANCES

CONSENT

18. Final adoption of Ordinance 1299-C.S. - fire prevention code, (Motion adopting needed)

ACTION: By motion, Ord. No. 1299-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

19. A resolution determining that the public interest and convenience require that the following additions be annexed to the Modesto Municipal Sewer District No. 1 and naming time and place for hearings.

- (a) Scenic Rose Addition, suggested hearing date December 17, 1973, at 4:00 P.M.

ACTION: Res. 73-905 adopted setting hearing. (Clerk to handle)

- (b) Finch No. 1 Addition, suggested hearing date December 17, 1973 at 4:05 P.M.

ACTION: Res. 73-906 adopted setting hearing. (Clerk to handle)
(The above additions have been annexed to the City of Modesto and it is now necessary to annex them to Sewer District No. 1. Resolutions setting hearings needed (2/3 vote required)

CONSENT

20. Resolutions withdrawing the following Additions from their respective fire districts:

- (a) Scenic Rose Addition from McHenry-Dry Creek Fire District.

ACTION: Res. 73-907 adopted withdrawing Scenic-Rose Addition from McHenry-Dry Creek Fire District.

CONSENT

20. Resolutions withdrawing the following Additions from their respective fire districts: , (continued)

(b) Finch No. 1 Addition from Empire Fire District.
(Resolutions withdrawing needed)

ACTION: Res. 73-908 adopted withdrawing Finch No. 1 Addition from Empire Fire District. (Clerk to handle)

CONSENT

21. Right of way acquisition, Needham Street project, Stanislaus Title Guaranty Company.
(Memo with agenda. Resolution authorizing City Manager to execute purchase agreement and accepting grant deed needed. Estimated cost \$10,000. Funds budgeted in Account 6700-205, Needham, Hackberry to Nellie)

ACTION: Res. 73-908-A adopted approving purchase agreement and accepting grant deed. (Clerk to handle)

CONSENT

22. Consider approval of agreement between City of Modesto and Jenks and Adamson for preparation of operations and maintenance manual and maintenance instructional program.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-909 adopted approving agreement. (Clerk to handle)

23. Consideration of an interim transit policy.
(Memo with agenda. Motion approving report and referring matters to appropriate council committees and staff for implementation.)

ACTION: By motion (Kullijian/Newton, unan.) the following policies (1, 2 & 3) adopted:

- 1) There would be no changes in routes or schedules until January, 1974. At that time we might want to make modifications in the fifth route.
- 2) The next period of evaluation would be in July, 1974, or when the County-wide Transit Study is released or sooner if requested by Council.
- 3) In the meantime, the City-County Committee should be charged with discussing and reporting to the Council on a County subsidy for our bus service to non-City areas.

By motion (Kullijian/Simon, unan.) staff directed to study the possibility of hiring an advertising company to promote bus ridership and to make report and recommendation to Council

By motion (Kullijian/Simon, unan.) Council consideration of promotional events approved. (P & T to handle)

CONSENT

24. Resolution revising position classification plan and resolution establishing compensation for new classification.
(Memo, job specifications, and alphabetical listing with agenda. Adoption of two resolutions needed)

ACTION: Res. 73-910 adopted revising Position Classification Plan.

Res. 73-911 adopted establishing compensation for new classification.
(Personnel to handle)

25. Commendation to Willis Kleinenbroich for his faithful service in operating the Modesto Motor Bus Service over the past years.
(Resolution of commendation needed)
ACTION: Res. 73-913 adopted (Mensing/elliott, unan.) commending Mr. Kleinenbroich. In addition, Mr. Kleinenbroich was presented a distinguished service award.
26. Consider approval of agreement to provide sanitary sewer to a subdivision outside the city. Developers: Harry T. Kullijian and Geraldine B. Kullijian.
(The developers of Tuolumne Park Homes, a 34 lot subdivision in the County of Stanislaus on the south side of River Road west of Herndon Road, have signed an agreement for sewer service which basically requires the prepayment of subtrunk sewer fees and that the development be to city standards and that deed restrictions be recorded which require annexation to the City when so requested. Letter from H. T. Kullijian to City Council with agenda. Resolution approving agreement needed)
(Councilman Kullijian was excused from consideration of this item due to a conflict of interest)
ACTION: Res. 73-912 adopted (elliott/Simon, unan.-Kullijian absent) approving agreement. (Clerk to handle)
By Order of the Chair, staff was directed to make a report on City of Modesto involvement south of the Tuolumne River and east of Highway 99. (City Mgr. to handle)

REPORTS

CONSENT

27. Quarterly report of Greater Modesto Chamber of Commerce.
(Motion accepting needed)

ACTION: By motion, report accepted.

CONSENT

28. Report regarding short supply of asbestos cement pipe.
(Motion approving report needed)

ACTION: By motion, report approved.

29. Report on rules for use of Mancini Bowl and Del Webb Field.
(Motion directing staff needed)

ACTION: By motion (elliott/Dunlap, majority - Mensinger, no) rules approved as they now exist. (P & R to handle).
By Order of the Chair, staff directed to continue to study this situation and keep Council informed.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

- 30.** Recommend amendment to Section 8-3-9 of the zoning map (James R. Clarke - P-D (120) McHenry and Union Avenues)
(On October 16, 1973 the Planning Commission adopted a resolution recommending an amendment to Section 8-3-9 of the zoning map as requested by James R. and Sylvia J. Clarke to prezone to Two-Family Residential Zone, R-2, Highway Frontage Zone, H-1 and Planned Development Zone, P-D, for the Alfred Matthews Cadillac Agency on the west side of McHenry Avenue and on the north side of Union, extended. Resolution setting November 26, 1973 at 7:30 P.M. for hearing needed)

ACTION: Res. 73-914 adopted setting hearing. (Clerk to handle)

CONSENT

- 31.** Recommend amendment to Section 20-3-9 of the zoning map (John Quaresma, Tully and Roseburg)
(On October 16, 1973 the Planning Commission adopted a resolution recommending an amendment to Section 20-3-9 of the zoning map as requested by John Quaresma to rezone from One-Family Residential Zone, R-1, and Multiple-Family Residential Zone, R-3, to Planned Development Zone, P-D, for one-story office buildings and a 77-unit 1 and 2 story apartment complex, and single-family dwellings, property located on the south side of Roseburg Avenue and on the east side of Tully Road. Resolution setting November 26, 1973 at 7:35 P.M. for public hearing needed)

ACTION: Res. 73-915 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

- 32.** Approval of appropriation transfer from the General Reserve, General Fund, to provide for extra help in the Finance Department. (Memo with agenda. Resolution approving appropriation transfer of \$858 needed)

ACTION: Res. 73-916 adopted approving appropriation transfer of \$858 from Account 60-101 to Account 120-15-101. (Finance to handle)

MISCELLANEOUS

33. Legislation.

ACTION: By motion (Simon/Dunlap, unan.) S-1739 (federal legislation) opposed. (C/Mgr. to handle)

34. Appointments

ACTION: Res. 73-917 adopted (Simon/Dunlap, unan.) accepting with regret resignation of Howard Shaw from the Personnel Commission.

Res. 73-918 adopted (Simon/Dunlap, unan.) appointing Raymond Whitgrove as a member of the Personnel Commission for a term ending January 1, 1978.

Res. 73-919 adopted (Dunlap/Simon, unan.) declaring seat of Vera Hinton on Human Rights Commission vacant.

34. Appointments (continued)

ACTION: Res. 73-920 adopted (Simon/Dunlap, unan.) appointing Al Johnson as a member of the Downtown Improvement District Advisory Board for a term expiring March 28, 1977.

Res. 73-921 adopted (Simon/Dunlap, unan.) appointing Ms. Bea Jones and Mrs. Nickie Cardenas as members of the Human Rights Commission for terms ending May 1, 1974 and May 1, 1975, respectively.

Res. 73-922 adopted (Simon/Dunlap, unan.) appointing Mrs. Grant (Colleen) Bare as a member of the Library & Cultural Commission to replace Mrs. Peggy Mensinger, for term expiring January 1, 1976.

35. Matters too late for the agenda.

ACTION: By motion (Simon/Dunlap, unan.) staff directed to prepare report on city involvement in Sister-City Program. (C/Mgr. to handle)

Res. 73-923 adopted (Mensinger/Elliott, unan.) authorizing application for a \$59,320 grant for Community Response to Drug Abuse. (C/Mgr. to handle)

Norrine Coyle was commended for her article in Western City.

It was reported that there were several outstanding applications for the City Manager position. It is planned to hold an executive session on November 19 and perhaps on November 23 to meet with Ralph Anderson to discuss the position.

Adjournment at 5:50 P.M.

ATTEST:


W. T. CHYNOWETH
City Clerk

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 12, 1973 AT 7:30 P.M.

Roll Call Present: Elliott, Kullijian, Mensinger, Newton, Simon,
Mayor Davies

Absent: Dunlap

Members of Troop 237, Boy Scouts, sponsored by Trinity Presbyterian Church, were introduced.

Pledge of allegiance to the Flag

Invocation: Reverend Ben Jennings, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 8, 9, 11, 12, 13,
Item 5 dropped from agenda 14, 15, 16, 17, 18, 19, 20, 21,
Newton/Elliott, unan. - Dunlap, absent 23, 24, 25

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of November 5, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Appeal by Michael Masellis to Board of Zoning Adjustment denial of request for a conditional use permit to permit construction of a cocktail lounge on west side of Coffee, south of Floyd.
(Resolution setting December 10, 1973 at 7:30 P.M. for hearing needed)

ACTION: Res. 73-924 adopted setting hearing. (Clerk to handle)

3. Request of Alta Caudle for discussion of bus problems of elderly.

ACTION: By Order of the Chair, staff directed to work with Mrs. Caudle in an attempt to help out a large group of elderly citizens who live near Wylie Drive and Oakdale Road and have a transportation problem. (P & T to handle)

CONSENT

BIDS

4. Consider acceptance of Harold Tuller's contract for construction of Project #3 - Construction of curbs, driveways, and sidewalks at various locations.
(Original contract \$27,268.45. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and to file notice of completion. Resolution accepting work needed. Final cost \$27,526.45. Funds budgeted in Accounts 321-51-101, Construction material; 6755-41-321, Curbs & Gutters, and 5302-51-101, Curbs and Gutters, Special)

ACTION: Res. 73-925 adopted accepting contract. (Clerk to handle)

CONSENT

5. Call for bids for construction of a parking lot at Senior Citizens Building at Scenic and Bodem. (Estimated cost \$26,600. This project more than doubles the existing parking at the Center. The scheduled completion date is April 4, 1974. Resolution calling for bids needed. Funds budgeted in Account 6322-31-321, Senior Citizens Parking, \$12,800). Balance of funds to be requested later from Fund No. 321, General Reserve, when low bid will determine exact amount needed above the \$12,800 budgeted)

DROPPED FROM AGENDA

HEARINGS

6. Hearing, annexation of Standiford-Tully #1 Addition to the Modesto Municipal Sewer District #1. 7:30 P.M.

ACTION: Res. 73-926 adopted (Simon/Elliott, unan. - Dunlap, absent) annexing Standiford-Tully #1 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

7. Hearing on revocation of franchise granted to Cablecom-General of Modesto. 7:35 P.M.
(Letter from Modesto Junior College with agenda)

ACTION: After all present had been given an opportunity to speak, the public portion of the hearing was closed. By motion (Simon/Newton, unan.) Cablecom-General of Modesto declared to be deficient in complying with franchise terms; hearing continued to January 14, 1974 at 7:30 P.M.; staff directed to continue to work with Cablecom-General and to report to Public Projects Committee; final decision to be made by Council. (C/Mgr to handle)

8. Matters for the good of the community. 7:40 P.M.
(These may be presented by interested persons in the audience)

ACTION: John DeBoer, member of the Farm-City Advisory Committee, was introduced and requested a light or at least reflectors at the corner of North 9th and the overpass. It was agreed that staff would install reflectors immediately and attempt to put in a street light as soon as possible. (P & T to handle)

Orlando Quinonez, representing the Modesto Soccer Club, requested permanent lights for the playing area outside of Del Webb Field and for the use of Del Webb Field's lights until the others can be installed. The Director of Parks & Recreation was instructed to work out a plan so that the soccer club can use Downey baseball field until the Del Webb lights are repaired. (P & R to handle)

ORDINANCES

CONSENT

9. Final adoption of Ordinance No. 1300-C.S. - amendment of Section 9-3-9 of zoning map. (Harris)
(Motion adopting needed)

ACTION: By motion, Ord. No. 1300-C.S. adopted. (Clerk to handle)

10. Consider request by Mr. Baggesi of waiver of sewer lateral charge. (Memo describing the background information on this subject has been distributed to Council with agenda. It is the staff's recommendation that Mr. Baggesi's request for waiver of sewer lateral charges be denied, since there is no documentation of his participation in the construction of the sewer lateral which serves his property. Resolution denying waiver of sewer lateral charge needed)

ACTION: Res. 73-927 adopted (Kullijian/Davies, maj. - Mensinger, no - Dunlap, absent) denying request. (Clerk to handle)

NEW BUSINESS

CONSENT

11. Consider request by P. G. & E. for sidewalk variance. (Memo with agenda. Resolution granting request needed)

ACTION: Res. 73-928 adopted granting request. (P/W to handle)

CONSENT

12. Resolutions authorizing payment of dislocation allowance and moving expense in connection with acquisition of property at 1311 Legion Park Drive for park purposes:

(a) Mr. Cleburn Chatham;

ACTION: Res. 73-929 adopted authorizing payment of \$215 to Cleburn Chatham.

(b) Mrs. Amy Amanson;

ACTION: Res. 73-930 adopted authorizing payment of \$215 to Mrs. Amy Amanson.

(c) Mr. Clifford Wisnom.

(Three resolutions authorizing payment needed. Estimated cost \$215 each for a, b, c, total - \$645. Funds budgeted in Account 6329-31-321, Tuolumne River Land Acquisition)

ACTION: Res. 73-931 adopted authorizing payment of \$215 to Clifford Wisnom. (Finance to handle)

CONSENT

13. Lease agreement for agricultural purposes - Henry Goni. (Memo with agenda. Resolution authorizing City Manager to sign agreement needed)

ACTION: Res. 73-932 adopted approving lease agreement. (Clerk to handle)

CONSENT

14. Agricultural lease agreement - Dry Creek Park - Donald and Margaret Scott. (Memo with agenda. Resolution authorizing execution of agreement by City Manager)

ACTION: Res. 73-933 adopted approving lease agreement. (Clerk to handle)

CONSENT

15. Resolution to support the District Attorney's grant application to CCCJ for evaluation of narcotics diversion program, and to authorize police personnel to participate. (Memo with agenda. Resolution needed)

ACTION: Res. 73-934 adopted supporting grant application. (Police to handle)

NEW BUSINESS

CONSENT

16. Consider concession agreement for taxicab service to the Modesto City-County Airport.
(Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 73-935 adopted approving agreement with Charles V. Sales, dba Modesto Cab Co. (Clerk to handle)

CONSENT

17. Approve final map of Elizabeth Court Terrace Subdivision as required by Section 4-4,604(c) of the Modesto Municipal Code.
(All fees have been paid. This subdivision is located at Elizabeth Avenue and Rosalene Avenue. It contains 3.12 acres. All required street improvements have been installed in this subdivision, therefore an improvement security is not required. Resolution approving final map needed)

ACTION: Res. 73-936 adopted approving final map of Elizabeth Court Terrace. (Clerk to handle)

CONSENT

18. Accept improvements in Daisy Park No. 2 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.
(This subdivision is located at the northwest corner of Maze and Emerald. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-937 adopted accepting improvements in Daisy Park No. 2. (Clerk to handle)

CONSENT

19. Consider request from C. I. Cunningham Company for closing of Dale Road at the Hetch Hetchy crossing just north of Rumble Road.
(Memo with agenda. Resolution approving closure needed)

ACTION: Res. 73-938 adopted approving closure subject to provisions that
(1) contractor has plans for signing of closure and detours approved by Director of Public Works; (2) contractor hold City harmless;
(3) contractor furnish evidence of liability insurance in the usual amounts required by the City for a public works contract.
(P/W to handle)

CONSENT

20. Consider acceptance of a clear zone aviation easement at the Modesto City-County Airport.
(Memo with agenda. Resolution accepting aviation easement needed)

ACTION: Res. 73-939 adopted accepting with appreciation aviation easement from Town & Country Finance and Thrift Co. (Clerk to handle)

CONSENT

21. Consider submission of project application to the FAA for federal aid for development of public airports.
(Memo with agenda. Resolution authorizing submission of project application needed. An appropriation transfer will be submitted after bids are received)

ACTION: Res. 73-940 adopted authorizing submission of project application.
(P/W to handle)

22. Consider placing an advertisement in the Modesto Bee regarding prevention of burglaries during the Christmas season. (A one-half page ad would cost \$386.75 plus any art work that might be needed. It is proposed that the ad be placed in the Sunday, December 2, paper. Motion instructing staff needed. Estimated cost \$400. Funds budgeted in Account 428-65-101, Miscellaneous Expense)

ACTION: By motion (Elliott/Newton, unan.) one-half page ad approved.
(C/Mgr to handle)

REPORTS

CONSENT

23. Report on needed change of Downey tennis court lighting. (Memo with agenda. Motion approving report needed)

ACTION: By motion, report approved.

CONSENT

24. Presentation of financial statement for October 1973. (Copies of report with agenda. Motion accepting report needed)

ACTION: By motion, report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

25. Tentative subdivision map, Sunrise No. 1 and 2 Subdivision. (On November 6, 1973 the Planning Commission approved the tentative map of the above subdivision and found that said subdivision, together with its design and improvements, is consistent with applicable general and specific plans of the City. The City Council is required to make the same findings. An environmental assessment of the subdivision has been made and negative declaration has been filed. Resolution making findings needed)

ACTION: Res. 73-941 adopted making findings. (Clerk to handle)

MISCELLANEOUS

26. Legislation.

NONE

27. Appointments.

NONE

28. Matters too late for the agenda.

ACTION: In response to questioning, it was pointed out that the error in placement of light standards at the Downey tennis courts was made by staff and not an outside architect or engineer.

Adjournment at 11:15 P.M.

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 19, 1973 AT 4:00 P.M.

Roll Call Present: Elliott, Kullijian, Mensinger, Newton, Simon,
Mayor Davies

Absent: Dunlap

Pledge of allegiance to the Flag

Invocation: Reverend Lawrence Jaffa, Unity Church of Modesto

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 8, 9, 12,
Kullijian/Newton, unan. - Dunlap, absent 13, 14, 15, 16, 18, 19, 20, 21,
22, 23, 24, 25, 27, 28, 29, 30

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of November 12, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Appeal to decision of Planning Commission approving plot plan for a neighborhood shopping center P-D (21), to be located on the east side of Tully Road, south of Standiford Avenue.
(Resolution setting December 10, 1973 at 7:35 P.M. for hearing needed)

ACTION: Res. 73-942 adopted setting hearing. (Clerk to handle)

CONSENT

3. Letter from LaCoste, Keller, Azevedo and Rose requesting permission to annex 1.29-acre parcel to the Empire Sanitary District.
(Memo with agenda. Resolution granting request needed)

ACTION: Res. 73-943 adopted approving annexation of Helton parcel to Empire Sanitary District. (Clerk to handle)

4. Letter concerning attendance of members of Stanislaus Area Association of Governments.

ACTION: It was agreed that Councilmembers Mensinger and Simon should work with SAAG to possibly get more representation on SAAG for the City of Modesto by either having more members of the Council appointed and/or by permitting City staff members to act as voting members of SAAG in the event Council representatives are absent.

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for installation of waterlines in McHenry Avenue between Needham and Morris.
(Suggested bid opening date December 11, 1973 at 10:00 A.M. This project has been scheduled as a strengthening project. Resolution needed. Estimated cost \$28,948.91 (\$11,243.91; Matl; \$17,705; labor;) Funds budgeted in account 6828-50-101, Strengthen system)

ACTION: Res. 73-944 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider acceptance of George Reed, Inc., contract for construction of Improvement District No. 22 Facilities.
(All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and authorize the City Clerk to file a notice of completion. Resolution accepting work as complete needed. Final cost \$79,057.51, Contract; \$67,767.88. 1/3 to I.D; 22 2/3, federal government share. Funds budgeted in Account 5301-223)

ACTION: Res. 1273-S.P. adopted accepting contract. (Clerk to handle)

CONSENT

7. Consider acceptance of Parrish & Sons, Inc.'s contract for installation of waterlines in Kewin Park & Thousand Oaks Park. Original contract \$14,660.
(All work on this project has been completed to the satisfaction of the Public Works Department and the Parks Department. It would be in order to accept the work as complete and to file the notice of completion Resolution accepting work needed. Final cost \$15,039.26. Funds budgeted in Account 6385-31-321, Thousand Oaks Park)

ACTION: Res. 73-945 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for construction of fence at Del Webb Field.
(Suggested bid opening date December 4, 1973 at 10:00 A.M. This fence is needed to replace the existing wooden fence which has deteriorated. Resolution needed. Estimated cost \$10,000 (\$9,500 Fence; \$500 Eng.) Funds budgeted in Account 6400-31-321, Del Webb Fence)

ACTION: Res. 73-946 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

9. Consider approval of specifications and authorize call for bid to be opened December 4, 1973 at 2:00 P.M. for one diesel motor grader.
(The specifications provide for an optional bid of a used grader, if nearly new. Resolution needed. Estimated cost \$27,510; funds budgeted in Account 5432-48-512, Service Division Working Capital Fund, p. 142)

ACTION: Res. 73-947 adopted approving specifications and bid call.
(Clerk to handle)

HEARINGS

10. Hearing on appeal by Stone Brothers to Planning Commission denial of request for six month time extension for starting Phase IV of P-D (21)

4:00 P.M.

ACTION: Res. 73-948 adopted (Simon/Elliott, maj. - Newton, no - Dunlap, absent) granting a 120 day extension for start of Phase IV. (Clerk to handle)

11. Matters for the good of the community.
(These may be presented by persons in the audience)

4:05 P.M.

ACTION: The Assistant City Attorney introduced his father-in-law, Thomas Erwin, who is a Councilman in Aberdeen, Washington.

OLD BUSINESS

CONSENT

12. Report on fires which occurred July 4, 1973.
(Staff has recommended that this item be delayed until January 28. Motion needed)

ACTION: By motion, delayed until January 28, 1974. (Clerk to handle)

NEW BUSINESS

CONSENT

13. Offer to purchase and remove garage from city property - 1021 Norwegian Avenue - Richard Ball.
(Memo with agenda. Resolution accepting offer needed)

ACTION: Res. 73-949 adopted accepting offer. (C/Mgr to handle)

CONSENT

14. Change in dog licensing.
(Memo with agenda. Motion indicating intention of revising code relating to animals)

ACTION: By motion, intention declared to amend the Municipal Code to provide for a fiscal year for licensing of dogs to begin on July 1. (C/Atty to handle)

CONSENT

15. Adoption of resolution acknowledging receipt of "Notice of Intention to Circulate Petition to Annex Territory Known as the Kansas Avenue Addition to the City of Modesto" and approving intention of proponents to circulate petitions.
(The notice was published November 8, 1973 and filed with the City Clerk November 9, 1973. Resolution needed)

ACTION: Res. 73-950 adopted acknowledging receipt of "Notice of Intention." (Clerk to handle)

CONSENT

16. Right of way agreement, Needham Street - Exxon Corporation. (Memo with agenda. Resolution accepting grant deed and authorizing execution of agreement needed. Estimated cost \$1,902.00. Funds budgeted in Account 6700-205. Funds budgeted in Account 6700-205, Needham/Hackberry to Nellie)

ACTION: Res. 73-951 adopted accepting deed and approving agreement. (Clerk to handle)

17. Consider modification of ordinance regulating garden refuse. (Memo with agenda. Motion directing staff needed)

ACTION: Res. 73-952 adopted (Kullijian/Mensing, unan. - Dunlap, absent) setting January 28, 1974 at 7:30 P.M. as time for hearing. (Clerk to handle)

CONSENT

18. Accept improvements in Elizabeth Court Terrace Subdivision and authorize the City Clerk to file notice of completion. (This subdivision is located at Elizabeth Drive and Rosalene Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-953 adopted accepting improvements. (Clerk to handle)

CONSENT

19. Request of City Clerk for vacation November 23, December 24 and December 31, 1973. (Motion approving needed)

ACTION: By motion, request granted.

CONSENT

20. Transfer of pound equipment and tools to new animal control shelter. (Memo with agenda. Motion approving transfer needed)

ACTION: By motion, transfer approved. (Police to handle)

CONSENT

21. Consider request for sewer service to property outside the City at 3766 McHenry Avenue. (Property owner Charles V. and Barbara J. Pittman. The property owners have signed an agreement which requires that the property be annexed when so requested by the City, and that street lighting and street trees be installed by the owners. A sewer lateral must be extended to serve the property. Resolution approving agreement needed)

ACTION: Res. 73-954 adopted approving agreement. (P/W to handle)

CONSENT

22. Lease agreement - dwelling in Dry Creek Park - Mr. and Mrs. Virgil Van Schoonhoven.
(Memo with agenda. Resolution authorizing execution of lease agreement needed)

ACTION: Res. 73-955 adopted approving lease agreement. (Clerk to handle)

CONSENT

23. Consider airport master plan.
(Memo with agenda. Motion referring to City-County Liaison Committee needed)

ACTION: By motion, referred to City-County Liaison Committee. (C/Mgr to handle)

CONSENT

24. Consider request for sewer service to property at 1520 E. Coolidge Avenue.
(Property owners Donald Wesley Nusser and Maxine DeLane Nusser, have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City; however, a line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 73-956 adopted approving agreement. (P/W to handle)

CONSENT

25. Approve new lease with Trust Funds, Inc. for operation of Parking Lot 12 and accept pledges to help operate the lot.
(The new lease provides that Trust Funds will pay all expenses for operating the lot, and Mr. Huber has pledged to contribute \$125 per month to help operate the lot. At least one other pledge is expected. Resolution approving lease agreement needed; resolution authorizing City Manager to accept Mr. Huber's pledge and any subsequent pledges that may be made for operation of Parking Lot 12 needed. Funds for operating the lot are already included in various operating accounts in the Parking Fund Budget)

ACTION: Res. 73-957 adopted approving lease agreement. (Clerk to handle)

Res. 73-958 adopted authorizing City Manager to accept pledges for operation of Parking Lot 12. (C/Mgr to handle)

26. Recommendation re claim for rent owned by the Community Action Commission be assigned for collection.
(Memo with agenda. Motion approving report and recommendation needed)

ACTION: (Councilman Simon was excused from consideration of this item due to a conflict of interest)
By motion (Kullijian/Elliott, unan.) report and recommendation that \$600 rent bill be referred to Price, Martin & Crabtree approved. (C/Atty to handle)

REPORTS

CONSENT

27. Report on Dial S.O.S. (formerly Drugs S.O.S.)
(Report with agenda. Resolution commending Dial S.O.S. volunteers needed)

ACTION: Res. 73-959 adopted commending Dial S.O.S. volunteers. (C/Mgr to handle)

APPROPRIATION TRANSFERS

CONSENT

28. Consider the transfer of \$375 from the General Reserve to Account 5452-48-512.
(Funds are needed for the replacement of a stolen earth auger. Memo with agenda. Resolution needed)

ACTION: Res. 73-960 adopted approving appropriation transfer of \$375 from Account 60-512 to Account 5452-48-512. (Finance to handle)

CONSENT

29. Consider appropriation of additional funds for the purchase of electrical test equipment.
(The cost of test equipment and spare parts for the maintenance of solid state traffic signal controllers is greater than anticipated. Memo with agenda. Resolution needed. Estimated cost \$970.00)

ACTION: Res. 73-961 adopted approving appropriation transfer of \$970 from Account 60-321 to Account 6431-41-321. (Finance to handle)

CONSENT

30. Consider resolution amending the City of Modesto budget for the fiscal year 1973-74 to estimate in the Neighborhood Youth Advisory Fund (Fund No. 221) additional funds through June 30, 1974.
Copies of the proposed resolution with agenda. Resolution needed)

ACTION: Res. 73-962 adopted amending budget for 1973-74 to estimate additional funds in Fund No. 221. (Finance to handle)

MISCELLANEOUS

31. Legislation.

NONE

32. Appointments.

NONE

33. Matters too late for the agenda.

NONE

Adjournment at 6:25 P.M. to executive session at the Holiday Inn for the purpose of discussing the applicants for the position of City Manager.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Regular Meeting
November 26, 1973

As there were no Councilmen present at 7:00 A.M. in the Crown Room of the Hotel Covell this day, the meeting was adjourned.

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 26, 1973 AT 7:30 P.M.

Roll call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Simon, Mayor Davies
Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend William Notehelfer, Modesto Covenant Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 6, 7, 8, 9,
Item 30 removed from consent 10, 14, 16, 19, 20, 21, 22, 23,
Dunlap/Newton, unan. 24, 25, 26, ~~30~~, 31

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless a council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of November 19, 1973. (Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Resignation of R. R. Phillips from Board of Appeals, Dangerous Building Code.
(Resolution accepting with regret needed)

ACTION: Res. 73-963 adopted accepting resignation with regret.
(Clerk to handle)

3. Request of Modesto Men's Golf Club for lowering golf cart rental rate to older and physically handicapped golfers.

ACTION: By motion (Simon/Kullijian, unan.) staff directed to work with Cushman to change present agreement in order to permit this for a one-year trial period. (P & R to handle)

CONSENT

4. Appeal to decision of Planning Commission granting a time extension for completion of Phase 2 of P-D (21).
(Resolution setting December 10, 1973 at 7:35 P.M. for hearing needed)

ACTION: Res. 73-964 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

5. Approval of plans, specifications and call for bids for Project No. 4, construction of curbs, driveways and sidewalks at various locations.
(Suggested bid opening December 18, 1973 at 10:00 A.M. This project is required to repair for proper drainage, curbs and sidewalks damaged by street trees and to install alley aprons in areas where property owners have installed sidewalks. Resolution needed. Estimated cost \$19,950 (Contract \$19,000; Engr. \$950). Funds budgeted in Accounts 5301-51-101, Curbs and Gutters; 6755-41-321, Const. curbs, gutters, sidewalks & alley approaches; 321-51-101, Construction Material)

ACTION: Res. 73-965 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Consider award of contract for replacement of curb and gutter and construction of sidewalks at Graceada Park.
(Bids were opened November 20, 1973. The low bid submitted by Steiner A-1 Concrete which is 3% over the Engineers Estimate is considered acceptable. It is recommended that the contract be awarded to them. Resolution needed. Estimated cost \$7,849.00. Funds budgeted in Account 6333-31-321, Graceada Park Sidewalk)

ACTION: Res. 73-966 adopted awarding contract to Steiner A-1 Concrete. (P/W to handle)

CONSENT

7. Consider award to low bidder, Mid-State Equipment Company, to furnish two, 4-wheel diesel tractors (John Deere)
(Memo and tabulation with agenda. Resolution needed. Estimated cost \$11,465.00. Funds budgeted in Accounts 5431-48-512, and 5447-48-512, Service Division Working Capital Fund, pp 142 and 143)

ACTION: Res. 73-967 adopted awarding contract to Mid-State Equipment Co. (Finance to handle)

CONSENT

8. Consider award of contract for construction of internal walkways in Kewin Park.
(Bids were opened November 20, 1973. The low bid submitted by Steiner A-1 Concrete was 23% over the estimate. Three bids were received which ranged from \$14,200 to \$18,340. A review of the project with the bidders indicates that the bid price properly reflects the cost of doing the work due to the problems of accessibility at the construction site. It is recommended that the contract be awarded to them. Resolution needed. Estimated cost \$14,200.00. Funds budgeted in Account 6321-324, Moose Park 2 & 3; 6336-324, Kewin Park Walks)

ACTION: Res. 73-968 adopted awarding contract to Steiner A-1 Concrete. (P/W to handle)

CONSENT

9. Consider award of contract for installation of waterlines in Applegate No. 5.
(Bids were opened November 20, 1973. The low bid submitted by Joe Martin, which is 21% under the Engineer's Estimate, is considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Joe Martin needed. Estimated cost \$3,238.00. Funds budgeted in Account 6804-50-101, Waterline Extension; 5301-50-101, New Services)

ACTION: Res. 73-969 adopted awarding contract to Joe Martin.
(P/W to handle)

CONSENT

10. Consider award of contract for replacement of street light circuit at Station No. 5.
(Bids were opened November 20, 1973. The low bid was submitted by Industrial Electrical Co. and is 40% below the Engineer's Estimate. The three bids ranged from \$8,970 to \$10,400 which indicated that the price received is competitive. A review of the bid showed that the estimated prices were based upon the manufacturer's list prices, while the contractor was able to obtain a substantial discount. It is therefore recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated cost \$8,790.00. Funds budgeted in Account 6636-41-321, Replace controls Station 5)

ACTION: Res. 73-970 adopted awarding contract to Industrial Electrical Co. (P/W to handle)

HEARINGS

11. Hearing on amendment to Section 8-3-9 of the zoning map to 7:30 P.M. rezone to R-2, H-1 and P-D for auto agency on west side of McHenry Avenue, north of Union Avenue extended (Clarke)

ACTION: Ord. No. 1301-C.S. introduced (Dunlap/Kullijian, unan.) - (R-2 and H-1)
Ord. No. 1302-C.S. introduced (Dunlap/Kullijian, unan.) - (P-D). (Clerk to handle)
Res. 73-971 adopted approving development plan P-PD(120) (without freestanding signs) (Planning to handle)

12. Hearing on amendment to Section 20-3-9 of the zoning map to 7:35 P.M. rezone from R-1 and R-3 to P-D for one-story office buildings and a 77-unit 1 and 2-story apartment complex and single family dwellings on south side of Roseburg and east side of Tully. (Quaresma)

ACTION: Ord. No. 1303-C.S. introduced (Simon/Kullijian, unan.) (Clerk to handle)
Res. 73-972 adopted (Simon/Kullijian, unan.) approving development plan (P-D(118)). (Planning to handle)

13. Matters for the good of the community. 7:40 P.M.
(These may be presented by interested persons in the audience)

ACTION: None.

ORDINANCES

CONSENT

14. Fee for dog licenses.
(Memo with agenda. Motion introducing ordinance needed)

ACTION: Ord. No. 1304-C.S. introduced providing for annual license fee for spayed or neutered dog to be \$2.00. (Clerk to handle)

NEW BUSINESS

15. Consider election of Acting Mayor while the Mayor, Vice Mayor and two council members are attending the conference in Puerto Rico.

(Resolution electing a council member as Mayor pro tempore needed)

ACTION: Res. 73-973 adopted (Elliott/Kullijian, unan.) electing Councilmember Dunlap as Mayor Pro Tempore and Councilmember Elliott as Mayor Pro Tempore (in the event Mayor Pro Tempore Dunlap is absent or unable to serve) for the period starting December 1 and continuing until either the Mayor or Vice Mayor are available. (Clerk to handle)

CONSENT

16. Letter from Salvation Army.
(The Salvation Army has requested permission to pick the oranges from trees located in city parks. They plan to use the oranges in their Christmas baskets. The Council approved this request last year. Motion granting request needed)

ACTION: By motion, request granted. (P & R to handle)

17. Determination by City Council as to whether there should be alternate bids for compact cars for miscellaneous use.
(Memo with agenda. Motion instructing staff needed)

ACTION: By motion (Kullijian/Dunlap, unan.) staff directed to seek alternate bids for compact cars. (Finance to handle)

18. Determination by City Council as to whether or not to include air conditioning in the call for bids for police vehicles.
(Memo with agenda. Motion instructing staff needed)

ACTION: By motion (Dunlap/Mensing, unan.) staff directed to seek bids including and excluding air conditioning. (Finance to handle)

CONSENT

19. Agricultural lease - Edward L. Earnhart - Mark Twain Park Site.
(Memo with agenda. Resolution approving agreement and authorizing City Manager to execute)

ACTION: Res. 73-974 adopted approving agreement. (Clerk to handle)

CONSENT

20. Lease agreements - Mr. and Mrs. Arnold Dickens - Dry Creek Regional Park.

(Memo with agenda. Two resolutions approving agreements needed)

ACTION: Res. 73-975 adopted approving agreement (Berryhill property).

Res. 73-976 adopted approving agreement (Riverside Park site).
(Clerk to handle)

CONSENT

21. Accept improvements in Coffee Plaza No. 7 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.

(Coffee Plaza No. 7 Subdivision is located north of Briggsmore Ave. and west of Rose Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-977 adopted accepting improvements. (Clerk to handle)

CONSENT

22. Accept improvements in Coffee Plaza No. 8 Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory periods.

(This subdivision is located north of Briggsmore Avenue and west of Rose Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-978 adopted accepting improvements. (Clerk to handle)

CONSENT

23. Consider two requests for sewer service to properties outside the City. The property owners have signed agreements to annex when requested to do so by the City. Sewer mains exist to serve the properties.

(a) 1705 Crows Landing Road - Heckendorf Properties, Inc.

ACTION: Res. 73-979 adopted approving agreement.

(b) 2400 Ada Street - Grady D. Jr., and Edeltrand J. Jenkins.
(Two resolutions approving agreements needed)

ACTION: Res. 73-980 adopted approving agreement. (P/W to handle)

CONSENT

24. Consider request to construct a wall in the public right of way. (Cleveland Stockton, owner of property at 818 Encina, has requested permission to construct a six foot high masonry wall in the street right of way on the Encina Avenue and Las Palmas Ave. frontages of his property. Resolution setting December 10, 1973 at 7:40 P.M. for hearing needed)

ACTION: Res. 73-981 adopted setting hearing. (Clerk to handle)

CONSENT

25. Consider change in fidelity bond coverage.
(Memo with agenda. Resolution approving change in coverage needed)

ACTION: Res. 73-982 adopted approving faithful performance blanket bond in lieu of honesty blanket bond and approving payment of \$2,099 premium. (Finance to handle)

REPORTS

CONSENT

26. Report on Senior Opportunity Service Program's request to lease the old Firehouse on Downey Avenue.
(Report with agenda. Motion approving report needed)

ACTION: By motion, report approved. (C/Mgr to handle)

27. Report on alleys.
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Newton/Simon, unan.) staff directed to proceed with alley improvement program but to report to Council on cost factors.
(P/W to handle)

28. Report on use permits.
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Kullijian/Dunlap, unan.) staff directed to include a condition in use permits to require recordation of reference to the permit. (Planning to handle)

REPORTS FROM THE PLANNING COMMISSION

29. City initiations of closures of streets intersecting Briggsmore Avenue.
(Memo attached. Motion directing staff as to whether to proceed and in what manner, and whether to enter into a time and materials contract with Ribera and Sue)

ACTION: By motion (Dunlap/Mensing, unan.) informal agreement with Ribera and Sue approved whereby they will prepare three alternatives for closures at a cost of \$100 each; alternatives to be presented to Council for further consideration. (C/Mgr to handle)

~~CONSENT~~

30. County referral of open space contract Application No. 74-1617, V. H. McReynolds, end of Mable Avenue and McReynolds Avenue.
(Memo with agenda. Resolution expressing recommendation of opposition to the County Board of Supervisors needed)

ACTION: Res. 73-983 adopted (Simon/Elliott, unan.) expressing recommendation of opposition to Board of Supervisors. (Planning to handle)

APPROPRIATION TRANSFER

CONSENT

31. Consider approval of appropriation transfer of \$20,000 from General Reserve to Water, New Services account.
(The money in this account has been used to install services in the new subdivisions, and additional money is now needed to cover the subdivisions which are presently being developed. Resolution needed. Estimated cost \$20,000.00)

ACTION: Res. 73-984 adopted approving appropriation transfer of \$20,000 from Account 60-101 to Account 5301-50-101. (Finance to handle)

MISCELLANEOUS

32. Legislation.

None

33. Appointments.

ACTION: Mayor Davies requested suggestions for persons to serve on the Board of Appeals, Dangerous Buildings and Housing Code.

34. Matters too late for the agenda.

ACTION: The proposed new EPA rules on air pollution by motor vehicles were discussed.

Res. 73-985 adopted (Simon/Dunlap, unan.) authorizing City Attorney to take any necessary legal steps concerning those rules which would affect Modesto; authorization subject to approval of said legal steps by those members of the Council remaining in Modesto. (C/Atty to handle)

Councilman Simon reported that Palm Springs had taken over the Cable TV in that City. The City Attorney was requested to obtain more information on this.

A staff report was requested on the issuance of permits for persons who solicit on city streets for the sale of flowers, etc. for supposedly worthy causes. (Finance to handle)

Adjournment at 10:15 P.M. to 7:00 A.M. on November 27, 1972 to an Executive Session at the Hotel Covell for the purpose of interviewing applicants for the position of City Manager.

ATTEST:


W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Regular Meeting
November 27, 1973

The Council met at 7:00 A.M. in the Crown Room of the Hotel Covell pursuant to adjournment and there were:

PRESENT: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Simon, Mayor Davies

ABSENT: Councilmen: Newton

An interview was held with one of the applicants for the position of City Manager.

At 9:00 A.M. the meeting was adjourned to 12:00 noon on November 27, 1973 at the Sundial Restaurant for the purpose of interviewing another applicant.

ATTEST:

W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Regular Meeting
November 27, 1973

The Council met at 12:00 noon at the Sundial Restaurant pursuant to adjournment and there were:

PRESENT: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Simon, Mayor Davies

ABSENT: Councilmen: Newton

An interview was held with one of the applicants for the position of City Manager.

At 1:45 P.M. the meeting was adjourned to 7:00 A.M. on November 28, 1973 in the Crown Room of the Hotel Covell for the purpose of interviewing another applicant.

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Regular Meeting
November 28, 1973

The Council met at 7:00 A.M. in the Crown Room of the Hotel Covell pursuant to adjournment and there were:

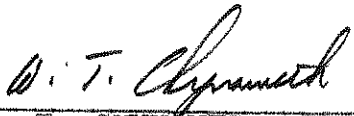
PRESENT: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Simon, Mayor Davies

ABSENT: Councilmen: Newton

An interview was held with one of the applicants for the position of City Manager.

At 8:45 A.M. the meeting was adjourned to 12:00 noon on November 28, 1973 in the Crown Room of the Hotel Covell for the purpose of interviewing another applicant.

ATTEST:


W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Regular Meeting
November 28, 1973

The Council met at 12:00 noon in the Crown Room of the Hotel Covell pursuant to adjournment and there were:

PRESENT: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Simon, Mayor Davies

ABSENT: Councilmen: Newton

An interview was held with one of the applicants for the position of City Manager.

At 1:45 P.M. the meeting was adjourned to 7:00 A.M. on November 29, 1973 in the Crown Room of the Hotel Covell for the purpose of interviewing another applicant.

ATTEST:


W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Regular Meeting
November 29, 1973

The Council met at 7:00 A.M. in the Crown Room of the Hotel Covell pursuant to adjournment and there were:

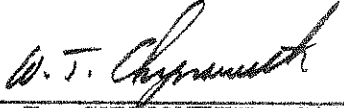
PRESENT: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Simon, Mayor Davies

ABSENT: Councilmen: Newton

An interview was held with one of the applicants for the position of City Manager.

At 9:00 A.M. the meeting was adjourned to 12:00 noon on November 29, 1973 in the Crown Room of the Hotel Covell for the purpose of interviewing another applicant.

ATTEST:


W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Regular Meeting
November 29, 1973

The Council met at 12:00 noon in the Crown Room of the Hotel Covell pursuant to adjournment and there were:

PRESENT: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Simon, Mayor Davies

ABSENT: Councilmen: Newton

An interview was held with one of the applicants for the position of City Manager.

At 2:00 P.M. the meeting was adjourned to 4:00 P.M. on November 29, 1973 in the Council Chambers.

ATTEST:



W. T. CHYNOWETH, City Clerk

Modesto City Council
Adjourned Regular Meeting
November 29, 1973

The Council met at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, pursuant to adjournment and there were:

PRESENT: Councilmen: Dunlap, Elliott, Kullijian, Simon,
Mayor Davies

ABSENT: Councilmen: Mensinger, Newton

Res. 73-986 adopted (Elliott/Dunlap, unan. - Mensinger and Newton, absent) appointing Garth Lipsky, Assistant City Manager of Fremont, as City Manager of the City of Modesto, effective January 1, 1974, at a salary of \$31,500 per year including reasonable moving expenses to the City of Modesto.

Adjournment at 4:10 P.M.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

Modesto City Council
December 3, 1973

As there were no members of the Modesto City Council present at 4:00 P.M., the meeting was adjourned.

ATTEST:

W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 10, 1973 AT 7:30 P.M.

Roll call Present: Dunlap, Elliott, Mensinger, Mayor Davies
Absent: Kullijian, Newton, Simon

Pledge of allegiance to the Flag
Invocation by Reverend Harold Knowles, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, ~~6~~, 7, 8, 9, ~~XII~~,
Items 6, 10 and 24 dropped from agenda 11, 17, 18, 19, ~~XII~~, 21, 22, 23, ~~XX~~,
Items 20 and 44 removed from consent 26, 27, 28, 29, 30, 32, 33, 34, 37,
Dunlap/Mensinger, unan. - Kullijian, 38, 39, 40, 41, 42, 43, ~~XX~~, 45, 46,
Newton and Simon, absent 47

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of November 26, 27, 28, 29, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

2. Request for abandonment of Public Utility Easement in Somerset Park No. 1 Subdivision.
(Resolution referring to Planning Commission needed)

ACTION: Res. 1274-S.P. adopted referring request to Planning Commission.
(Planning to handle)

CONSENT

3. Request of Stanislaus County for abandonment of alley between G & H in Block 82.
(Resolution referring to Planning Commission needed)

ACTION: Res. 1275-S.P. adopted referring/^{request}to Planning Commission.
(Planning to handle)

4. Recommendation of League of Women Voters of Modesto concerning transportation in Modesto and Stanislaus County.

ACTION: By motion (Dunlap/Mensinger, unan.) recommendation referred to staff to be studied in connection with transportation study. (P & T to handle)

CONSENT

5. Appeal by Warner M. Soelling to Planning Commission denial of rezoning property at southwest corner of Briggsmore and Oakdale Road.
(Resolution setting January 7, 1974 at 4:20 P.M. for hearing needed)

ACTION: Res. 73-987 adopted setting hearing. (Clerk to handle)

BIDS

~~CONSENT~~

6. Consider acceptance of construction of Pump Station No. 39.
(Work has been completed to the satisfaction of the Public Works Department and it would be in order to accept the work as complete and file the notice of completion. Resolution accepting work as complete needed. Final cost \$47,474.62; funds budgeted in Accounts 6816-50-101, New Well 4th H.S. Park, and 6804-50-101, Water Line Extensions)

DROPPED FROM AGENDA

CONSENT

7. Consider award of contract for construction of fence at Dell Webb Field.
(Bids were opened December 4, 1973. The low bid submitted by Matteson Construction Co., which is 1/2 per cent below the Engineer's Estimate, is considered acceptable. It is recommended that the contract be awarded to them. Resolution needed. Estimated cost \$5,973. Funds budgeted in Account 6400-31-321, Del Webb Fence)

ACTION: Res. 73-988 adopted awarding contract to Matteson Construction Co. (P/W to handle)

CONSENT

8. Consider acceptance of Rutan Construction Co.'s contract for installation of waterlines in Lincoln Manor #1, Erin Estates #2, Dragoo Park #2, and Eastridge #2.
(Original contract \$18,798.75. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file notice of completion. Resolution accepting work as complete needed. Final cost \$19,319.97; funds budgeted in Account 6804-50-101, Waterline Extension, and 5301-50-101, New Services)

ACTION: Res. 73-989 adopted accepting contract. (Clerk to handle)

CONSENT

9. Consider acceptance of Joe Martin's contract for installation of waterlines in Springcreek No. 1.
(Original contract \$10,459.50. All work on this project has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file the notice of completion. Resolution accepting work as complete needed. Final cost Contract, \$6,653.75; funds budgeted in Accounts 6804-50-101, Waterline Extensions and 5301-50-101, New Services)

ACTION: Res. 73-990 adopted accepting contract. (Clerk to handle)

~~CONSENT~~

10. Consider acceptance of Stanislaus Pump and Supply Co.'s contract for construction of Pump Station #39.
(Original contract \$47,739.00. All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file notice of completion. Memo with agenda. Resolution needed. Actual cost \$47,474.62. Funds budgeted in Account 6816-50-101, Pump Station 4th H.S. and 6804-50-101, Waterline Extensions)

ACTION: Action delayed for one week at the request of Stanislaus Pump and Supply Co. (Clerk to handle)

CONSENT

11. Consider approval of plans, specifications and call for bids for installation of waterlines in I Street and Block 131.
(Suggested bid opening date December 27, 1973 at 10:00 A.M.
Total costs and revenues: Total cost, \$10,256.43. Charges, \$6,290; Net revenue, \$1,692. Resolution needed. Estimated cost \$10,256.43 (\$5,031, labor; \$5,225.43, Matl. Funds budgeted in Account 6804-50-101, Waterline Extensions)

ACTION: Res. 73-991 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

12. Hearing on appeal by Michael Masellis to Board of Zoning 7:30 P.M.
denial of conditional use permit for cocktail lounge in H-1 Zone on west side of Coffee, south of Floyd.

ACTION: After the public portion of the hearing had been closed, it was reopened and, by motion, (Dunlap/Mensing, unan.) continued to December 17, 1973 at 4:10 P.M. (Clerk to handle)

13. Hearing on appeal to Planning Commission approval of 7:35 P.M.
plot plan for P-D(21), neighborhood shopping center on east side of Tully, south of Standiford.

ACTION: After the public portion of the hearing was closed, the six items that had been agreed upon by the developer and the appellants were, by motion (Elliott/Dunlap, unan.) approved with the addition of allowing longer hours of operation subject to BZA approval and requiring some type of barricade to prohibit truck access to the unpaved areas.

Res. 73-992 adopted (Elliott/Dunlap, unan. - Kullijian, Newton, and Simon, absent) approving plot plan as amended. (Planning to handle)

14. Hearing, appeal by Mark MacLaren of the Planning Com- 7:35 P.M.
mission decision granting a time extension for completion of Phase 2 of P-D(21), Stone Brothers, on a parcel located on the southwest corner of Standiford Ave. and Tully Road, and a parcel located south of Standiford Avenue, westerly of Chancellor Ave.

ACTION: Councilman Dunlap was excused from consideration of this item due to a conflict of interest.
By Order of the Chair, hearing continued to December 17, 1973 at 4:15 P.M. (Clerk to handle)

15. Hearing, request of Cleveland Stockton for permission to 7:40 P.M.
construct a six-foot masonry fence in right of way on Encina and Las Palmas.

ACTION: Councilmember Mensinger was excused from consideration of this item due to a conflict of interest.
By Order of the Chair, hearing continued to December 17, 1973 at 4:10 P.M. (Clerk to handle)

16. Matters for the good of the community. 7:45 P.M.
(These may be presented by interested persons in the audience)

ACTION: Troop 13, Boy Scouts of America, Wayne Mitchell, Scoutmaster, and the assistant leaders were introduced.

ORDINANCES

CONSENT

17. Final adoption of the following ordinances.

- (a) Ord. No. 1301-C.S. - amendment to Section 8-3-9 of the zoning map (Clarke).

ACTION: By motion, Ord. No. 1301-C.S. adopted.

- (b) Ord. No. 1302-C.S. - amendment to Section 8-3-9 of the zoning map (Clarke).

ACTION: By motion, Ord. No. 1302-C.S. adopted.

- (c) Ord. No. 1303-C.S. - amendment to Section 20-3-9 of the zoning map (Quaresma)

ACTION: By motion, Ord. No. 1303-C.S. adopted.

- (d) Ord. No. 1304-C.S. - dog licenses.
(Four motions adopting needed)

ACTION: By motion, Ord. No. 1304-C.S. adopted. (Clerk to handle)

CONSENT

18. Consider three-hour time limit in basement level of city hall garage. (Memo with agenda. Police have requested this zone to help remove all-day parkers.

(Ordinance amending Section 3-2.1501 of the municipal code; ordinance amending Section 3-2.1504 of the municipal code; and a resolution rescinding Resolution 73-235 and establishing parking lots and providing control therefor. Estimated cost \$100. Funds budgeted in Account 5301-57-209, Present Lot Development)

ACTION: Ord. No. 1305-C.S. introduced amending Section 3-2.1501 of Code. Ord. No. 1306-C.S. introduced amending Section 3-2.1504 of Code. (Clerk to handle)
Res. 73-992-A adopted establishing parking lots and rescinding Resolution No. 73-235. (P & T to handle)

CONSENT

19. Consider adding Section 9-8.04.1 to Chapter 8 of Title IX of the municipal code relating to Dangerous Buildings Code and adding Section 9-9.04 to Chapter 9 of Title IX of the municipal code relating to the Housing Code. Memo with agenda.
(Introduction of two ordinances needed)

ACTION: Ord. No. 1307-C.S. introduced adding Section 9-8.04.1 to Code. Ord. No. 1308-C.S. introduced adding Section 9-9.04 to Code. (Clerk to handle)

NEW BUSINESS

~~CONSENT~~

20. Purchase of fourth and final parcel for sanitary landfill. (Memo with agenda. Resolution authorizing purchase of Parcel D (Goodman Property). Estimated cost \$27,674.30)

HELD OVER TO DECEMBER 11, 1973.

CONSENT

21. Building Inspection work load.
(Memo with agenda. Motion authorizing temporary Building Inspector for four months period.

ACTION: By motion, employment of temporary building inspector for four months period authorized. (P/W to handle)

CONSENT

22. Consider renting a Storer bus, if necessary.
(Memo with agenda. Bus would only be rented from Storer if two city buses are, or are likely to be, simultaneously out of operation. Motion approving recommendation needed. Estimated cost \$500)

ACTION: By motion, recommendation approved. (P & T to handle)

CONSENT

23. Resolution withdrawing the Sunrise-Briggsmore Addition from the McHenry-Dry Creek Fire District.
(This addition was annexed to the City of Modesto effective November 26, 1973. Resolution withdrawing from fire district needed)

ACTION: Res. 73-993 adopted withdrawing the Sunrise-Briggsmore Addition from the McHenry-Dry Creek Fire Protection District. (Clerk to handle)

~~CONSENT~~

24. Resolution determining that the public interest and convenience require that Sunrise-Briggsmore Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.
(The subject area has been annexed to the City of Modesto and it is now necessary to annex it to the Modesto Municipal Sewer District #1. Suggested hearing date January 28, 1974 at 7:35 P.M. Resolution setting hearing (2/3 affirmative vote) needed).

DROPPED FROM AGENDA

25. Consider reducing change on buses and providing 10% discount on bus rider passes.
(Memo with agenda recommending 10% discount on the price of adult and student passes and encouraging passengers to have exact fares. Motion approving recommendations needed)

HELD OVER TO DECEMBER 11, 1973.

CONSENT

26. Notice that Trailways is requesting P.U.C. approval to raise charges for snacks on buses by 10%.
(Notice with agenda. No action required)

NO ACTION

CONSENT

27. Request by Campbell Construction for use of part of the Lincoln School site during construction of the Ralston Tower.
(Campbell Construction wants to use part of the Lincoln School site for assembly of equipment and as a staging area for building components. Report with agenda. Motion indicating tentative approval and authorizing an agreement to be drawn needed)

ACTION: By motion, tentative approval given to request and staff directed to prepare agreement for this purpose. (P/W to handle)

CONSENT

28. Request for mid-block crosswalk across Coffee Road between Briggsmore and Spanos Court.
(Bus riders to Memorial Hospital have asked for a crosswalk on Coffee Road between Briggsmore and Spanos Court. Estimated cost, \$15 for paint and labor. Funds budgeted in Accounts 321-56-101, Construction Materials, and 110-56-101, Salaries and Wages) (Resolution needed)

ACTION: Res. 73-994 adopted approving mid-block crosswalk. (P & T to handle)

CONSENT

29. County referral of open space contract application No. 74-1618, Nicholas Martino, east side of Claus between Gomes Road and Garst Road.
(Memo with agenda. Resolution expressing recommendation of opposition to the County Board of Supervisors)

ACTION: Res. 73-995 adopted expressing recommendation of opposition. (Clerk to handle)

CONSENT

30. Report of Superintendent of Streets on the cost of installation of curbs and gutters and/or sidewalks at the locations listed below. (Resolution setting 4:00 P.M., January 7, 1974 for hearing needed. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curbs and gutters, special)

- (a) Sidewalk at 1148 E. Morris Avenue, Lot 4 of Block 1006. (Vernon L. Foster 0 \$240.00)
- (b) Sidewalk along Kearney Avenue at 1429 Del Vista Avenue, Lot 9 of Block 918. (Iva Mae Gause - \$301.00)
- (c) Sidewalk along Rouse Avenue at 1511 Rouse Avenue, Lot 1 of Block 2088. (Robert J. Gray - \$241.00)
- (d) Sidewalk along Standiford Avenue at 3413 West Point Drive, Parcel G of Block 13017. (Glenn H. Kreger - \$547.00)
- (e) Sidewalk at 715 Sycamore Avenue, North 105.5' - Lot 39 of Block 711. (Elaine K. McIlree - \$703.75)
- (f) Curb and sidewalk along Haddon Avenue and sidewalk along Rosina Avenue at 301 Rosina Avenue, Lot 13 of Block 2131. (Roberta J. Moore - \$1,160.00)
- (g) Sidewalk along Miller Avenue at 1705 Miller Avenue, Lot 7 of Block 2132-A. (Rose R. Smith - \$390.80)
- (h) Sidewalk at 905 W. Roseburg Avenue, Lot 9 of Block 6006. (Francis Stenson - \$232.60)

ACTION: Res. 73-996 adopted setting hearing. (P/W to handle)

31. Discussion of EPA Transportation Control Plans.
(League of California Cities bulletin with agenda)

HELD OVER TO DECEMBER 11, 1973.

CONSENT

32. Consider recommendation of Deferred Compensation Committee to broaden the investment program of Deferred Compensation funds. (Memo with agenda. Two resolutions needed)

ACTION: Res. 73-997 adopted authorizing investment of Deferred Compensation funds in the same type of investments as other city monies. Res. 73-997-A adopted approving form of agreement with employees to permit investment of funds in the combination of Savings & Loan Association and City investments. (Deferred Compensation Comm. to handle)

CONSENT

33. Approve final map of Havenbrook Park No. 1 Subdivision of the City of Modesto and authorize an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (The subdivision agreement has been signed and all fees paid. Havenbrook Park No. 1 Subdivision is located on the north side of East Orangeburg Avenue east of Sonoma Avenue. It contains 8.28 acres. Resolution approving final map and authorizing execution of agreement needed)

ACTION: Res. 73-998 adopted approving final map. (Clerk to handle)

CONSENT

34. Accept improvements in Bonnie Lee Estates Subdivision and authorize City Clerk to file notice of completion and release bonds upon expiration of statutory period, and accept one bond for remaining improvements. (Bonnie Lee Estates subdivision is located east of Oakdale Road and north of Surrey Ave. All improvements have been completed to the satisfaction of the Public Works Department, or bonded for satisfactory completion, and all fees have been paid. Memo with agenda. Resolution accepting improvements and resolution approving letter agreement to cover possible pavement failures needed)

ACTION: Res. 73-999 adopted accepting improvements. Res. 73-1000 adopted approving letter agreement to cover possible pavement failures. (Clerk to handle)

REPORTS

35. Report on study of parking recreational vehicles. (Report with agenda. Motion accepting report needed)

HELD OVER TO DECEMBER 11, 1973.

36. Report on charges by M.I.D. for utility tax collection. (Copies of a letter from the M.I.D. and reports from the city staff with agenda. Motion approving report needed)

HELD OVER TO DECEMBER 11, 1973.

CONSENT

37. Presentation of financial statement for November 1973. (Copies of the report will be distributed at meeting. Motion accepting report needed)

ACTION: By motion, report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

38. Planning Commission Resolution No. 73-148 adopted November 20, 1973 recommends an amendment to Section 4-3-9 and 9-3-9 of the zoning map to repeal P-P-D(75) because of expiration of the approved development schedule, property located on the west side of Coffee Road both north and south of Mable Avenues. (Lance Ellis - Mobile Home Park) Resolution setting January 7, 1974 at 4:00 P.M. for public hearing needed)

ACTION: Res. 73-1001 adopted setting hearing. (Clerk to handle)

CONSENT

39. Planning Commission Resolution No. 73-146 adopted November 20, 1973 recommends an amendment to Section 6-4-9 of the zoning map to repeal Planned Development Prezone P-P-D(94) because of expiration of the approved development schedule, property located on the south side of Paradise Road opposite Mayette Avenue. (The Brittany - Paradise Road) Resolution setting January 7, 1974 at 4:05 P.M. for public hearing needed)

ACTION: Res. 73-1002 adopted setting hearing. (Clerk to handle)

CONSENT

40. Planning Commission Resolution No. 73-147 adopted November 20, 1973 recommends an amendment to Section 32-3-9 of the zoning map to repeal and rezone P-D(100) to R-3 because of expiration of the approved development schedule, property located between Calaveras Avenue and the U.S. 99 freeway north of Tuolumne Boulevard. (O.B. Phillips). Resolution setting January 7, 1974 at 4:10 P.M. for public hearing needed)

ACTION: Res. 73-1003 adopted setting hearing. (Clerk to handle)

CONSENT

41. Planning Commission Resolution No. 73-144 adopted November 20, 1973 recommends an amendment to Sections 9-3-9 and 10-3-9 of the zoning map of the City of Modesto to repeal and rezone from Planned Development Zones, P-D's (48), (49), (50), (52), (54), (55), (56), (57), and (58) to R-1, property located on the north side of Sylvan Avenue and on both sides of Coffee Road. (Haig Berberian). Resolution setting January 7, 1974 at 4:15 P.M. for public hearing needed)

ACTION: Res. 73-1004 adopted setting hearing. (Clerk to handle)

CONSENT

42. On November 8, 1973 at a joint City/County Planning Commission meeting, the City Planning Commission adopted Resolution No. 73-139 recommending to the City Council the adoption of a specific plan for Veneman Avenue. (Resolution setting January 14, 1974 at 7:35 P.M. for public hearing needed)

ACTION: Res. 73-1005 adopted setting hearing. (Clerk to handle)

CONSENT

43. Recommend closure of Oxford Way at Sunrise Avenue. (On November 20, 1973 by Resolution No. 73-143, the Planning Commission recommended to the City Council the closure of Oxford Way at Sunrise Avenue, as outlined in the above mentioned resolution. Resolution of Intention to close Oxford Way and setting a public hearing for January 28, 1974 at 7:40 P.M. needed)

ACTION: Res. of Intention No. 343 (1276 S.P.) adopted setting hearing. (Clerk to handle)

CONSENT

44. Recommend that Morton Boulevard not be extended as a collector or major street to Tuolumne Boulevard.
(On December 4, 1973, By Resolution No. 73-153, the Planning Commission recommended to the Council that Morton Boulevard not be extended as a collector or major street to Tuolumne Boulevard, and that said major street link be deleted in the proposed 1973 amendments to the Land Use and Circulation Elements of the Modesto Urban Area General Plan. Motion approving Planning Commission recommendation needed)

HELD OVER TO DECEMBER 11, 1973.

CONSENT

45. Tentative subdivision map, Orangeburg Acres Subdivision.
(On December 4, 1973, the Planning Commission approved the tentative map of the above subdivision and found that said subdivision, together with its design and improvements, is consistent with applicable general and specific plans of the City. The City Council is required to make the same findings. An environmental assessment of the subdivision has been made and negative declaration has been filed. Resolution making findings needed)

ACTION: Res. 73-1006 adopted making findings. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

46. Consider appropriation transfer in the amount of \$20,000 for the modification of the Woodland Avenue sewage lift station.
(Memo dated December 3, 1973 with agenda. Resolution approving transfer and motion authorizing preparation of plans and specifications needed)

ACTION: Res. 73-1007 adopted authorizing appropriation transfer of \$20,000 from Account 60-212 to Account 6598-212. (Finance to handle)

By motion, staff authorized to prepare plans and specifications.
(P/W to handle)

CONSENT

47. Appropriation transfer transferring budgeted funds from police salaries to the General Reserve.
(The Neighborhood Youth Advisory grant was recently approved for an additional period - December 1, 1973 through June 30, 1974. The salaries for four officers included in the current General Fund budget will now be paid under the new grant and \$24,000 can be transferred to the General Reserve. Resolution approving transfer needed)

ACTION: Res. 73-1008 adopted approving appropriation transfer of \$24,000 from Account 110-22-101 to Account 60-101. (Finance to handle)

48. Legislative matters.
(a) Consideration of AB 882 (Knox). (b) Others.

HELD OVER TO DECEMBER 11, 1973.

49. Appointments.


HELD OVER TO DECEMBER 11, 1973.

50. Matters too late for the agenda.

HELD OVER TO DECEMBER 11, 1973.

Adjournment at 10:30 P.M. to 4:00 P.M. on December 11, 1973.

ATTEST:


W. T. CHYNOWETH, City Clerk

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12/10/73

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR ADJOURNED COUNCIL MEETING OF TUESDAY, DECEMBER 11, 1973
AT 4:00 P.M.

Roll call Present: Dunlap, Elliott, Mensinger, Simon, Mayor Davies
Absent: Kullijian, Newton

The following items from December 10, 1973 were considered:

NEW BUSINESS

~~XXXXXXXX~~

20. Purchase of fourth and final parcel for sanitary landfill.
(Memo with agenda. Resolution authorizing purchase of Parcel D
(Goodman Property). Estimated cost \$27,674.30)

ACTION: Res. 73-1009 adopted (Elliott/Dunlap, unan. - Kullijian and
Newton, absent) authorizing purchase. (C/Mgr to handle)

Staff directed to study possibility of recycling of waste
paper. (P/W to handle)

25. Consider reducing change on buses and providing 10% discount on bus
rider passes.
(Memo with agenda recommending 10% discount on the price of adult and
student passes and encouraging passengers to have exact fares. Motion
approving recommendations needed)

ACTION: By motion (Simon/Elliott, unan.) recommendations approved.
(P & T to handle)

31. Discussion of EPA Transportation Control Plans.
(League of California Cities bulletin with agenda)

ACTION: By motion (Dunlap/Simon, unan.) City Attorney authorized to attend
a meeting concerning this subject which will be held in Los Angeles
on December 13 and to make a report to the Council. (C/Atty to
handle)

REPORTS

35. Report on study of parking recreational vehicles.
(Report with agenda. Motion accepting report needed)

ACTION: Harold Crocker, representing a travel trailer organization, re-
quested that a citizens' committee be appointed to study this
matter. The City Manager stated that he would be happy to meet
with recreational vehicle owners at any time. By motion (Dunlap/
Elliott, unan.) recommendation that no action be taken at this
time accepted.

36. Report on charges by M.I.D. for utility tax collection.
(Copies of a letter from the M.I.D. and reports from the city staff
with agenda. Motion approving report needed)

ACTION: By motion (Elliott/Dunlap, unan.) City Attorney authorized to
start action in Superior Court to determine charges for collection
of Utility Users' Tax. (C/Atty to handle)

COMMENT

44. Recommend that Morton Boulevard not be extended as a collector or major street to Tuolumne Boulevard.
(On December 4, 1973, by Resolution No. 73-153, the Planning Commission recommended to the Council that Morton Boulevard not be extended as a collector or major street to Tuolumne Boulevard, and that said major street link be deleted in the proposed 1973 amendments to the Land Use and Circulation Elements of the Modesto Urban Area General Plan. Motion approving Planning Commission recommendation needed)

ACTION: Councilman Dunlap was excused from consideration of this item due to a conflict of interest.
By motion (Elliott/Mensing, unan.) recommendation approved.
(Planning to handle)

48. Legislative matters.

(a) Consideration of AB 882 (Knox).

ACTION: By motion (Simon/Dunlap, unan.) AB 882 opposed. (C/Mgr to handle)

(b) Others.

NONE

49. Appointments.

NONE

50. Matters too late for the agenda.

NONE

Adjournment at 4:55 P.M.

ATTEST:


W. T. CHYNOWETH, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 17, 1973 AT 4:00 P.M.

Roll Call Present: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon,
Mayor Davies
Absent: None

Pledge of allegiance to the Flag
Invocation by Reverend Donald Weston, St. John's Chapel of the Valley

CONSENT ITEMS - ROLL CALL VOTE REQUIRED Items 2, 3, 4, 5, 6, 7, 8, 9,
Dunlap/Elliott, unan, 10, 11, 12, 16, 19, 20, 21,
22, 23, 24, 25, 26, 27, 31

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

PRESENTATION

1. Presentation of Hunter Safety Award to Parks & Recreation Department.

ACTION: Captain H. A. Carling, Hunter Safety Coordinator, California Department of Fish & Game, Region 4, presented an award to Mayor Davies and Miss Grogan.

APPROVAL OF MINUTES

CONSENT

2. Minutes of December 10 and 11, 1973.

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

CONSENT

3. Appeal by MACL Development to an administrative decision regarding landscaping.
(Resolution setting December 26, 1973 at 4:00 P.M. for hearing needed)

ACTION: Res. 73-1010 adopted setting hearing. (Clerk to handle)

CONSENT

4. Appeal by Cleveland Stockton to Board of Zoning Adjustment denial of variance for a six-foot fence at 818 Encina.
(Resolution setting January 7, 1974 at 4:25 P.M. for hearing needed)

ACTION: Res. 73-1011 adopted setting hearing. (Clerk to handle)

CONSENT

5. Request of Downtown Improvement District for approval of Commuter bus pass program and for appropriation transfer of \$5,500 from General Reserve of DID funds.
(Motion granting request and resolution approving appropriation transfer needed)

ACTION: By motion, request granted. (P & T to handle)

Res. 73-1012 adopted approving appropriation transfer of \$5,500 from Account 60-218 to Account 237-218. (Finance to handle)

CONSENT

6. Resignation of Earle Egolf as Director of Downtown Improvement District.
(Resolution accepting with regret needed)

ACTION: Res. 73-1013 adopted accepting resignation with regret. (Clerk to handle)

BIDS

CONSENT

7. Consider acceptance of Stanislaus Pump and Supply Co.'s contract for construction of Pump Station #39.
(Original contract \$47,739). All work on this contract has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as complete and file a notice of completion. Memo with agenda. Resolution needed. Actual cost \$47,474.62. Funds budgeted in Account 6816-50-101, Pump Station 4th H.S. park site and 6804-50-101, Waterline Extensions) (Contractor has requested that this item be held over to December 26. Motion needed)

ACTION: By motion, continued to December 26, 1973.

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened January 15, 1974 at 2:00 P.M. for furnishing automotive equipment.
(21 patrol cars, 4 sedans, 4 pickups or chassis and 9 large trucks or chassis. Resolution needed. Estimated cost \$180,000. pp 142 & 143, Acct. Nos. 5416 thru 5422, 5424 thru 5427, 5443, 45 and 53-48-512)

ACTION: Res. 73-1014 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

9. Consider approval of specifications and authorize call for bids to be opened January 8, 1974 at 2:45 P.M.
(For furnishing annual requirements of pipe for water works beginning February 1, 1974. Resolution needed. Estimated cost \$173,500. Funds budgeted in Account 438-512, Revolving Fund not shown in budget)

ACTION: Res. 73-1015 adopted approving specifications and bid call.
(Clerk to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for installation of waterlines in Martin Ave., Clayton Ave., Blue Gum, and Carpenter Road, and authorize City Manager to sign agreement with Southern Pacific for the crossing under the railroad tracks.
(Suggested bid opening date January 8, 1974 at 10:00 A.M. This water line is needed to strengthen the waterline system in this area and provide water service to the Junior College West. Resolution approving plans, specifications and bid call and resolution authorizing City Manager to sign agreement with Southern Pacific needed. Estimated cost \$72,815.76 (Matl. \$31,500.76; labor, \$41,315. Funds budgeted in Accounts 6804-50-101, Waterline Extension, and 6828-50-101, Waterline Strengthening)

ACTION: Res. 73-1016 adopted approving plans and specifications and bid call. (Clerk to handle)

Res. 73-1016-A adopted approving agreement with Southern Pacific Co. (Clerk to handle)

CONSENT

11. Consider award of contract for installation of waterlines in McHenry Avenue between Needham and Morris.
(Bids were opened December 11, 1973. The low bid submitted by R. M. Haugen & Sons is 47% over the Engineer's Estimate. A review of the bid with the bidders indicated that estimate did not properly reflect the cost for excavating, backfilling, and paving as established by the construction permit issued by the State Division of Highways. The bids varied from \$23,835 to \$51,147; however, the two low bids varied by only 1%. It is recommended that the contract be awarded to R. M. Haugen and Sons. Estimated cost \$23,835. Funds budgeted in Account 6828-50-101, Strengthen System)

ACTION: Res. 73-1017 adopted awarding contract to R. M. Haugen & Sons.
(P/W to handle)

CONSENT

12. Consider award to low bidder, Ricker Machinery Co., to furnish two 4-wheel, twin diesel engined street sweepers.
(Memo with agenda. Resolution needed. Estimated cost \$52,534. Funds budgeted in Accounts 5434-48-512, Service Division Capital Outlay, and 5448-48-512, pps 142-43)

ACTION: Res. 73-1018 adopted awarding contract to Ricker Machinery Co.
(Finance to handle)

HEARINGS

13. Hearing, annexation of Scenic-Rose Addition to Modesto Municipal Sewer District No. 1. 4:00 P.M.

ACTION: Res. 73-1019 adopted (Elliott/Dunlap, unan.) annexing Scenic-Rose Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

14. Hearing, annexation of Finch No. 1 Addition to Modesto Municipal Sewer District No. 1. 4:05 P.M.

ACTION: Res. 73-1020 adopted (Newton/Dunlap, unan.) annexing Finch No. 1 Addition to Modesto Municipal Sewer District No. 1. (Clerk to handle)

15. Continued hearing on appeal by Michael Masellis to Board of Zoning Adjustment denial of conditional use permit for cocktail lounge in H-1 Zone on west side of Coffee, south of Floyd. 4:10 P.M.
(Carried over from December 10th meeting)

ACTION: Res. 73-1021 adopted (Kullijian/Dunlap, unan.) denying appeal and affirming decision of BZA. (Planning to handle)

CONSENT

16. Continued hearing, request of Cleveland Stockton for permission to construct a six-foot masonry fence in right of way on Encina and Las Palmas. (carried over from December 10th meeting. Motion continuing to January 7, 1974 at 4:25 P.M. needed) 4:10 P.M.

ACTION: By motion, hearing continued to January 7, 1974 at 4:25 P.M.
(Clerk to handle)

17. Continued hearing, appeal by Mark MacLaren of the Planning Commission decision granting a time extension for completion of Phase 2 of P-D(21), Stone Borthers, on a parcel located on the southwest corner of Standiford Ave. and Tully Road, and a parcel located south of Standiford Avenue, westerly of Chancellor Avenue. 4:15 P.M.
(Carried over from December 10th meeting)

ACTION: Res. 73-1022 adopted (Elliott/Simon, unan. - Dunlap, absent) denying appeal. (Planning to handle)
(Councilman Dunlap was excused from consideration of this item due to a conflict of interest)

18. Matters for the good of the community. 4:20 P.M.
(These may be presented by interested persons in the audience)

ACTION: Russ Fey, former Director of Planning, was introduced.

ORDINANCES

CONSENT

19. Final adoption of the following ordinances:

(a) Ord. No. 1305-C.S. - amending parking meter zoning map.

ACTION: By motion, Ord. No. 1305-C.S. adopted.

(b) Ord. No. 1306-C.S. - amending code, parking meters.

ACTION: By motion, Ord. No. 1306-C.S. adopted.

(c) Ord. No. 1307-C.S. - dangerous buildings code amended.

ACTION: By motion, Ord. No. 1307-C.S. adopted.

(d) Ord. No. 1308-C.S. - housing code amended.

ACTION: By motion, Ord. No. 1308-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

20. Consider agreement for acquisition of clear zone avigation easement from Homer and Ruth Jorgensen.
(Memo with agenda. Resolution approving agreement, authorizing City Manager to execute on behalf of the City, and authorizing City Clerk to certify acceptance of easement needed. Estimated cost \$1,000; funds budgeted in Account 6488-46-230, Clear Zone Land Acq.)

ACTION: Res. 73-1023 adopted approving agreement and authorizing staff to sign necessary documents. (Clerk to handle)

CONSENT

21. Withdrawal of territory from fire districts.
(The Standiford-Tully No. 1 Addition was previously withdrawn from the Salida Fire Protection District. As there is a strip of road in the Woodland Fire Protection District, this District should be included in the withdrawal. Resolution withdrawing the addition from both districts and rescinding Resolution No. 73-818 needed)

ACTION: Res. 73-1024 adopted withdrawing Standiford-Tully No. 1 Addition from Salida and Woodland Fire Protection Districts and rescinding Resolution No. 73-818. (Clerk to handle)

CONSENT

22. Resolution determining that the public interest and convenience require that Sunrise-Briggsmore Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.
(The subject area has been annexed to the City of Modesto and it is now necessary to annex it to the Modesto Municipal Sewer District No. 1. Suggested hearing date February 4, 1974 at 4:00 P.M. Resolution needed setting hearing (2/3 affirmative vote required)

ACTION: Res. 73-1025 adopted setting hearing. (Clerk to handle)

CONSENT

23. Consider joining in an amicus curiae brief to the Supreme Court in a case concerning the confidentiality of police personnel files.
(Pitchess vs Superior Court)
(Resolution authorizing City of Modesto joining in the amicus curiae brief needed)

ACTION: Res. 73-1026 adopted authorizing joining in the Amicus Curiae Brief. (C/Atty to handle)

CONSENT

24. Request of Iva Gause for time payment of sidewalk construction.
(Request of Iva Mae Gause for permission to pay cost of installation of sidewalk in installments. Staff recommends six year period. The property is located at 1429 Del Vista Ave. Resolution approving time payment needed. Estimated cost \$301. Funds budgeted in Account 5302-51-101, Curbs, gutters and Spec.)

ACTION: Res. 73-1027 adopted approving payment over a six-year period. (Finance to handle)

CONSENT

25. Consider routing bus through County Center No. 3 parking lot.
(Memo with agenda recommends this modification to Bus Route No. 4. Motion approving change in routing needed)

ACTION: By motion, change in Bus Route No. 4 approved. (P & T to handle)

CONSENT

26. Letter from Modesto Junior Women's Club.
(Letter from Modesto Junior Women's Club requesting an extension of their agreement with the City of Modesto to May 1974 for construction of "Safety Town" in the Tuolumne River Regional Park. Staff recommends extension of agreement to May 31, 1974. (Resolution approving amendment to agreement needed)

ACTION: Res. 73-1028 adopted approving amendment to agreement. (P & R to handle)

CONSENT

27. Set public hearing for purpose of public participation in evaluation of proposed "Wastewater Treatment Project" as described in project report dated July 1972 entitled "Immediate Wastewater Treatment Works Improvement Project," and the supplement thereto dated December 1973. (Suggested date of hearing January 14, 1974 at 7:40 P.M. One of the many steps required in getting approval of our Wastewater Treatment Project is a public hearing conducted within the guidelines established by the State Water Resources Control Board. The purpose of the hearing is to examine in a public forum the benefits and detriments of alternatives considered in the proposed project. Copies of the project report will be on file in the city offices and Modesto Stanislaus Library for public review. Notices of the hearing will be advertised and special interest groups specifically notified of the hearing. Resolution setting public hearing needed)

ACTION: Res. 73-1029 adopted setting hearing. (Clerk to handle)

28. Nazarene Church building adjacent to Lincoln School site.
(Staff recommendation to tear down Nazarene Church building adjacent to Lincoln School site. Report with agenda. Motion directing staff needed)

ACTION: By motion (Kullijian/Newton, unan.) action delayed for 60 days to enable staff to study this matter further. (P & R to handle)

REPORTS

29. Report on hiring company to promote bus ridership.
(Memo with agenda. Motion delaying hiring advertising company until Spring of 1974 needed)

ACTION: By motion (Simon/Elliott, unan.) referred to proposed City-County Transportation Committee. (C/Mgr to handle)

30. Report on final master plan, East La Loma Neighborhood Park.
(Oral report on plan to be made at meeting. Copy of report with agenda. Motion approving final master plan needed)

ACTION: By motion (Elliott/Mensing, unan.) final master plan approved.
(P & T to handle)

APPROPRIATION TRANSFER

CONSENT

31. Request for appropriation transfer.
(This transfer is necessary to pay the contractor (Olsen Brothers, 1237 Kurt Way, Modesto) the cost to repair damages to the 9-hole Municipal Golf Course Clubhouse by a Coors Truck on September 18, 1973. Zimmerman Insurance Agency, P. O. Box 456, Oakdale, paid the City \$500 on November 29, 1973 to cover the cost of the repair. Resolution approving appropriation transfer needed)

ACTION: Res. 73-1030 adopted approving appropriation transfer of \$500 from Account 60-101 to Account 224-37-101. (Finance to handle)

MISCELLANEOUS

32. Legislation.

NONE

33. Appointments,

ACTION: Res. 73-1031 adopted (Mensing/Simon, unan.) adopted ratifying Mayor's appointment of Councilman Elliott as the representative of the City of Modesto on the Ancillary Manpower Planning Board No. 5 of the Cooperative Area Manpower Planning System. (Clerk to handle)

34. Matters too late for the agenda.

ACTION: Res. 73-1032 adopted (Elliott/Dunlap, unan.) expressing appreciation to Boy Scouts for the house-to-house delivery of the burglary brochures. (Clerk to handle)

The Police Chief was welcomed back to active duty after his F.B.I. Academy attendance.

The Council retired to executive session to discuss appointments at 5:30 P.M. and returned to open meeting at 6:03 P.M.

34. Matters too late for the agenda, (continued)

ACTION: Res. 73-1033 adopted (Dunlap/Simon, unan.) appointing Councilman Elliott as a representative of the City of Modesto on the Ceres-Modesto Liaison Committee. (Clerk to handle)

Res. 73-1034 adopted (Simon/Elliott, unan.) appointing Councilmembers Kullijian and Mensinger as representatives of the City of Modesto on the City-County Transportation Study Committee. (Clerk to handle)

Adjournment at 6:05 P.M.

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

Modesto City Council
December 24, 1973

As there were no members of the Modesto City Council present at 7:30 P.M., the meeting was adjourned to Wednesday, December 26, 1973 at 4:00 P.M.

ATTEST: Pauline P. Stanley
PAULINE P. STANLEY
Acting City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR ADJOURNED REGULAR COUNCIL MEETING OF WEDNESDAY, DECEMBER 26, 1973 AT 4:00 P.M.

Roll Call Present: Dunlap, Elliott, Kullijian, Mensinger, Simon,
Mayor Davies

Absent: Newton
(Councilman Simon arrived at 5:05 P.M.)

Pledge of allegiance to the Flag

Invocation by Reverend George E. Weber, First United Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 2, 4, 7, 10, 11, 12, 14, 15, 16,
Dunlap/Elliott, unan. - Newton and 17, 19, 20
Simon, absent

(Information concerning the consent items listed above has been forwarded to each council member prior to this meeting for study. Unless some council member or member of the audience has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items)

SUGGESTION AWARD

1. \$75 to Curtis Holley, Public Works, for suggestion to install automatic switching mechanism to Water Quality Control Plant industrial plant controls.
(Mayor to present award. \$75 actual cost; funds budgeted in Account No. 236-17-101, Suggestion System)

ACTION: The award was presented by Mayor Davies.

APPROVAL OF MINUTES

CONSENT

2. Minutes of December 17, 1973.
(Motion approving needed)

ACTION: By motion, minutes approved.

WRITTEN COMMUNICATIONS

3. Announcement of meeting to be held in Fresno on January 3, 1974 for a discussion with Fred Ashley of E.P.A.

ACTION: It was agreed that Councilmembers Dunlap, Elliott and Mensinger would attend, together with City Attorney Johnson. (C/Atty to handle)

CONSENT

4. Resolution from City of Patterson opposing formula that has been set for distribution of funds under the State Beach, Park Recreational and Historical Facilities Bond Act of 1974.

ACTION: By motion, resolution ordered filed.

5. Request of Major Stough to appear before Council to discuss the California Army National Guard and to request that HHC, 2d Bn (m) 185th Inf be adopted as "Modesto's Own" and that January 13, 1974 be declared "National Guard Day."

ACTION: By motion (Dunlap/Mensinger, unan.) local National Guard unit adopted as "Modesto's Own" and Mayor authorized to issue proclamation. (C/Mgr to handle)

BIDS

6. Further consideration of acceptance of Stanislaus Pump and Supply Co.'s contract for construction of Pump Station No. 39.

ACTION: By motion (Elliott/Kullijian, unan.) further consideration continued to January 7, 1974 and staff requested to report on points raised by Mr. Kehoe. (P/W to handle)

CONSENT

7. Consider acceptance of Lee White Paving's contract for Improvement of Rumble Road at Tidewater Southern Railroad Crossings. Original Contract: \$7,245.00.
(All work has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution needed. Final cost, Contract: \$7,234.50; funds budgeted in Account No. 6682-1-207, Rumble Road and TWSRR and 6647-2-207, Misc. R/W & Improvements)

ACTION: Res. 73-1035 adopted accepting contract. (Clerk to handle)

HEARINGS

8. Hearing on appeal by MACL Development to administrative decision regarding landscaping. 4:00 P.M.

ACTION: Res. 73-1036 adopted (Elliott/Kullijian, unan. - Newton and Simon, absent) granting an extension of time for completion of landscaping at 1037 Old Oakdale Road for a maximum of 12 months from December 26, 1973. (P/W to handle)

9. Matters for the good of the community. 4:05 P.M.
(These may be presented by interested persons in the audience)

ACTION: None.

NEW BUSINESS

CONSENT

10. Lease Agreement -- Mr. and Mrs. Hubert W. Scott -- Dry Creek Park, for agricultural purposes.
(Memo with agenda. Resolution authorizing execution of Lease Agreement needed)

ACTION: Res. 73-1037 adopted approving lease agreement. (Clerk to handle)

CONSENT

11. Accept improvements in Erin Estates No. 2 Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods.
(This Subdivision is located on the west side of Sonoma Avenue at Surrey Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements needed)

ACTION: Res. 73-1038 adopted accepting improvements. (Clerk to handle)

CONSENT

12. Purchase Agreement, park site, Aqueduct Neighborhood -- Roger D. and Beverly Smith -- Stanislaus Union School District.
(Memo with agenda. Resolution authorizing City Manager to execute Agreement needed. Estimated cost: approximately \$18,250; funds budgeted in Account No. 6391-31-321, Aqueduct Neighborhood Park Land Acquisition)

ACTION: Res. 73-1039 adopted approving agreement. (Clerk to handle)

REPORTS

13. Report on Project Greater Modesto recommendations.
(Memo with agenda. Motion setting time to review report needed)

ACTION: By motion (Elliott/Dunlap, unan.) review set for 4:00 P.M. on January 8, 1974. (Clerk to handle)

CONSENT

14. Report on problems regarding title to the streets and alleys adjacent to the Lincoln School site.
(Memo with agenda. Motion approving report needed)

ACTION: By motion, report approved.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

15. Set date for public hearing for annexation to the City of uninhabited territory (Scenic-Encina Addition).
(Approved by LAFC on November 30, 1973. Resolution setting February 11, 1974 at 7:30 P.M. for public hearing needed.)

ACTION: Res. 73-1040 adopted setting hearing. (Clerk to handle)

CONSENT

16. Uninhabited annexation to the City of Modesto - Dry Creek Park No. 3 Addition.
(The LAF Commission has authorized this annexation without notice or public hearing - November 30, 1973. A resolution annexing needed)

ACTION: Res. 73-1041 adopted annexing Dry Creek Park No. 3 Addition to City of Modesto. (Clerk to handle)

CONSENT

17. On December 18, 1973, the Planning Commission adopted Resolution No. 73-155 recommending an amendment to Sections 28-3-9 and 33-3-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D, for three 9-unit, 2-story apartment buildings on separate lots, properties located at 514 and 518 13th St., and on the southwest side of 15th Street between F and G Streets. (Willo Construction)
(Resolution setting January 21, 1974 at 4:00 P.M. for public hearing needed)

ACTION: Res. 73-1042 adopted setting hearing. (Clerk to handle)

18. Recommend support of County General Plan - Modesto Urban Area.
(Information attached. Motion needed)

ACTION: By motion (Elliott/Dunlap, unan.) strong support given to County General Plan-Modesto Urban Area and Mayor authorized to send letter to that effect to Board of Supervisors. (C/Mgr to handle)

APPROPRIATION TRANSFERS

CONSENT

19. Consider transferring funds from General Reserve, General Fund, to Account 110 (Salaries and Wages) in the Airport Budget, Airport Fund, in the amount of \$1,558.
(The Airport Maintenance Mechanic is retiring at the end of January, 1974. \$1,197 will be required to pay for his accrued vacation time. It is desired to have his replacement on the job for one week prior to the present Maintenance Mechanic's departure. \$361 will be needed to pay his salary for the overlapping week. Resolution approving interfund transfer needed.)

ACTION: Res. 73-1043 adopted approving interfund transfer of \$1,558 from Account 60-101 to Account 110-46-230. (Finance to handle)

CONSENT

20. Adjustment to 1973-74 final budget.
(Adjustment to the 1973-74 final budget to reflect increase in revenue estimated to be available in the Revenue Sharing Fund (611) for capital projects: Account 6415-31-321, Dry Creek Park, \$8,130; and Account 6423-31-321, Neece Drive/Dryden Golf Course Curbs & Gutters, \$5,000. Resolution adjusting budget needed)

ACTION: Res. 73-1044 adopted adjusting 1973-74 budget. (Finance to handle)

MISCELLANEOUS

21. Legislation.

ACTION: By motion (Elliott/Kullijian, unan.) AB 2340 opposed. (C/Mgr to handle)

22. Appointments.

ACTION: Res. 73-1045 adopted (Dunlap/Elliott, unan. - Newton, absent) reappointing Harold Schuelenberg as a member of the Board of Zoning Adjustment for a term ending January 1, 1978.

Res. 73-1046 adopted (Dunlap/Elliott, unan. - Newton, absent) reappointing Wm. Nicholson and David Ryan as members of the Planning Commission for terms ending January 1, 1978. (Clerk to handle)

23. Matters too late for the agenda.

ACTION: By motion (Kullijian/Dunlap, unan.) approval given to City Attorney to serve on League of California Steering Committee concerning E.P.A. rules.

Res. 73-1047 adopted (Elliott/Mensing, unan. - Newton, absent) commending Howard Neyens for his service as Personnel Officer.

Res. 73-1048 adopted (Elliott/Kullijian, unan. - Newton, absent) commending John Keefe for his service as Deputy City Manager and City Manager. (Clerk to handle)


24. Executive session.

ACTION: The Council retired to executive session at 5:35 P.M. to discuss three employee disability retirements and returned to open meeting at 6:20 P.M.

Res. 73-1049 adopted (Kullijian/Simon, unan. - Newton, absent) delegating to City Manager authority under Section 21023.6 of the Government Code re disability of local safety members of PERS. (C/Mgr to handle)

Adjournment at 6:25 P.M.

ATTEST:



W. T. CHYNOWETH, City Clerk