

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 6, 1969 AT 4:00 P.M.

Roll Call Present: Hughes, Mitchell, Shastid, Simon, and Mayor Davies  
Absent: Robinson and Smith

Pledge of allegiance to the Flag -

Invocation: Reverend Wilson-H.-Yest,-First-Presbyterian-Church  
Herbert Rasske, Modesto Gospel Mission

CONSENT ITEMS - Roll Call Vote Required: Items 1, 2, 3, 4, 5, 6, 10, 11,  
Items 29 and 36 removed from Consent. 12, 13, 14, 15, 16, 17, 18, 19,  
(Mitchell/Simon, unan.) 20, 21, 22, 28, ~~29~~, 30, 31, 33, 35A  
~~35~~, 37, 38, 39, 40

(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 Unless some councilman or member of the audience has a question concerning a particular item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council.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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of December 23, 1968.

ACTION: Minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

CONSENT

2. Recommendation that changes be made in D.I.D.'s tree planting project.  
(Motion approving needed)

ACTION: By motion changes recommended by Parks & Recreation Dept. and agreed to by Manager of Downtown Improvement District approved.  
(P & R to handle)

CONSENT

3. Notice by P. G. & E Co. of application to P.U.C. for authority to increase rates.  
(Motion needed requesting staff to keep Council informed if necessary)

ACTION: By motion staff directed to keep Council informed if deemed necessary. (P & T to handle)

BIDS

CONSENT

4. Recommendation that installation of water line on McHenry Avenue between Bowen and Leveland be performed by city forces.  
(Bids were opened December 17, 1968 and the low bid of Industrial Electric is 26% over the Engineer's Estimate. In the opinion of the City Manager, this work can be performed more economically by the city forces and therefore he recommends that the work be done accordingly. Resolution authorizing work be done by city forces needed. Estimated cost \$9,050 (labor \$3,650; materials, \$5,400). Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-1 adopted rejecting all bids and ordering work done by City forces. (P/W to handle)

CONSENT

5. Accept as complete Robert G. Castongia, Inc., contract for the construction of Project Unit No. 8, East Trunk Sewer. (Final inspection by EDA was made by Cliff Holden on October 25, and by our engineers on December 2, 1968. Resolution accepting work as complete and authorizing the City Clerk to file a notice of completion. Actual cost, \$269,337.96. Funds budgeted in Account 6553-405, Muni. Sewer Dist. Impr.)

ACTION: Res. 69-2 adopted accepting contract. (Clerk to handle)

CONSENT

6. Approve plans and specifications and call for bids for Stage 2 installation of automatic sprinkler system at Del Webb Field. (Bid opening January 21, 1969 at 10:10 A.M. This is the second part of the two-stage installation of automatic sprinkler system at Del Webb Field. Resolution approving plans and specifications and call for bids needed. Estimated cost \$10,000; funds budgeted in Account 6363-31-321, Del Webb, Automatic Sprinklers, Stage 2)

ACTION: Res. 69-3 adopted approving plans and specifications and call for bids. (Clerk to handle)

HEARINGS

7. Hearing on amendment to Section 13-3-8 of the zoning map (Fudenna). 4:15 P.M.

ACTION: Ord. No. 948-C.S. introduced (Mitchell/Hughes, unan.) amending Sec. 13-3-8. (Clerk to handle)

Res. 69-4 adopted (Mitchell/Hughes, unan.) approving development plan. (Planning to handle)

8. Hearing on amendment to Section 26-3-9 of the zoning map (Grant) 4:20 P.M.

(NOTE: Due to the use of an incorrect legal description in the published notice, this must be re-set for hearing. Suggested date January 20, 1969 at 4:15 P.M. Resolution needed)

ACTION: Res. 69-5 adopted (Shastid/Simon, unan.) re-setting hearing for January 20, 1969 at 4:15 P.M. (Clerk to handle)

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

Following a question by Councilman Shastid, it was pointed out that the Building Department was responsible for enforcement of Board of Zoning Adjustment requirements.

It was suggested that the Planning Commission's primary function should be long range planning and to act as an appeal board for Board of Zoning Adjustment matters. The staff was directed to incorporate this in a study being made at this time. (C/Atty to handle)

Possible changes in the present sign ordinance were discussed. This discussion applied to time allowed for non-conforming uses to conform. It was directed that a draft of a new sign ordinance be ready for Council study on February 24. (C/Atty to handle)

ORDINANCES

CONSENT

10. Final adoption of Ordinance 935-C.S. amending Section 26-3-9 of the zoning map (K & R Homes).  
(Motion approving needed)

ACTION: By motion Ord. No. 935-C.S. adopted. (Clerk to handle)

CONSENT

11-16. Final adoption of Ordinances 936-C.S. through 941-C.S., inclusive, amending Section 9-3-9 of the zoning map (Berberian)  
(Motion approving needed)

ACTION: By motion Ord. No. 936-C.S. to 941-C.S., inclusive, adopted.  
(Clerk to handle)

CONSENT

17-22. Final adoption of Ordinances 942-C.S. - 947-C.S., inclusive, amending Section 10-3-9 of the zoning map (Berberian)  
(Motion approving needed)

ACTION: By motion Ord. No. 942-C.S. to 947-C.S. inclusive adopted.  
(Clerk to handle)

OLD BUSINESS

23. Further consideration of abandonment of portion of public utility easement in Campos Verdes Subdivision.  
(This abandonment was approved in principle on December 2 and further consideration continued to this time to permit completion of certain items).

Continued for two weeks by Order of the Chair. (Clerk to handle)

24. Consider adoption of resolution urging and encouraging legislators of the United States and the State of California and appropriate governmental officials to seriously consider closing the United States Mexican Border to American Minors, seeking entry to Mexico, unless said minors are accompanied by a parent or other responsible adult and relating to the curtailment of the narcotics, marijuana and dangerous drug problem in California.  
(Memorandum of explanation distributed with agenda. Resolution needed)

A motion (Hughes/Simon) in support of a study of this problem failed.  
No further action taken.

25. Further consideration of master plans for Sherwood and Moose Parks.  
(Memorandum with agenda. Resolution approving master plans for Sherwood and Moose Parks needed)

ACTION: Res. 69-6 adopted (Simon/Hughes, unan.) approving master plans for Sherwood and Moose Parks. (P & R to handle)

26. Request for encroachment permit to allow facing of Old Modesto Tribune building at 910 12th Street to encroach approximately eight inches into the street planting area at the ground and approximately four inches on the wall.  
(Memo with agenda. Resolution authorizing encroachment permit needed)

ACTION: Res. 69-7 adopted (Hughes/Shastid, unan.) authorizing encroachment permit. (P/W to handle)

27. Further consideration of proposed library.

ACTION: Following a discussion it was ordered by the Chair that the Public Projects Committee make a study of the recommendations of the County Librarian and make a recommendation to the Council on January 13, 1969, if possible. (C/Mgr to handle)

#### NEW BUSINESS

##### CONSENT

28. Consider approval of easement contract from American Transit Mix Company, Inc. relating to the dedication of an easement along McHenry Avenue for public sewer pipeline purposes to the City of Modesto.

(The easement contract provides that in consideration of the dedication of the easement, City waives the requirements for a sanitary sewer connection in respect to Grantor's subject property until the subject property or portions thereof are developed for uses other than the now existing use. This easement is needed for the construction of a sewer lateral to serve property on the east side of McHenry Avenue south of Floyd. Resolution approving easement contract needed)

ACTION: Res. 69-8 adopted approving easement contract. (Clerk to handle)

##### CONSENT

29. A resolution rescinding Resolutions No. 68-1084 (Floyd R. Stanley et al); 68-1085 (Albert L. Schmidt, et al); 68-1086 (James Luther Welch, et al); and 68-1087 (Gallo Vineyards, Inc.).  
(On December 2, 1968 the above-mentioned resolutions were adopted authorizing condemnation of easements to be used for rights of way for pipeline purposes. At the Council meeting of December 9, 1968 rights of way contracts were approved by the Council for the easements and, therefore, condemnation proceedings will not be necessary. It is therefore in order to adopt a resolution rescinding those resolutions. Adoption of rescinding resolutions needed)

ACTION: Res. 69-9 adopted (Simon/Hughes, unan. - Robinson, Shastid, and Smith absent) rescinding Resolution Nos. 68-1084, 68-1085, 68-1086, and 68-1087. (Clerk to handle)

Councilman Shastid was excused from consideration of this item due to a conflict of interest.

CONSENT

30. Consider the adoption of the following resolutions regarding Improvement District No. 13 - Sanitary Sewer Improvement District in the area east of Claremont Avenue and north of Rumble Road:

(a) M13-1 - Resolution of preliminary determination relative to 1931 Act and fixing time and place of hearing thereon;

ACTION: Res. 1069-S.P. adopted fixing February 10, 1969, at 7:30 P.M. as time for hearing. (Clerk to handle)

(b) M13-2 - Resolution directing Engineer to prepare plans, specifications and cost estimate;

ACTION: Res. 1070-S.P. adopted directing preparation of plans and specifications and cost estimates. (P/W to handle)

(c) M13-3 - Resolution approving contract documents and specifications; map, plans and profiles and cost estimate;

ACTION: Res. 1071-S.P. adopted approving documents and estimate. (P/W to handle)

(d) M13-4 - Resolution of Intention - fixes hearing date for February 10, 1969;

ACTION: Res. of Intention 310 ( Res. 1072-S.P.) adopted fixing February 10, 1969 at 7:30 P.M. as time for hearing. (Clerk to handle)

(e) M13-5 - Resolution designating newspaper for publication of notices;

ACTION: Res. 1073-S.P. adopted designating Modesto Bee as the newspaper in which any material is to be published. (Clerk to handle)

(f) M13-6 - Resolution fixing compensation for attorneys.

ACTION: Res. 1074-S.P. adopted fixing compensation for bond counsel. (Finance to handle)

CONSENT

31. A resolution determining that the public interest and convenience require that Morris 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. Suggested hearing date February 17, 1969 at 4:15 P.M. Resolution setting hearing needed (2/3 affirmative vote needed)

ACTION: Res. 69-10 adopted setting hearing. (Clerk to handle)

32. Authorization for staff to negotiate an agreement for preparation of master plan for Downey Park.  
(Request staff be authorized to negotiate agreement with Ribera and Sue, Landscape Architects, for the preparation of a Master Plan for Downey Community Park. Motion directing staff to negotiate needed. Estimated cost \$13,000; funds budgeted in Account 6290-321, Downey Park Development, page 63)

ACTION: By motion (Hughes/Shastid, unan.) staff authorized to negotiate with any landscape architects (not just Ribera & Sue).  
(P & R to handle)

CONSENT

33. Consider approval of pipe line license from Tidewater Southern Railway Company for Sewer Project No. 6, East Intercepting Sewer Crossing beneath Tidewater Southern Railway Company's Tuolumne River Trestle near 9th and Morton Streets.  
(The terms of the License provide that the City of Modesto agrees to place a concrete slab at ground level to identify said sewer location; City agrees that if said sewer location interferes with the future requirements of Tidewater, said sewer will be relocated at request of Tidewater, and such relocation shall be at the sole cost and expense of City; and City agrees to pay to Tidewater the sum of \$25 upon execution of said license. Resolution approving pipe line license and authorizing City Manager to sign needed. Estimated cost \$25; funds budgeted in Account 6553-405, Municipal Sewer District Construction)

ACTION: Res. 69-11 adopted approving pipe line license and authorizing City Manager to sign. (Clerk to handle)

REPORTS

34. Presentation of plaque received by Councilman Mitchell at People to People Conference and report by Councilman Mitchell on Joint Town Affiliation Association - People to People Conference and Annual Congress of Cities Conference.

ACTION: Councilman Mitchell presented a plaque which represented an award for the best individual People to People project for cities of up to 50,000 population. Max Yarnal presented a similar plaque to Mayor Davies for presentation to the Mayor of Barranquilla. Councilman Mitchell then reported on the two conferences he attended. He reported that the underlying theme of both conferences dealt with the changes that are occurring.

35. Report regarding Frank and Ione Mancini Memorial Park.  
(Memorandum with agenda. Motion approving report and directing staff needed)

ACTION: By motion (Shastid/Simon, unan.) report approved and staff directed to proceed as recommended. (C/Atty and P & R to handle)

CONSENT

- 35A. Report on status of Chamber of Commerce Convention Fund.  
(Motion accepting report needed)

ACTION: By motion report accepted. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

36. Vacation and abandonment of the westerly 15 feet of "O" Street between 10th and Needham Streets.  
(By Resolution 68-158 adopted at the meeting of November 19, 1968 the Modesto Planning Commission recommended to the City Council, the vacation and abandonment of the westerly 15 feet of "O" Street between 10th and Needham Streets. Resolution of Intention to vacate and setting a date for public hearing needed. Suggested date January 27, 1969 at 7:45 P.M.)

ACTION: Res. of Intention 311 (Res. 1075-S.P.)/adopted setting hearing. (Shastid/Simon, unan.)  
(Clerk to handle)

CONSENT

37. Vacation and abandonment of a portion of the 20-foot alley in Block 305.  
(By Resolution 68-162 adopted at the meeting of December 17, 1968 the Modesto Planning Commission recommended to the City Council the vacation and abandonment of a portion of the 20-foot alley in Block 305. Resolution of intention to vacate and abandon and setting a date for public hearing needed. Suggested date January 27, 1969 at 7:50 P.M.)

ACTION: Res. of Intention 312 (Res. 1076-S.P.) adopted setting hearing.  
(Clerk to handle)

CONSENT

38. Prescott No. 3 Addition - for referral to the Planning Commission.  
(Proposed uninhabited annexation. Information with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 69-12 adopted referring to Planning Commission.  
(Planning to handle)

CONSENT

39. Riverside Addition - for referral to Planning Commission.  
(Proposed uninhabited annexation. Information with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 69-13 adopted referring to Planning Commission.  
(Planning to handle)

CONSENT

40. Rose Acres No. 3 Addition - for referral to Planning Commission.  
(Proposed uninhabited annexation. Information with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 69-14 adopted referring to Planning Commission.  
(Planning to handle)

APPROPRIATION TRANSFERS

41. Appropriation transfer of \$25,000 to complete first stage of development of Marshall Park.  
(Memo with agenda. Resolution authorizing appropriation transfer of \$25,000 needed)

ACTION: Res. 69-15 adopted (Shastid/Hughes, unan.) authorizing appropriation transfer of \$25,000 from Account 60-35-321 (General Reserve) to Account 6274-31-321 (Special Fund for Capital Outlays - Marshall Park Development). (Finance to handle)

MISCELLANEOUS

At 6:00 P.M. the Council retired to executive session to consider appointments to Boards and Commissions and returned to open meeting at 6:15 P.M.

Appointments: Res. 69-16 adopted (Hughes/Mitchell, unan.) approving the following appointments:

J. Arland DeHart as a member of the Board of Plumbing Examiners for a term expiring 1-1-73 (replacing Albert Ohanis)

Tony Ramirez, Jr. as a member of the Board of Electrical Examiners for a term expiring 1-1-73 (replacing Elton E. Phillips)

William Scheuber as a member of the Board of Heating and Cooling Examiners for a term expiring 1-1-73 (reappointment).

Res. 69-17 adopted (Shastid/Mitchell, unan.) approving appointment of Councilman Hughes as liaison officer to the Governor's Council on Aging.

Adjournment at 6:20 P.M.

ATTEST:

  
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W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 13, 1969 AT 7:30 P.M.

Roll Call Present: Mitchell, Robinson, Shastid, Simon, Smith, and  
Mayor Davies

Absent: Hughes

Pledge of allegiance to the Flag

Invocation: Reverend Herbert Rasseke, Modesto Gospel Mission

CONSENT ITEMS - Roll Call Vote Required: Items 1, 3, 8, 9, 10, 11, 15,  
(Mitchell/Simon, unan.) 16, 19, 20, 21, 22, 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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of January 6, 1969.

ACTION: Minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

2. Letter from Modesto Bee requesting City Council to participate in its Industrial Review Section.

No action as the Chamber of Commerce is taking an ad and promotional funds are handled by the Chamber.

BIDS

CONSENT

3. Consider approval of plans and specifications and call for bids on improvements in Davis Park - grading and drainage. (This is the first of three projects to construct the improvements required for development of the park. Suggested bid opening January 28, 1969 at 10:00 A.M. Resolution approving plans, specifications and call for bids needed. Estimated cost \$51,600 (\$46,920, contract; \$4,680, Engr. & Contingency). Funds budgeted in Account 6315-324, Davis Park Development, p. 64)

ACTION: Res. 69-18 adopted approving plans and specifications and call for bids. (Clerk to handle)

4. Award contracts for parking lot on 11th Street south of J Street. (Botto Construction Company is low bidder at \$13,450 for demolition. George Reed, Inc. is low bidder at \$21,188 for fill and parking lot. If City Council desires to overlook the minor bid irregularity, Central Building Wreckers is the low bidder at \$8,900 for demolition. Resolutions awarding contracts and resolution transferring \$12,000 needed. Estimated cost \$36,000; \$24,000 budgeted in Account 6230-57-209, Parking Lot #28)

ACTION: Res. 69-19 adopted (Robinson/Shastid, unan.) waiving irregularity in bid of Central Building Wreckers and awarding bid for demolition to same in the amount of \$8,900. (P & T to handle)

Res. 69-20 adopted (Robinson/Shastid, unan.) awarding bid for fill and parking lot to George Reed, Inc. (P & T to handle)

Res. 69-21 adopted (Robinson/Shastid, unan.) approving appropriation transfer of \$7,500 from Account 60-57-209 (Parking Fund, General Reserve) to Account 6230-57-209 (Parking Fund, Parking Lot #28). (Finance to handle)

HEARINGS

5. Hearing on amendment to Section 20-3-9 of the zoning map  
(Commission initiated - Doctors' Hospital Area) 7:45 P.M.

ACTION: By motion (Robinson/Mitchell, unan.) hearing continued to  
January 27, 1969 at 8:00 P.M. (Clerk to handle)

6. Matters for the good of the community. 7:50 P.M.  
(These may be presented for citizens in the audience)

ACTION: Res. 69-22 adopted (Shastid/Robinson, unan.) naming City of  
Modesto as a sponsor of a seminar to be conducted by the University of  
California on the Role of the Humanities in the Modern World.

John de Boer, Farm City Advisory Committee, and members of the  
Junior Statesmen of Davis High School were introduced.

Following a discussion on the sidewalk, curb and gutter program,  
the staff was directed to report on the amount of work to be done under  
the present program and what might be done if the program were to be  
expanded. (P/W to handle)

Staff directed to obtain copy of Sacramento Co. Ordinance on dedica-  
tion of park lands by subdividers and to determine amount of revenue  
received by Modesto from bedroom tax. (C/Atty to handle)

7. Informal public hearing on proposed library. 8:00 P.M.

ACTION: By motion (Robinson/Mitchell, unan.) tentative approval given to  
building and site plans as presented to Council. (C/Mgr to handle)

Matter of hiring architect to design and arrange for bids for furniture  
for library continued for one week. (C/Mgr to handle)

OLD BUSINESS

CONSENT

8. Consider approving renewal of lease agreement with Albert, Elmo  
and Lindo Landini for the city property known as Rose Avenue park site.  
(Report with agenda. Resolution approving renewal of lease agreement  
needed)

ACTION: Res. 69-23 adopted approving renewal of lease agreement.  
(Finance to handle)

NEW BUSINESS

CONSENT

9. Request for refund of business license tax.  
(This request has been submitted by Travelon Trailer Co. in the amount  
of \$372.30 for the following reason: "We have two sales lots: 730  
No. 9th Street and 443 So. 9th Street. The 443 So. 9th St. lot is  
outside the city limits. However, a new bookkeeper in 1967 began in-  
cluding the receipts from both lots in the total gross receipts which  
should only have been the 730 No. 9th St. lot receipts. The error  
was discovered when our new bookkeeper prepared the 3rd quarter 1968  
mill tax return." This request has been audited by the Finance Depart-  
ment and found to be valid. Resolution approving request needed)

ACTION: Res. 69-24 adopted authorizing refund. (Finance to handle)

CONSENT

10. Resolution authorizing exercise of option to extend lease of Silverthorn Library for an additional one-year period. (Lease agreement with Dana Development Association dated April 19, 1965 provides that the City shall have the right and option to extend lease for three additional periods of one year each at rental of \$200 per month. Resolution authorizing exercise of option to extend lease to April 30, 1970 needed. Cost, \$200 per month)

ACTION: Res. 69-25 adopted authorizing extension of lease to April 30, 1970. (Finance to handle)

CONSENT

11. Consider request for sewer service to property at 1001 Norwegian Avenue, located on the north side of Norwegian Avenue between Gordon Avenue and Coffee Road. (Owner: Minnie C. Hiatt. The property owner has 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. 69-26 adopted approving agreement. (P/W to handle)

12. Proposed operating budget for Westside Neighborhood Center. (Proposed operating budget for Westside Neighborhood Center includes: 5 months for the Director, from 2/1/69 through 6/30/69 and four months operation for the building from 3/1/69 through 6/30/69 is attached. Resolution approving budget and resolution approving appropriation transfer needed.)

ACTION: Res. 69-27 adopted (Robinson/Mitchell, unan.) approving budget and approving appropriation transfer of \$12,490 from General Reserve (60) to Parks & Recreation, Westside Neighborhood Center. (Finance to handle)

13. Proposed supplemental agreement between the City of Modesto and the Westside Neighborhood Center, Inc. (The proposed agreement between the City and the Westside Neighborhood Center, Inc., provides that the City will operate the Center and carry out the program until such time as the organization has funds which the City and the Organization mutually agree are sufficient to operate the Center. The agreement further provides that the organization shall be an advisory board to the City relative to the operation of the Center and the program that the City will carry out. Resolution approving agreement needed. ~~Resolution approving appropriation transfer needed~~)

ACTION: Res. 69-29 adopted (Mitchell/Robinson, unan.) approving supplemental agreement. (Clerk to handle)

14. Classification and salary range for new position. (Need new classification and salary range for the position of Neighborhood Center Director. Memo with agenda. Resolution establishing new classification and resolution setting salary range needed)

ACTION: Res. 69-30 adopted (Smith/Simon, unan.) revising position classification plan (23.5).

Res. 69-28 adopted (Smith/Simon, unan.) establishing salary schedule for Neighborhood Center Director (salary range \$611 - \$743).

(Personnel to handle)

CONSENT

15. Resolutions instructing the Superintendent of Streets to give notice requiring construction of curbs and gutters at the locations listed below.  
(Informal requests were sent over thirty days ago to the property owners to install curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of curbs and gutters. Resolutions setting hearings needed. Suggested hearing date January 27, 1969 at 7:55 P.M.)

CONSENT

- (a) Curb and gutter on Lucern Ave. at 601 El Cajon Court, Lot 4, Block 607 (Joe Nicolodi)  
(Resolution setting hearing needed)

ACTION: Res. 69-31 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Curb and gutter on Sierra Drive at 704-706 Sierra and 102 Sunset Avenue, Lots 41, 42, 43, 44, Block 326. (Edwin W. Ferrel)  
(Resolution setting hearing needed)

ACTION: Res. 69-32 adopted setting hearing. (P/W to handle)

CONSENT

16. Authorize staff to obtain appraisals on library site.  
(Memo with agenda. Funds are provided in budget. Motion approving needed)

ACTION: By motion staff authorized to obtain appraisals.  
(C/Mgr to handle)

17. Consider color of paint of city equipment and automatic transmissions for pickup trucks.  
(Memos from Public Works Department and Police Department with agenda. Motion directing staff)

ACTION: By motion (Smith/Robinson, unan.) two-tone yellow and white paint combination and automatic transmissions approved for new pickup trucks. (Finance to handle)

REPORTS

18. Report on street lighting.  
(Memorandum with agenda. Motion directing staff needed)

ACTION: By motion (Shastid/Robinson, unan.) the following approved:  
1. Lighting of presently unlighted areas to current standards  
2. Upgrading presently lighted areas to current standards  
3. Conversion of the balance to post-top lights.

(P/W to handle)

CONSENT

19. Presentation of financial statement for December 1968.  
(Copies of report distributed at meeting. Motion accepting report needed)

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

REPORTS FROM THE PLANNING COMMISSION

CONSENT

20. A resolution annexing uninhabited territory to the City of Modesto known as the Rose Acres No. 3 Addition.  
(The Planning Commission has reviewed and recommends annexation of uninhabited territory known as the Rose Acres No. 3 Addition to the City of Modesto, and the Local Agency Formation Commission has authorized the annexation without notice or public hearing. Resolution needed)

ACTION: Res. 69-33 adopted annexing Rose Acres No. 3 Addition to City of Modesto. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

21. Sanitary landfill site - appropriating funds.  
(Memo with agenda. Resolution appropriating funds needed)

ACTION: Res. 69-34 adopted authorizing transfer of \$150,000 from General Fund (101) to Special Fund for Capital Outlays (321).  
(Finance to handle)

CONSENT

22. Consider approval of paving three city-owned parking lots.  
(Memos with agenda. Resolution appropriating funds from the General Fund Unappropriated Reserve needed. Estimated cost \$29,000)

ACTION: Res. 69-35 adopted transferring \$29,000 from General Fund (101) to Special Fund for Capital Outlay (321). (Finance to handle)

CONSENT

23. Appropriation transfer for Saturday free parking program.  
(For reimbursement from the Downtown Improvement District to the City of Modesto for Saturday free parking program - August 1968 through December 1968. Also expense of advertising the free parking program. Resolution approving appropriation transfer of \$6,000 needed)

ACTION: Res. 69-36 adopted approving appropriation transfer of \$6,000 from Account 60-218 (D.I.D., General Reserve) to Account 237-218 (D.I.D., Business Promotion). (Finance to handle)

MISCELLANEOUS

24. Appointments.

ACTION: Res. 69-37 adopted (Shastid/Simon, unan.) approving reappointment of John Sutton as a member of the Planning Commission.  
Res. 69-38 adopted (Shastid/Smith, unan.) approving appointment of Councilman Simon as a member of the Regional Advisory Board on Criminal Justice.  
Res. 69-39 adopted (Robinson/Shastid, unan.) approving appointment of Police Chief Ammerman as a member of the Regional Advisory Board on Criminal Justice.

(Clerk to handle)

Adjournment at 10:32 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

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MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 20, 1969 AT 4:00 P.M.

Roll Call Present: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, and  
Mayor Davies (Councilman Simon arrived at 4:20 P.M.;  
Absent: None (Councilman Hughes " " 4:22 P.M.)

Pledge of allegiance to the Flag

Invocation: Reverend Charles Lindberg, First Christian Church

CONSENT ITEMS - Roll Call Vote Required: Items 1, 2, 3, 4, 5, 6, 7, 10,  
Item 23 dropped from agenda and 3 from 14, 15, 16, 17, 18, 19, 20, 22,  
consent. (Robinson/Smith, unan. - 23, 24, 26  
Hughes & 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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of January 13, 1969.

ACTION: Minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

CONSENT

2. Notice that Western Greyhound Lines has requested a fare increase.  
(Motion ordering notice filed needed).

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

~~CONSENT~~

3. Notice from First Church of Christ, Scientist, that each member of the Council is to receive a 6-months subscription to the Christian Science Monitor.  
(Motion ordering filed needed)

ACTION: By motion (Mitchell/Smith, unan.) letter ordered filed.  
Clerk to thank Church. (Clerk to handle)

BIDS

CONSENT

4. Consider approval of specifications and authorize call for bids for automotive equipment to be opened February 3, 1969 at 2:00 P.M. (17 4-door sedans (16 police, 1 general purpose); 11 pickups, 1/2 and 3/4 ton; 7 trucks, 2 and 3 tons. Resolution approving specifications needed. Estimated cost \$79,150. Funds budgeted in various accounts 48-512, Service Division Capital Outlay, p. 67)

ACTION: Res. 69-40 adopted approving specifications and call for bids.  
(Clerk to handle)

CONSENT

5. Consider approval of specifications and authorize call for bids to be opened February 3, 1969 at 3:00 P.M. for one 150 CFM stationary air compressor for installation on water line construction truck.  
(Resolution approving specifications needed. Estimated cost \$4,500; funds budgeted in Account 5426-48-512, Service Division Capital Outlay, p. 67)

ACTION: Res. 69-41 adopted approving specifications and call for bids.  
(Clerk to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for installation of water lines in Carver Terrace No. 3 Subdivision. (Bid opening February 4, 1969 at 10:00 A.M. Preliminary cost estimates: Construction cost, \$7,300; connection charges, \$6,750; net revenue per year \$1,056. Resolution approving plans, specifications and bid call needed. Estimated cost \$7,300 (materials, \$4,800; labor, \$2,500). Funds budgeted in account 6804-50-101, Water Line Extensions, p. 45)

ACTION: Res. 69-42 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

7. Accept as complete B. G. Construction Company's contract for improvement of "G" Street from 16th to Burney and reconstruction of return at First Street and "G" 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 authorize the City Clerk to file notice of completion. Resolution accepting work needed. Actual cost \$14,472.60 (Contract \$12,247.60; Engr., \$2,225). Funds budgeted in Account 6746-01-207, "G" Street, First to Burney)

ACTION: Res. 69-43 adopted accepting contract. (Clerk to handle)

HEARINGS

8. Hearing on amendment to Section 26-3-9 of the zoning map 4:15 P.M.  
(Grant).

ACTION: Ord. No. 949-C.S. introduced (Smith/Shastid, unan.) amending Sec. 26-3-9. (Clerk to handle)

Res. 69-44 adopted (Smith/Shastid, unan.) approving development plan. (Planning to handle)

9. Matters for the good of the Community. 4:20 P.M.  
(These may be presented by citizens in the audience)

Following a discussion concerning the closing of the Dept. of Veterans Affairs Modesto Office it was ordered by the Mayor that any action on this be held for one week to enable the staff to obtain any pertinent information that is available. (C/Atty and C/Clerk to handle)

Res. 69-45 adopted (Simon/Shastid, majority - Hughes, no) opposing closure of Modesto State Hospital. (C/Atty to handle)

ORDINANCES

CONSENT

10. Final adoption of Ord. No. 948-C.S. (amendment to Section 13-3-8 of the zoning map, Fudenna).

ACTION: By motion Ord. No. 948-C.S. adopted. (Clerk to handle)

OLD BUSINESS

11. Further consideration of abandonment of portion of public utility easement in Campos Verdes Subdivision.

ACTION: Res. 1077-S.P. adopted (Hughes/Robinson, unan.) abandoning 15-foot public utility easement between Lots 2 & 3, Block 6192 of Campos Verdes Subdivision. (Clerk to handle)

12. Further consideration of employment of professional to design and prepare specifications for furnishing of library.

ACTION: By motion (Shastid/Simon, unan.) C/Mgr authorized to employ Austin, Field & Fry in accordance with library agreement. (C/Mgr to handle)

13. Further consideration of application of Julius Emery and William Willett for a license to collect swill.

ACTION: Res. 69-46 adopted (Hughes/Shastid, unan.) granting license to collect swill from any firms who agree in writing to use his services; granting of license subject to approval of equipment by Stanislaus County Health Department. (C/Atty to handle)

NEW BUSINESS

CONSENT

14. Consider submission of request for airport assistance revolving funds from the California Department of Aeronautics in the amount of \$5,000 toward construction of Tiedown Area Overlay at City-County Airport in 1970-71 fiscal year.

(Memorandum with agenda. Resolution authorizing City Manager to execute the request for funds on behalf of the City needed)

ACTION: Res. 69-47 adopted authorizing submission of request. (P/W to handle)

CONSENT

15. Consider request for sewer service to property at 627 Paradise Road located on the north side of Paradise Road between Florette Avenue and Chicago Avenue.

(Owner - Eagle Realty Company, a corporation.) The property owner has signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 69-48 adopted approving agreement. (Clerk to handle)

CONSENT

16. Resolution instructing Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal request was sent to the property owner over thirty days ago to install curb and gutter. The work has not been done. Therefore, it is recommended that resolution be adopted authorizing the Superintendent of Streets to give notice requiring construction of curb and gutter)

(a) Curb and gutter at 438 Alturas Avenue, Lots 19 and 20, Block 336. (Ybarra, Jr.)  
(Resolution setting hearing needed. Suggested date February 3, 1969 at 4:15 P.M.)

ACTION: Res. 69-49 adopted setting hearing. (P/W to handle)

CONSENT

17. Request approval for City Manager and Deputy City Manager to attend the League of California Cities, City Managers Department Spring Meeting in Monterey, February 26-28, 1969.  
(Motion approving needed)

ACTION: By motion request approved. (C/Mgr to handle)

CONSENT

18. Consider request for sewer service to property at 2109 Glendale Avenue located on the north side of Glendale Avenue between El Vista Avenue and Parry Avenue.  
(Property owners Ernest Fred Hibbs and Norma Jean Hibbs have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 69-50 adopted approving agreement. (Clerk to handle)

CONSENT

19. A resolution approving the final map of Carver Terrace 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. Carver Terrace No. 3 Subdivision is located on the east side of Carver Road south of Rumble Road. It contains 13.11 acres. Resolution approving final map and authorizing execution of agreement needed)

ACTION: Res. 69-51 adopted approving final map. (Clerk to handle)

CONSENT

20. Consider proposal to retain Riverside community park site.  
(Report and recommendation with agenda; Motion approving staff recommendation needed)

ACTION: By motion recommendation to retain Riverside park site and to take steps to annex area to City approved. (C/Mgr to handle)

21. Request from Modesto Roadmen.  
(Request from Modesto Roadmen for permission to conduct bicycle race around West Side Park and authorizing staff to assist. Report with agenda. Motion directing staff and resolution authorizing appropriation transfer of \$100 from Account 60-101 (General Fund, General Reserve) to Account 315-32-101 (Recreation, Voc. and Rec. Supplies) if council approves, Estimated cost \$100)

ACTION: By motion (Robinson/Hughes, unan.) participation of staff approved but no appropriation transfer authorized; suggestion made that Roadmen approach Chamber of Commerce for funds. (P & R to handle)

CONSENT

22. Agreement to provide free score cards for city golf courses.  
(Agreement with H and M Industries, Inc., to provide golf score cards and pencils at no cost to the City. Report with agenda. Resolution approving agreement needed)

ACTION: Res. 69-52 adopted approving agreement. (P & R to handle)

~~CONSENT~~

23. Agreement with Ribera and Sue, Landscape Architects.  
(Agreement with Ribera and Sue, Landscape Architects, for the preparation of master plans for Downey Park for \$12,600. Resolution approving agreement needed. Funds budgeted in Account 6290-31, Downey Park Stages 1 & 2, p. 63)

DROPPED FROM AGENDA.

CONSENT

24. Consider grant agreement between State of California, California Council on Criminal Justice, and the City of Modesto.  
(This grant agreement is for the Omnibus Crime Control and Safe Streets Act of 1968, under which Act the City filed an application for a riot prevention and control grant to purchase 7 handle talkie type radios and 1 bulk type tear gas dispenser. The City applied for a grant in the amount of \$3,186.50 based upon an estimated total cost of \$4,249. This matter was previously considered by the City Council at its meeting of October 21, 1968 at which time Resolution No. 68-984 was adopted which approved an appropriation transfer to provide the funds needed by the City for this matter. Resolution approving agreement needed)

ACTION: Res. 69-53 adopted approving agreement. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

25. Report and recommendation on the Professional-Office Zone (P-0).  
(Report and recommendation on the Professional Office (P-0)  
by the Planning Commission, as requested by the Council)

ACTION: By motion (Shastid/Robinson, unan.) report accepted.  
(Planning to handle)

APPROPRIATION TRANSFERS

None.

MISCELLANEOUS

APPOINTMENTS

CONSENT

26. Consider appointment of Director of Parking and Traffic,  
Douglas J. Carmody, to Committee of County Supervisors Association  
of California on uniform traffic records.  
(Memorandum with agenda. There are to be one-day meetings for  
the next 12 to 18 months. Motion approving needed)

ACTION: By motion appointment approved. (P & T to handle)

- 26 (a). Res. 69-54 adopted (Shastid/Simon, unan.) approving  
reappointment Charles D. Crawford and Lee G. Hampson as  
members of the Unsafe Structure Code Board of Appeals  
for terms ending January 1, 1973. (Clerk to handle)


Res. 69-55 adopted (Shastid/Simon, unan.) approving  
reappointment of Silas Green as a member of the Library  
and Culture Commission for a term ending January 1, 1973.  
(Clerk to handle)

Res. 69-56 adopted (Shastid/Simon, unan.) appointing  
Dr. Kenneth E. Marple as a member of the Planning  
Commission to replace Phil Humphreys (term ending  
January 1, 1973). (Clerk to handle)

Res. 69-57 adopted (Mitchell/Robinson, unan.) expressing  
appreciation to Phil Humphreys for his service on the  
Planning Commission from November 1961. (Clerk to handle)

Adjournment at 5:45 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 27, 1969 AT 7:30 P.M.

Roll Call

Present: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend ~~BYRON STEWART, CHURCH OF CHRIST~~

Robert Segerhammer, Emanuel Lutheran Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 5, 6, 7, 8, 9, 10,  
Item 34 removed from Consent 11, 12, 14, 22, 23, 24, 25, 26,  
Robinson/Shastid, unan 27, 28, 29, 30, 31, 32, 34, 35,  
36, 37, 38, 39, 40

(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 for the individual items).

CONSENT

- Confirmation of canvass of ballots - Strathmore Addition annexation election held January 21, 1969:  
(Ballots for this election have been canvassed by the City Clerk and the results are as follows: No. of registered voters in area - 405; No. of persons voting - 288. No. of yes votes - 186; No. of no votes - 102. Resolution confirming canvass and declaring results of election needed)  
Res. 69-58 adopted confirming canvass of votes.  
Ord. 950-C.S. adopted annexing Strathmore Addition to City of Modesto effective February 14, 1969. (Clerk to handle)

APPROVAL OF MINUTES

CONSENT

- Minutes of January 20, 1969.  
By motion minutes approved. (City Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

- Resolution from Daly City requesting legislation to provide reform for property owners.  
By Order of the Mayor, referred to League of California Cities for study. (City Attorney to handle)
- Letters concerning use of Downey Avenue fire station.  
(Motion referring to staff needed)  
By motion (Shastid/Simon, unan.) staff requested to meet with the various groups wishing to make use of the fire station (including the Art League). The staff is also requested to consider the use of the Senior Citizens' Center by the Art League in the event the League does not appear to be compatible with the religious type groups. The previous action in referring this matter to the Planning Commission is withdrawn. (City Manager to handle)

BIDS

CONSENT

5. Consider approval of specifications and authorize call for bids to be opened February 11, 1969 at 2:00 P.M. for one waterline construction truck body.

(Body to be fabricated and installed on a new 1969 truck chassis to be delivered by City to builder of body. Resolution approving specifications and call for bids needed. Estimated cost \$4,100; funds budgeted in Account 5426-48-512, Service Division Capital Outlay)

ACTION: Res. 69-59 adopted approving specs and call for bids.  
(Clerk to handle)

CONSENT

6. Accept as complete Hansen's, Inc. contract for furnishing and installing modifications to the city hall heating plant.

(All work 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 \$4,340; funds budgeted in Account 5203-19-101, Modifications to heating plant, 1967-68 budget)

ACTION: Res. 69-60 adopted accepting contract. (Clerk to handle)

CONSENT

7. Accept as complete Johnston Pump Company contract for the furnishing and installing deep well pumping unit with electrical equipment at City of Modesto Pump No. 36.

(All work on this contract has been completed to the satisfaction of the Public Works Department and it would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work as complete needed. Actual cost \$6,394; funds budgeted in Account 6834-50-101, Well at Moose Park)

ACTION: Res. 69-61 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider award of bid for installation of automatic sprinkler system at Del Webb Field.

(Bids were opened January 21, 1969. The low bid submitted by Jonnie E. Galloway, which is 31.3% below the Engineer's Estimate, is considered acceptable. Therefore it is recommended by the Public Works Department that the bid be awarded to him. Resolution awarding bid needed. Estimated cost, contract, \$6,874. Funds budgeted in Account 6363-31-321, Del Webb Automatic Sprinkler System Stage 2)

ACTION: Res. 69-62 adopted awarding bid to Jonnie E. Galloway.  
(P/W to handle)

CONSENT

9. Consider award of bid for the construction of comfort station and terrace at Marshall Park.  
(Bids were opened on January 21, 1969. The low bid submitted by B. J. Rommel, which is 11.3% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to him. Resolution awarding bid needed. Estimated cost \$21,710 (Contract \$19,510; Engr. & Incidentals, \$2,200. Funds budgeted in Account 6274-31-321, Marshall Park Development)  
ACTION: Res. 69-63 adopted awarding bid to B. J. Rommel.  
(Public Works to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for construction of Sutter Trunk Line.  
(Bid opening February 18, 1969 at 10:00 A.M. Resolution approving plans and specifications and call for bids needed. Estimated cost \$60,000 (Contract, \$55,000; Engr. & Cont, \$5,000). Funds budgeted in Account 6586-52-212, Replacement of Sutter Trunk Sewer P. 60)  
ACTION: Res. 69-64 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

11. Consider award of bid for construction of Improvement District No. 11 facilities. (Sanitary Sewers and improvement of Corson Avenue, Sunrise Addition, and sewer in Block 6711).  
(Bids were opened on January 21, 1969. The low bid submitted by Industrial Electrical Company, Modesto, which is 3½% lower than the Engineer's Estimate is considered acceptable. Therefore, it is recommended that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$139,938.43, financed by Improvement District).  
ACTION: Res. No. 1078-S.P. adopted awarding bid to Modesto Industrial Electrical Co., Inc. (Clerk to handle)

CONSENT

12. Acceptance of work performed in connection with Improvement District No. 12 - Yosemite Street Lighting and Fire Alarm.  
(All work has been completed by Collins Electric Company to the satisfaction of the Public Works Department. It would be in order for the Council to accept the work as complete and authorize the City Clerk to file notice of completion so final procedures involving the improvement district can proceed. Resolution accepting the work as complete and authorizing the City Clerk to file notice of completion needed. Final cost: City's contribution \$16,203.58. Funds budgeted in Account 6107-41-321, Relocation - Fire Station No. 3, p. 63)  
ACTION: Res. No. 1079-S.P. adopted accepting work as complete.  
(Clerk to handle)

13. Review of bid by Stolte, Inc., on Project Unit No. 3, Oxidation Ponding System.  
(Memorandum of explanation with agenda. Resolution needed)  
ACTION: Res. 69-65 adopted (Robinson/Hughes, unan) permitting Stolte, Inc. to withdraw bid. (Public Works to handle)

CONSENT

14. Approve plans and specifications and call for bids for installation of automatic sprinkler system at Enslin Park.  
(Bid opening February 11, 1969 at 10:00 A.M. Installation of automatic sprinkler system. Resolution approving plans and specifications and call for bids needed. Estimated cost \$18,000; funds budgeted in Account 6309-31-321, Enslin Park, Automatic Sprinklers)  
ACTION: Res. 69-66 adopted approving plans and specifications and call for bids. (Clerk to handle)

HEARINGS

15. Hearing on abandonment of westerly 15 feet of "O" Street between 10th and Needham. 7:45 P.M.  
ACTION: Res. 1080-S.P. adopted (Shastid/Smith, maj., Hughes no) denying request for abandonment. (Clerk to handle)
16. Hearing on abandonment of portion of 20-foot alley in Block 305. 7:50 P.M.  
ACTION: Res. 1081-S.P. adopted (Mitchell/Hughes, unan - Robinson absent due to being excused because of a possible conflict of interest) 20-foot alley in Block 305 abandoned. (Clerk to handle)
17. Hearing on curb and gutter requirement, 601 El Cajon, Lot 4, Block 607 (Nicolodi) 7:55 P.M.  
ACTION: Res. 69-67 adopted (Simon/Shastid, unan - Robinson absent) ordering work done. (Public Works to handle)
18. Hearing on curb and gutter requirement, on Sierra Drive at 704-706 Sierra and 102 Sunset, Lots 41, 42, 43, and 44, Block 326 (Ferrel) 7:55 P.M.  
ACTION: Res. 69-68 adopted (Simon/Shastid, unan - Robinson absent) ordering work done. (Public Works to handle)
19. Further hearing on amendment to Section 20-3-9 (Doctors' Hospital area). 8:00 P.M.  
ACTION: Ord. No. 951-C.S. introduced (Smith/Hughes, unan) rezoning the southwest corner of McHenry and Granger from C-M to C-2. (Clerk to handle)  
Res. No. 69-69 adopted (Smith/Hughes, unan) referring balance of requested rezoning back to Planning Commission. (Planning to handle)
20. Matters for the good of the community. 8:05 P.M.  
(These may be presented by citizens in the audience)
1. Res. 69-70 adopted (Shastid/Robinson, majority - Davies, no) opposing request of Southern Pacific for rate increase. (Parking and Traffic to handle).
  2. Skymark Airlines announced that they would begin service to Modesto on March 31, 1969.
  3. Following a presentation by Dr. William Bertie representing Modesto State Hospital employees, it was ordered by the Mayor that staff arrange a meeting with the employees to obtain more information to be used in the attempt to prevent closure of the hospital. (City Manager to handle)

OLD BUSINESS

21. Further discussion on closure of Department of Veterans' Affairs office in Modesto.

ACTION: Res. 69-71 adopted (Hughes/Shastid, majority - (Robinson no) opposing closure of Department of Veterans' Affairs office in Modesto. (Clerk to handle)

NEW BUSINESS

CONSENT

22. Consider easement agreement between Southern Pacific Company and City for sidewalk purposes at 9th and "L" Street.  
(The agreement grants a perpetual easement subject to the condition that it shall revert to the Southern Pacific Company if abandoned or not used by the City for a continuous period of two years. Resolution approving easement agreement and authorizing City Manager to execute document on behalf of City needed)

ACTION: Res. 69-72 adopted approving agreement. (Clerk to handle)

CONSENT

23. Consider adoption of resolution establishing charges for filing requests for abandonment of streets, alleys, public utility easements, etc.

(Memo with agenda. Adoption of resolution needed)

ACTION: Res. 69-73 adopted establishing flat charge of \$75.00. (Clerk and Planning to handle)

CONSENT

24. Consider request for sewer service to property at 708 Rio Vista located on the east side of Rio Vista east of Brookvale Drive.  
(The property owner has signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 69-74 adopted approving agreement with Ruby A. Wright. (Clerk to handle)

CONSENT

25. Consider sale of City of Modesto property at Washington and 7th Street, Lot II, Block E.  
(Memo with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 69-75 adopted referring to Planning Commission. (Planning to handle)

CONSENT

26. Amendment to agreement for leasing of Sol Elias Branch Library.  
(Memo with agenda. Resolution approving needed)  
ACTION: Res. 69-76 adopted approving amendment to agreement with  
Save Mart of Modesto, Inc. (Clerk to handle)

CONSENT

27. Resolution authorizing exercise of option to extend lease of  
Sol P. Elias Library for an additional two-year period.  
(Lease agreement with Save Mart of Modesto, Inc. expires April 30,  
1969. Agreement dated February 14, 1966 provides that City shall  
have the right and option to extend lease for an additional two-  
year period on same terms and conditions but with an increase in  
rental to \$235 per month commencing May 1, 1969. Resolution author-  
izing exercise of option to extend lease for an additional two-year  
period needed)  
ACTION: Res. 69-77 adopted authorizing exercise of option.  
(Clerk to handle)

CONSENT

28. Consider extension of agreement between the City of Modesto and  
Floyd Thomas Berglund, Executive Secretary of Business Improvement  
Area "A" temporarily on a month-to-month basis.  
(The present agreement between Mr. Berglund and the City authorizing  
him as Executive Secretary of Improvement District Area "A: expires  
on January 31, 1969. A subcommittee is reviewing the agreement  
requirements but will not have an answer ready by the deadline. It  
is recommended that Mr. Berglund's agreement be extended on a month-  
to-month basis until the subcommittee is able to make its report)  
ACTION: Res. 69-78 adopted extending agreement on a month-to-month  
basis. (Clerk to handle)

CONSENT

29. Accept improvements in Greenwood Estates No. 5 Subdivision and author-  
ize City Clerk to file notice of completion and release bond upon  
expiration of the statutory lien period, and accept an instrument of  
credit in the amount of \$350 to guaranty the removal of the temporary  
turn around at the northerly end of Fuchsia Lane.  
(Memo with agenda. Resolution accepting improvements and authorizing  
City Clerk to file notice of completion and release bond upon expir-  
ation of statutory lien period, and accept instrument of credit in  
the amount of \$350 needed)  
ACTION: Res. 69-79 adopted accepting improvements. (Clerk to  
handle)

CONSENT

30. Accept improvements in Woodrow Manor No. 1 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of the statutory lien period.

(Woodrow Manor No. 1 Subdivision is located on Woodrow Avenue between the Tidewater Southern Railroad and McHenry Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion and release bond upon expiration of statutory lien period needed)

ACTION: Res. 69-80 adopted accepting improvements. (Clerk to handle)

CONSENT

31. A resolution approving final map of Tully Manor No. 4 Subdivision in 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.

Tully Manor No. 4 Subdivision is located on the west side of Tully Road between Montclair Drive and Standiford Avenue. It contains 13.21 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 69-81 adopted approving final map (Clerk to handle)

CONSENT

32. A resolution approving the final map of Renee Manor 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. Renee Manor No. 2 Subdivision is located on the east side of Carver Road north of Rumble Road. It contains 10.16 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 69-82 adopted approving final map. (Clerk to handle)

33. Consider the following matters relating to the City's oxidation ponding site, Project 66-18, Unit 3:

(a) Agreement and grant deed from Raymond E. and Hazel Hatch re Parcel 3-3.

(In acquiring the parcel of property from Mr. and Mrs. Hatch, City agrees to pay \$381 upon close of escrow. All of the other terms and conditions are those which normally apply when the City acquires property. Resolution approving agreement needed)

ACTION: Res. 69-83 adopted (Shastid/Simon, unan) approving agreement. (City Attorney to handle)

33. (b) Right of Entry agreement to City from Harry H. Baker, Sr., and Edith Marie Baker re Parcel 3-4a.  
(The agreement between the City and Harry H. Baker, Sr. and Edith Marie Baker provides for a right of entry upon Bakers' property by City in order for it to proceed with Project 66-18, Unit 3. In the interim, the parties agree to attempt to negotiate the terms under which City shall acquire said parcel 3-4a, and in the event successful negotiations for purchase cannot be reached by the parties, the agreement provides City will institute condemnation proceedings. Such proceedings will not be instituted, however, until sixty days after the date of the agreement. Resolution approving agreement needed)  
ACTION: Res. 69-84 adopted (Shastid/Simon, unan) approving agreement. (City Attorney to handle)

~~CONSENT~~

34. Report on curb, gutter and sidewalk construction.  
(Memorandum with agenda. Motion accepting report needed)  
ACTION: By order of Mayor, staff instructed to check into the possibility of increasing budget for the program.  
(City Manager to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

35. Consider amendments to Chapter 2 of Title X of the Modesto Municipal Code (Addition to Section 10-2.602: R-2 signs)  
(On January 21, 1969 the Planning Commission adopted Resolution No. 69-7 recommending to the City Council amendments to Chapter 2 of Title X of the Modesto Municipal Code (Addition to Section 10-2.602 - R-2 Signs). Resolution setting date for public hearing needed. Suggested date February 24, 1969 at 7:45 P.M.)  
ACTION: 69-85 adopted setting hearing. (Clerk to handle)  
Res./

CONSENT

36. Recommend amendment to Section 20-3-9 of the zoning map (E. D. Thompson)  
(By Resolution 69-10 adopted January 21, 1969 the Planning Commission recommends an amendment to Section 20-3-9 of the zoning map as requested by E. D. Thompson to rezone from one-family residential zone, R-1, to two-family residential zone, R-2, to accommodate duplex development, on property located on the north side of West Roseburg Avenue east of Tully Road. Resolution setting date for public hearing needed. Suggested date February 24, 1969 at 7:50 P.M.)  
ACTION: Res. 69-86 adopted setting hearing. (Clerk to handle)

CONSENT

37. Recommend amendment to Section 8-3-9 of the zoning map (Dan Balestrini).

(By Resolution 69-11 adopted January 21, 1969 the Planning Commission recommends an amendment to Section 8-3-9 of the zoning map as requested by Dan Balestrini to rezone from one-family residential zone, R-1, to Planned Development Zone, P-D(61), to accommodate duplexes, on property located on the north side of Rumble Road opposite Davis High School. Resolution setting date for public hearing needed. Suggested hearing date February 24, 1969 at 7:55 P.M.)

ACTION: Res. 69-87 adopted setting hearing. (Clerk to handle)

CONSENT

38. Recommend amendment to Section 15-3-9 of the zoning map (Warner M. Soelling)

(By Resolution 69-12 adopted January 21, 1969 the Planning Commission recommends an amendment to Section 15-3-9 of the zoning map as requested by Warner M. Soelling to rezone from One-family R-1 and Planned Development Zone, P-D(27), to Professional Office Zone, P-O, to accommodate professional offices, on property located on the east side of Coffee Road, south of Ensenada Drive. Resolution setting date for public hearing needed. Suggested hearing date February 24, 1969 at 8:00 P.M.)

ACTION: Res. 69-88 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

39. Consider request for appropriation transfer of \$2,400 to replace a section of the sanitary sewer in LaLoma from the alley in Block 234 to Buena Vista.

(Sewer has been a constant maintenance problem. Television inspection shows it to be root-infested due to unaligned and broken joints. Replacement should be made prior to the improvement of LaLoma scheduled for this spring. Resolution approving transfer of \$2,400 needed. Estimated cost \$2,400 (Construction \$2,230; Eng. & Insp. \$170).

ACTION: Res. 69-89 adopted approving appropriation transfer of \$2,400 from Acct. 6586-212 to Account 7902-212 (Replace LaLoma Sewer, Block 234 to Buena Vista (Finance to handle)

MISCELLANEOUS

CONSENT

40.a) Recommendation from the Planning Commission for the appointment of William M. Nicholson to the Board of Zoning Adjustment as a representative of the Planning Commission.

(At its meeting of January 21, 1969 the Planning Commission adopted Resolution 69-14 recommending to the City Council the appointment of William M. Nicholson to the Board of Zoning Adjustment, as a representative of the Planning Commission for the balance of his term of office on the Planning Commission. Resolution needed)

ACTION: Res. 69-90 adopted appointing William M. Nicholson to Board of Zoning Adjustment as representative of Planning Commission for term ending 1/1/70. (Planning to handle)

(b) Other appointments.

Res. 69-91 adopted (Robinson/Shastid, unan) reappointing Thomas E. Dibb as member of the Personnel Commission for a term ending Jan. 1, 1973. (Personnel to handle)

Adjournment

Res. 69-92 adopted (Robinson/Shastid, unan) appointing G. Dale Smith as alternate to Ray Simon on the Regional Advisory Board on Criminal Justice. (Clerk to handle)

Adjournment: The meeting adjourned at 10:45 P.M.

ATTEST:

*W.T. Ryan*

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 3, 1969 AT 4:00 P.M.

Roll Call Present: Hughes, Mitchell, Robinson, Shastid, Simon, Smith,  
Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation: ~~XX~~

A moment of silent prayer was observed.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 6, 7, 8, 9,  
Item 2 removed from consent. 14, 16, 19, 20, 21, 22, 23, 25, 2  
(Shastid/Robinson, 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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of January 27, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

~~XXXXXX~~

2. Appeal of Mr. and Mrs. J. G. Mihell and Mr. and Mrs. R. Burkett from decision of Board of Zoning Adjustment in granting conditional use permit for commercial parking on east side of Timothy Avenue. (Resolution setting hearing needed. Suggested date February 24, 1969 at 8:05 P.M.)

ACTION: Res. 69-93 adopted (Shastid/Mitchell, unan.) setting February 17, 1969, at 4:20 P.M. for hearing. (Clerk to handle)

CONSENT

3. Request of Warren R. Ihrig for variance for curb cut at 533 Castle. (Resolution setting hearing needed. Suggested date February 10, 1969 at 7:55 P.M.)

ACTION: Res. 69-94 adopted setting hearing. (Clerk to handle)

CONSENT

4. Request of Stanislaus County Department of Education for consolidation of School District elections with Municipal Election on April 15. (Resolution approving needed)

ACTION: Res. 69-95 adopted approving consolidation of school district elections with Modesto Municipal election, to wit: Empire Union, Hart Ransom Union, Paradise, Salida Union, Shiloh, Stanislaus Union, and Sylvan Union. (Clerk to handle)

5. Request of State Senator Richardson for support for SB-4.

ACTION: By Order of the Mayor staff directed to check with League of California Cities as to whether or not Modesto should take a position on this. (C/Atty to handle)

CONSENT

6. Resignation of John F. Vivian from Board of Zoning Adjustment.  
(Resolution accepting with regret needed)

ACTION: Res. 69-96 adopted accepting resignation with regret.  
(Clerk to handle)

CONSENT

7. Request of Camellia Society for city-donated trophy for Camellia Show.  
(Motion granting request needed)

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

CONSENT

8. Resolution from Indio requesting legislation revising and/or amending real property assessment and taxing laws.  
(Motion referring to City Attorney to obtain more information from League Staff needed)

ACTION: By motion staff directed to obtain additional information from League of California Cities staff. (C/Atty to handle)

CONSENT

9. Letter from Mayor of Barranquilla welcoming Mayor and Mrs. Davies.  
(Motion ordering filed needed)

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

BIDS

- 10.- Consider award of contract, to C. Norman Peterson Co. of Berkeley, California for the construction of Project Unit No. 3, Wastewater Oxidation Ponding System.  
(Memorandum with agenda. Resolution awarding contract to C. Norman Peterson Co. needed if EDA approval has been received. Contract, \$2,166,999.50; funds budgeted in Account 6553-405, Muni. Sewer District Improvements)

ACTION: Res. 69-97 adopted (Hughes/Shastid, unan.) awarding contract to C. Norman Peterson Co. (P/W to handle)

11. Consider award of contract to Great Western Pipeline Co., Inc., of San Jose for the construction of Project Unit No. 6, East Intercepting and Seventh Street Trunk Sewer.  
(Memo with agenda. Resolution awarding contract to Great Western Pipeline Co., Inc. needed if EDA approval has been received. Contract cost \$544,386.34; funds budgeted in Account 6553-405, Muni. Sewer District Improvements)

ACTION: Res. 69-98 adopted (Hughes/Shastid, unan.) awarding contract to Great Western Pipeline Co., Inc. (P/W to handle)

12. Consider award of contract to Stockton Construction Co. of Stockton, California for the construction of Project Unit No. 9, Scenic-Sonoma Trunks and Pump Stations.  
(Memorandum with agenda. Resolution awarding contract to Stockton Construction Co. Needed, if EDA approval has been received. Contract cost \$698,343.00; funds budgeted in Account 6553-405, Muni. Sewer District Improvements)

ACTION: Res. 69-99 adopted (Hughes/Shastid, unan.) awarding contract to Stockton Construction Co. (P/W to handle)

13. Consider award of contract to TAB Construction, Inc., of Las Vegas, for the construction of South and Tuolumne Trunk Sewers and West Trunk Extension, Project Unit No. 10.  
(Memorandum with agenda. Resolution awarding contract to TAB Construction Co. if EDA approval has been received needed. Contract cost \$962,732.00 Funds budgeted in Account 6553-405, Muni. Sewer District Improvements)

ACTION: Res. 69-100 adopted (Hughes/Shastid, unan.) awarding contract to TAB Construction, Inc. (P/W to handle)

CONSENT

14. Consider award of bid for construction of grading and drainage facilities at Davis Park.  
(Bids were opened January 28, 1969 and the low bid submitted by Elrich Construction Company, which is 9.8% below Engineer's Estimate, is considered acceptable. Therefore it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$45,000 (Contract \$42,325; Eng. & Insp. \$3,675). Funds budgeted in Account 6315-324, Davis Park Development, p. 64)

ACTION: Res. 69-101 adopted awarding bid to Elrich Construction Co. (P/W to handle)

15. Further consideration of demolition contract - Furniture Stores Lot, 11th Street South of J Street.  
(Central Building Wreckers does not want to enter into the contract and prefers to lose its bid bond. Council could award the contract to second low bidder or seek new bids. Resolutions rescinding former award, making new award and transferring \$4,600 needed)

During the discussion of this item the City Attorney was requested to explore possible changes in the present bidding procedure whereby the City would have more protection in the event a bidder failed to enter into a contract. (C/Atty to handle)

ACTION: Res. 69-102 adopted (Hughes/Smith, unan.) rescinding award of bid to Central Building Wreckers; Res. 69-103 (Hughes/Smith, unan.) awarding bid to Botto Demolition (P & T to handle). Res. 69-104 adopted (Hughes/Smith, unan.) authorizing appropriation transfer of \$4,600 from Account 60-57-209 (Parking Fund, General Reserve) to Account 6230-57-209 (Parking Fund, Parking Lot 28) (Finance to handle).

CONSENT

16. Approve plans and specifications and call for bids for resurfacing of tennis courts at Graceada Park and Westside Park.  
(Bid opening February 18, 1969 at 10:10 A.M. This contract will provide for the resurfacing of one tennis court at Westside Park and six courts at Graceada. Resolution approving plans and specifications and call for bids needed. Estimated cost \$21,000 (Contract \$19,700; Engr. \$1,300) Funds budgeted in Accounts 6305-31-32, Graceada Tennis Courts and 6390-31-321, Westside Park Resurfacing p. 63)

ACTION: Res. 69-105 adopted approving plans and specifications and call for bids. (Clerk to handle)

HEARINGS

17. Curb and gutter requirement, 438 Alturas, Lots 19 and 20,  
Block 336 (Ybarra)

4:15 P.M.

ACTION: Res. 69-106 adopted (Hughes/Mitchell, unan.) ordering  
work done. (P/W to handle)

18. Matters for the good of the community.

4:20 P.M.

(These may be presented by citizens in the audience)

ACTION: By motion (Shastid/Robinson, unan.) Councilman Hughes granted  
permission to leave U.S.A. from February 11 - 28, inclusive.

ACTION: By motion (Mitchell/Robinson, unan.) staff to offer cooperation  
to Yosemite Junior College District in search for location of  
new campus. Mayor to write letter to this effect. (C/Mgr to  
handle)

Frank Andrews spoke on various subjects.

Councilman Shastid suggested that the office of ombudsman be estab-  
lished in the office of City Clerk. Councilman Simon suggested that  
Council meetings be held occasionally at places other than City Hall.  
No action was taken on either suggestion.

George Gagos complimented the Police and Public Works Departments  
for their fine work during the recent floods. He also commended the  
Fire Department for its excellent work. Mayor Davies concurred with  
Mr. Gagos and included the Parks and Recreation Department.

ORDINANCES

CONSENT

19. Final adoption of Ord. 949-C.S., Grant rezoning.

ACTION: By motion Ord. No. 949-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

20. Lease agreement between City of Modesto and Yosemite Area Council  
of Boy Scouts of America for lease of Room 207 in the Modesto  
Community Service Center.  
(Lease agreement for a period of six months commencing January 1,  
1969. Resolution needed)

ACTION: Res. 69-107 adopted approving lease agreement. (P & R to handle)

CONSENT

21. A resolution determining that the public interest and convenience  
require that Rose Acres No. 3 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.  
Suggested hearing date March 24, 1969 at 7:45 P.M. Resolution set-  
ting hearing - 2/3 affirmative vote needed)

ACTION: Res. 69-108 adopted setting hearing. (Clerk to handle)

CONSENT

22. Consider acceptance of insurance settlement for house, located at 1415 Sutter Street, destroyed by fire November 29, 1968. (Memo with agenda. Motion accepting settlement needed)

ACTION: By motion settlement in amount of \$7,381 accepted. (Finance to handle)

CONSENT

23. Request for authorization to proceed with printing and distributing the annual "Report to the People." (The report has been drafted and the staff would like permission to proceed with printing and mailing it. Plans are to mail the reports with the next water bills, as was done last year. Motion granting request needed. Estimated cost \$600; funds budgeted in Account 427-65, Annual Report, p. 54)

ACTION: By motion request granted. (C/Mgr and Finance to handle)

24. Letter from Public Utilities Commission Staff Attorney regarding P.G. & E. request for rate increase. (A copy of the 1/24/69 letter has been sent with the agenda. Analysis of the P.U.C. staff motion to deny and staff statement will be completed by Council time. A copy of the P. G. & E request is being sought from the local P. G. & E Manager who has also been given a copy of the P.U.C. letter. In view of the short time available, this procedure has had to be used. Motion directing staff needed)

No action taken.

CONSENT

25. Agreement with Ribera and Sue, Landscape Architects. (Agreement with Ribera and Sue, Landscape Architects, for preparation of master plans for Downey Park. Resolution approving agreement needed. Estimated cost \$12,600; funds budgeted in Account 6290-321, Downey Park Stages 1 & 2, p. 63)

ACTION: Res. 69-109 adopted approving agreement. (Clerk to handle)

26. Staff report and recommendation on request for water service by developers in the Riverside Drive Area. (Memorandum with agenda. Motion directing staff needed)

ACTION: Res. 69-110 adopted (Hughes/Robinson, unan.) reaffirming Res. 61-358 (establishing policy for municipal water service in urban area) with a change in the area to be served to include Riverside Drive Area. (P/W to handle)

APPROPRIATION TRANSFERS

CONSENT

27. Appropriation transfer from General Fund.  
(Memo with agenda. Additional funds are needed to replace sand from the sand traps at Dryden Golf Course washed away during the recent flood. Resolution approving appropriation transfer of \$1,500 needed)

ACTION: Res. 69-112 adopted approving appropriation transfer of \$1,500 from Account 60-101 (General Fund, General Reserve) to Account 224-38-101 (Dryden Golf Course, Maintenance and repair of buildings and grounds). (Finance to handle)

MISCELLANEOUS

28. Resolution authorizing application for open-space fund for Floyd Neighborhood Park.  
(This application was previously approved in principle by the Council. Resolution approving needed.)

ACTION: Res. 69-111 adopted (Mitchell/Robinson, majority - Hughes, no) authorizing application. (C/Mgr to handle)

29. Appointments.

None.

Adjournment at 5:30 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 10, 1969 AT 7:30 P.M.

Roll Call Present: Hughes, Mitchell, Robinson, Simon, Smith, and  
Mayor Davies  
Absent: Shastid

(Councilman Robinson was excused at 7:35 P.M. He took part in only  
Item No. 14. Councilman Hughes was excused at 8:25 P.M.)

Pledge of allegiance to the Flag

Invocation: Reverend Kliever, Greenwood Grace Brethren Church

CONSENT ITEMS:- ROLL CALL VOTE REQUIRED: 1, 3, 4, 8, 11, 12, 13, 19,  
(Smith/Simon, unan. -Robinson & Shastid 20, 24, 25, 26, 27  
absent)

(Information concerning the consent items listed above has been forwarded  
to each councilman prior to this meeting for his study. Unless some council  
man 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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of February 3, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES & CORRESPONDENCE

2. Request of Central California Art League for opportunity to participate  
in plans for future use of McHenry Library building.

ACTION: Referred to staff to be brought back to Council at appropriate  
time. (C/Mgr to handle)

CONSENT

3. Resignation of Jess Aguilar from Mayor's Council on Youth  
Opportunity.  
(Resolution accepting with regret needed).

ACTION: Res. 69-113 adopted accepting resignation with regret.  
(Clerk to handle)

CONSENT

4. Resignation of Jess Aguilar from Human Rights Commission.  
(Resolution accepting with regret needed).

ACTION: Res. 69-114 adopted accepting resignation with regret.  
(Clerk to handle)

5. Letter from Reverend R. L. Singer concerning disposition of  
Downey Avenue fire station.

ACTION: Letter ordered filed. (C/Mgr to handle)

6. Request of Downtown Improvement District for council approval of plans for Eye Street center strip and for matching city funds for project.

ACTION: By motion (Hughes/Mitchell, unan.) request referred to City Manager for inclusion in Capital Improvement Program. Staff to meet with Downtown Beautification Committee on this matter. (C/Mgr to handle)

7. Request of Modesto City Schools for city participation in cost of swimming pool at fourth high school.

ACTION: By motion (Hughes/Mitchell, unan.) participation by City approved. (C/Mgr to handle)

CONSENT

8. Letter from Herbert Baum expressing appreciation for work of city staff during recent floods.  
(Motion ordering filed needed)

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

9. Notice of 1969 Annual Conference of Mayors to be held in Pittsburgh June 14 - 18, 1969.

ACTION: No action at this time.

BIDS

10. Consider rejection of bids for automotive equipment opened on February 3, 1969 and consider approval of new specifications and call for bid for automotive equipment to be opened February 25, 1969 at 2:00 P.M.  
(Bids were rejected due to errors (mathematical) and/or oversight (lack of signature on bid). Resolution rejecting automotive equipment bid and resolution approving specifications and authorizing new call for bids. Estimated cost \$79,150; funds budgeted in various accounts 48/512, Service Division Capital Outlay p. 67)

ACTION: Res. 69-115 adopted (Hughes/Simon, unan. - Robinson & Shastid absent) rejecting all bids; Res. 69-116 adopted (Hughes/Simon, unan. - Robinson & Shastid absent) approving specifications and bid call.  
(Clerk to handle)

CONSENT

11. Approve plans and specifications and call for bids for installation of water lines in Renee Manor No. 2 subdivision  
(Bid opening February 25, 1969 at 10:00 A.M. Preliminary cost estimates are as follows: Construction cost \$13,400; connection charge \$2,700; net revenue per year \$432. Resolution approving plans, specifications and call for bids needed. Funds budgeted in Account 6804-50-101, Water Line Extensions, p. 45)

ACTION: Res. 69-117 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

12. Approve plans and specifications and call for bids for the installation of water lines north on Prescott Road and west on Rumble Road to junior high school site.

(Bid opening February 25, 1969 at 10:15 A.M. Preliminary cost estimates are as follows: Construction cost \$9,400; connection charge \$4,851; net revenue per year (flat rate to schools). Resolution approving plans, specifications and bid call needed Estimated cost \$9,400 (Materials \$6,600, labor \$2,800; funds budgeted in Account 6804-50-101, Water Line Extensions, p. 45)

ACTION: Res. 69-118 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

13. Recommendation that installation of water lines in Carver Terrace No. 3 Subdivision be performed by City of Modesto forces.

(Bids were opened February 4th and the low bid of Valley Construction Company which is 80% over the Engineer's Estimate, is considered unacceptable. In the opinion of the City Manager, the work can be performed most economically by city forces. Therefore, he recommends this work be done accordingly. Resolution authorizing work to be done by city forces needed. Estimated cost \$7,300 (Materials \$4,800; labor, \$2,500;) funds budgeted in account 6804-50-101, Water Line Extensions, p. 45)

ACTION: Res. 69-119 adopted authorizing work to be done by City forces. (P/W to handle)

HEARINGS

14. Hearing on Resolution of Intention to form Improvement District No. 13.

7:30 P.M.

ACTION: Res. 1082-S.P. adopted (Hughes/Mitchell, unan. - Shastid absent) determining that public convenience and necessity require improvement without compliance with Majority Protest Act of 1931.

Res. 1083-S.P. adopted (Hughes/Mitchell, unan. - Shastid absent) ordering work.

Res. 1084-S.P. adopted (Hughes/Mitchell, unan. - Shastid absent) calling for bids on March 4, 1969 at 10:00 A.M.

15. Hearing on annexation of Prescott No. 2 Addition to City of Modesto.

7:45 P.M.

(Proper notice was not given)

ACTION: Res. 69-120 adopted (Simon/Hughes, unan. - Robinson and Shastid absent) resetting April 14, 1969 at 7:45 P.M. as time for hearing. (Clerk to handle)

16. Hearing on annexation of Scenic No. 2 Addition to City of Modesto.

7:50 P.M.

(Proper notice was not given)

ACTION: Res. 69-121 adopted (Simon/Hughes, unan. - Robinson and Shastid absent) resetting April 14, 1969 at 7:50 P.M. as time for hearing. (Clerk to handle)

17. Hearing on request of Warren R. Ihrig for driveway variance at 533 Castle.

7:55 P.M.

ACTION: Res. 69-122 adopted (Hughes/Smith, unan. - Shastid & Robinson absent) granting request for two 16-foot curb cuts. (P/W to handle)

18. Matters for the good of the community.  
(These may be presented by citizens in the audience)

8:00 P.M.

Councilman Hughes added his commendations to the staff for the fine work done by City crews during the recent floods.

A resolution (Hughes/Smith) encouraging our legislators to take a strong stand against cigarette advertising failed.

ACTION: By motion (Mitchell/Hughes, unan.) Mayor Davies granted permission to leave the United States from February 25 to March 5, 1969.

ACTION: Res. 69-123 adopted (Mitchell/Hughes, unan. - Shastid & Robinson absent) extending best wishes of Modesto to Barranquilla, Colombia. (C/Atty to handle)

#### ORDINANCES

##### CONSENT

19. Final adoption of Ordinance No. 951-C.S. - rezoning portion of area surrounding Doctors' Hospital)

ACTION: By motion Ord. No. 951-C.S. adopted. (Clerk to handle)

#### OLD BUSINESS

19a. Discussion of proposed library.

ACTION: Res. 69-124 adopted (Simon/Smith, unan. - Robinson & Shastid absent) approving original plan for library, to wit: plan with basement and main floor. (C/Mgr to handle)

#### NEW BUSINESS

##### CONSENT

20. Request by Councilman Mitchell for permission to attend the annual National League of Cities Legislative Conference, March 30, 31, and April 1, 1969 in Washington, D.C.  
(Councilman Mitchell would like to leave Modesto on Thursday, March 27, in order to have Friday to confer with officials in Washington, D.C., and would return to Modesto on April 2. Motion granting permission needed. Estimated cost \$500; funds budgeted in Account 207-7, Conference Expense, p. 21)

ACTION: By motion permission granted.

21. Attendance by City Manager at IBM School in San Jose, April 14-18, 1969.  
(Memo with agenda. Motion approving needed)

ACTION: By motion (Simon/Smith, unan.) attendance approved.  
(C/Mgr to handle)

22. Offer to lease City property located at 1515 H Street submitted by E. W. Ferrel of Ferrel Real Estate.  
(Copy of offer with agenda. Motion directing staff to prepare lease agreement if acceptable to council)

ACTION: Held for one week to permit further study.

23. Consider request of Modesto City Employees' Association for bi-weekly pay checks.  
(Memos with agenda. If Council desires to change to bi-weekly system, a motion will be needed directing staff to take necessary steps to put bi-weekly payroll into effect and authorizing preparation of a resolution at such time as the work is completed to institute the proposed system. Estimated cost \$300; Salary savings in Account 110-15, Salaries & Wages, Regular, p. 26 in budget)

ACTION: By motion (Smith/Mitchell, unan.) request approved and staff directed to take necessary steps. (Finance to handle)

#### REPORTS

##### CONSENT

24. Report on Yosemite Boulevard widening.  
(Report with agenda. Resolution commending five private utility companies needed)

ACTION: Res. 69-125 adopted commending Pacific Gas and Electric Company, Pacific Telephone Company, Modesto Irrigation District, Del Este Water Company, and the Sylvan Rural Telephone Company for their cooperation with City and State in this project. (Clerk to handle)

##### CONSENT

25. Quarterly report (Oct., Nov., Dec., 1968) of Greater Modesto Chamber of Commerce.  
(Motion accepting needed)

ACTION: By motion report accepted.

##### CONSENT

26. Presentation of Financial Statement for January 1969.  
(Copies of report will be distributed at meeting. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

27. Report on sale of furnishings and appliances located in Sequoia Apartments, 923 $\frac{1}{2}$  Eleventh Street.  
(Report with agenda. Motion accepting report needed)

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

REPORTS FROM THE PLANNING COMMISSION

28. Recommend 13 1/2 foot Arcade extending westerly from 10th Street in Block 56 be officially named "Bartoni Lane."  
(Resolution No. 69-23, adopted by the Planning Commission on February 4, 1969 recommends to the Council that the 13 $\frac{1}{2}$  foot Arcade extending westerly from 10th Street in Block 56 be officially named "Bartoni Lane." Resolution needed)

ACTION: Res. 69-126 adopted (Mitchell/Smith, unan. - Hughes, Robinson and Shastid absent) naming arcade "Bartoni Lane."  
(P & T to handle)

MISCELLANEOUS

29. Appointments  
None.

The Council adjourned to executive session at 9:20 P.M. for the purpose of discussing possible appointments to Boards and Commissions. It was announced that the Council was not to return to open session.

Adjournment at 9:20 P.M.

ATTEST:

  
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W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 17, 1969 AT 4:00 P.M.

Roll Call Present: Mitchell, Robinson, Shastid, Simon, Smith, and Mayor Davies  
Absent: Hughes (Councilman Simon was excused at 6:40 P.M.)

Pledge of allegiance to the Flag

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SUGGESTION AWARD

- 1. Presentation of suggestion award to Ralph Aikin.  
(\$50 award to Ralph Aikin for suggestion that a pulley rack be made to provide for pulling of wiring in underground ducts with the power winch on the line truck, instead of having to pull it by hand. Mayor to present award. Funds budgeted in Account 236-17-101, Suggestion System)

ACTION: Award presented to Mr. Aikin by Mayor Davies.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, ~~18~~ 19, 20, 21, 22, 23, 24a, b, 25, 27, 28, 29, 32  
(Shastid/Simon, 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 for the individual items).

APPROVAL OF MINUTES

CONSENT

- 2. Minutes of February 10, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

- 3. Resolution from City of Stanton re revision to real property assessment and taxation laws.  
(Motion ordering filed needed)

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

CONSENT

- 4. Notice of Modesto members appointed to League Committees.  
(Motion approving needed)

ACTION: By motion appointments approved.

BIDS

CONSENT

5. Consider award of bid for the installation of automatic sprinkler system at Enslin Park.  
(Bids were opened February 11, 1969. The low bid submitted by Albert M. Biehl, which is 31.7% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to him. Resolution awarding bid needed. Estimated cost \$12,298 (contract). Funds budgeted in Account 6309-31-321, Enslin Park Automatic Sprinklers, p. 63)

ACTION: Res. 69-127 adopted awarding bid to Albert M. Biehl.  
(P/W to handle)

CONSENT

6. Accept as complete Krebs Engineers, Inc., contract for the furnishing and installing one horizontal type desanding unit for Pump Station No. 36.  
(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 \$3,547; funds budgeted in Account 6834-50-101, Well at Moose Park)

ACTION: Res. 69-128 adopted accepting contract. (Clerk to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for construction of subtrunk sewer between Woodrow and Standiford.  
(Construction of the subtrunk sewer is needed to connect the Greenwood Estates dry sewers to North Trunk. Suggested bid opening March 4, 1969 at 10:10 A.M. Resolution approving plans etc. needed. Estimated cost \$19,000 (Contract \$17,730 - Engr. & Insp. \$1,270). Funds budgeted in Account 6561-52-212. Extend Subtrunk and Perimeter Sewers, p. 60)

ACTION: Res. 69-129 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

8. Consider acceptance of lowest responsible bidder and award of contract to Chicago Pneumatic Tool Company, San Francisco, California, for furnishing one rotary type air compressor.  
(Tabulation with agenda. Resolution needed. Estimated cost \$3,518.00; funds budgeted in Account 5426-48-512, Service Division Capital Outlay, p. 67)

ACTION: Res. 69-130 adopted awarding contract to Chicago Pneumatic Tool Company. (Finance to handle)

CONSENT

9. Consider award of contract to Utility Body Company, Inc., Berkeley, California for the fabrication and installation of a water line construction body on a City supplied truck chassis. Memo with agenda. Resolution needed. Estimated cost \$3,795; funds budgeted in Account 5426-48-512, Service Division Capital Outlay, p. 67)

ACTION: Res. 69-131 adopted awarding contract to Utility Body Co., Inc. (Finance to handle)

CONSENT

10. Construction of chain link fence, Briggsmore Avenue, bid opening March 4, 1969 at 10:15 a.m.  
(Continued beautification of Briggsmore Ave. as approved by the City Council. Resolution approving call for bids needed. Estimated cost \$3,800; (Construction, \$3,600; Engineering and inspection \$200); funds budgeted in Account 6287-31-321, Beautification of north side of Briggsmore Avenue)

ACTION: Res. 69-132 adopted approving plans and specifications and call for bids. (Clerk to handle)

HEARINGS

11. Hearing on annexation of Morris Addition to Modesto Municipal Sewer District. 4:15 P.M.

ACTION: Res. 69-133 adopted (Simon/Smith, unan.) annexing area to District. (Clerk to handle)

12. Hearing on appeal re conditional use permit granted for parking lot on Timothy Avenue. 4:20 P.M.

ACTION: Res. 69-134 adopted (Shastid/Simon, majority - Smith, no) denying appeal and upholding granting of conditional use permit subject to the additional conditions that no expansion of the retail operation can be made and the area shall be maintained to the satisfaction of the Director of Public Works. (P/W to handle)

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

ACTION: Res. 69-135 adopted (Smith/Shastid, unan. - Hughes & Simon absent) authorizing preparation of agreement for employment of Adrian Wilson Associates and Lee/Kado, a joint venture, as architects for the proposed auditorium; said agreement to provide for the preparation of all documents necessary for the City Council to hold an election on the auditorium bond issue and may include a model of the proposed auditorium. (C/Mgr to handle)

By Order of the Mayor the staff was directed to make a study of means of abating noises in commercial areas that are adjacent to residential areas. (Parking & Traffic to handle)

ORDINANCES

CONSENT

14. Ordinance amending Sections 8-2.702, 8-2.703, 8-2.704, 8-2.705 and 8-2.706 of Article 7 of Chapter 2 of Title VIII of the Modesto Municipal Code relating to Park and Recreation Facilities Tax. (Memo with agenda. Introduction of ordinance needed)

ACTION: By motion Ord. No. 952-C.S. introduced. (Clerk to handle)

OLD BUSINESS

15. Consider offer to lease city property located at 1515 H Street submitted by E. W. Ferrel of Ferrel Real Estate. (Memo with agenda. Motion directing staff to prepare lease agreement if acceptable to council)

ACTION: Res. 69-136 adopted (Shastid/Robinson, unan. - Hughes absent) approving lease agreement. (Finance to handle)

16. Further consideration of diagonal parking on I Street. (This matter was raised as part of the I Street planted median discussion. A memo from the Director of Parking and Traffic has been sent with the agenda. Motion directing staff needed. If diagonal parking is to be removed, a resolution will eventually be needed. No cost to City at this time)

ACTION: By motion (Smith/Robinson, unan.) staff directed to proceed to implement parallel parking on Eye Street. (P & T to handle)

17. Reconsider request of Modesto City Employees' Association for bi-weekly pay checks. (Memo with agenda. Motion reaffirming council action taken February 10 approving the request and directing staff to take necessary steps to implement it, needed)

ACTION: No change made in plans for bi-weekly pay checks. Staff directed to make report to Council on February 24 on direct delivery of checks to banks when employee requests this service. (Finance to handle)

CONSENT

18. Consider addendum to library agreement. (Memo with agenda. Resolution approving needed)

DROPPED FROM AGENDA.

CONSENT

19. A resolution determining that the public interest and convenience require that Strathmore 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. Suggested hearing date April 7, 1969 at 4:15 P.M. Resolution setting hearing (2/3 affirmative vote needed).

ACTION: Res. 69-137 adopted setting hearing. (Clerk to handle)

CONSENT

20. Resolution providing for notice of filing of assessment for improvement district No. 12 (M12-22) (Yosemite Avenue Street Lighting) (Hearing on assessment to be held March 17, 1969 at 5:00 P.M. Resolution providing for notice of filing of assessment needed)

ACTION: Res. 1085-S.P. adopted providing for notice of filing of assessment. (Clerk to handle)

CONSENT

21. Consider adoption of resolution establishing fees to be paid for obtaining copies of official city documents. (The 1968 California Legislature completely revamped the state laws dealing with the right of the public to inspect public records. The new law makes little change in the procedures now being followed by the City; however, Section 6253 of the Government Code provides that the City may establish reasonable fees for copies of records. The suggested resolution updates our present regulations. Copies of the suggested resolution are being transmitted to the Mayor and councilmen with copies of the agenda)

ACTION: Res. 69-138 adopted establishing fees to be paid for copies of official documents. (Finance to handle)

CONSENT

22. Resignation of Mrs. Jean Purvis from Modesto Beautification Committee. (Resolution accepting with regret needed)

ACTION: Res. 69-139 adopted accepting resignation with regret. (Clerk to handle)

CONSENT

23. Resolution instructing the Superintendent of Streets to give notice requiring construction of curbs and gutters on Wright Street at 303 Poplar, Lots 11 and 12, Block 525. (Informal request was sent over thirty days ago to Mr. Robert L. Betz, 303 Poplar Avenue, to install curbs and gutters. The work has not been done; therefore, it is recommended that a resolution be adopted authorizing the Superintendent of Streets to give notice requiring construction of curbs and gutters. Resolution setting hearing needed. Suggested date March 3, 1969 at 4:15 P.M.)

ACTION: Res. 69-140 adopted setting hearing. (P/W to handle)

CONSENT

24. Report of Superintendent of Streets on the cost of installation of curb and gutter at the properties listed below.  
(The amounts assessed against the properties will be included in the reports distributed with the agenda for the hearing date. Resolution setting hearing date needed. Suggested date March 3, 1969 at 4:20 P.M.)

CONSENT

- (a) Curb and gutter at 421 Leon Ave., Lots 11 & 12, Block 355 (178.56) (Thomas E. Prokes)  
(Resolution setting hearing needed)

ACTION: Res. 69-141 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Curb & gutter at 337 Yosemite, Lots 23 and 24, Block 350, \$183.70, (Dorothy Guinn Corriea).  
(Resolution setting hearing needed)

ACTION: Res. 69-142 adopted setting hearing. (P/W to handle)

CONSENT

25. Consider request for sewer service to property at 901 Tokay Ave. located at the northeast corner of Tokay Avenue and O'Farrell Avenue (Owner, John H. Inderbitzen)  
(The property owner has 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. 69-143 adopted approving agreement. (P/W to handle)

26. Acceptance of \$350 donation by the Rotary Club of Modesto for the purchase of the film "Marijuana" for use by the Modesto Police Department.  
(Copies of Police Chief's memo with agenda. Motion accepting donation needed)

ACTION: By motion (Mitchell/Robinson, unan.) donation accepted and staff directed to write letter of thanks to Rotary Club.  
(C/Mgr and Finance to handle)

CONSENT

27. Consider sale of garage at 1415 Sutter Street.  
(The city-owned house at 1415 Sutter Street was destroyed by fire November 29, 1968. The garage remains and is surplus to the City's needs. It is proposed that it be sold and moved off the property. Resolution authorizing sale of surplus property to highest bidder needed).

ACTION: Res. 69-144 adopted authorizing sale to highest bidder.  
(Finance to handle)

REPORTS

CONSENT

28. Report on electrical bill of \$1,371.08 for power used in City-County Airport Administration building for period July 1, 1965 to August 21, 1968.  
(Memorandum with agenda. Resolution approving appropriation transfer of \$1,372 needed)

ACTION: Res. 69-145 adopted approving appropriation transfer of \$950 from Account 5304-46-230 (Airport, Expand parking area, United Airlines) and \$422 from Account 5305-46-230 (Airport, Expand parking area, West of Hangar 2) to Account 210-46-230 (Airport, Utilities). (Finance to handle)

CONSENT

29. Report regarding resolutions sent to the City of Modesto by the City of Daly City and the City of Indio relating to requests for legislation to provide for effective relief and tax reform for property owners of the State of California.  
(These resolutions were considered by the Council on January 27th and February 3rd. A copy of a letter from the League of California Cities regarding these resolutions have been sent to the Mayor and Council with agenda) Motion ordering filed needed.

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

30. Report on insurance policies renewing in 1969.

(a) Consider renewal of general comprehensive airport insurance.

(b) Consider renewal of catastrophe liability insurance (Umbrella).  
(Motion accepting report and instruction staff needed.  
Memo with agenda)

ACTION: By motion report accepted and staff directed to proceed.  
(Finance to handle)

31. Report regarding Sacramento County ordinance requiring the dedication of park land by subdividers.  
(This ordinance was discussed by the Council at its meeting of January 13, 1969 at which time the Council directed the staff to obtain a copy of said ordinance and to determine the amount of revenue received by the City of Modesto from the "bedroom tax". Copies of the Sacramento County ordinance, a report from the Director of Finance and a memo from the City Attorney have been transmitted to the Council with the agenda. Motion needed)

ACTION: Staff to report on how other cities finance parks and on amount of money that would have been received by City of Modesto if Sacramento County ordinance had been in effect in Modesto. (C/Atty to handle)

CONSENT

32. Report on bus ridership for 1968.  
(Ridership has increased 18 1/2% over 1967 and marks the first increase in 14 years of steady declines. A report by the Director of Parking and Traffic has been sent with the agenda. Motion ordering filed needed).

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

APPROPRIATION TRANSFER

NONE.

MISCELLANEOUS

33. Appointments.

ACTION: Res. 69-146 adopted (Mitchell/Robinson, unan.) appointing Mike Thompson as a member of the Human Rights Commission for a term expiring May 1, 1971 as a replacement for Jess Aguilar.

Adjournment at 7:00 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

MINUTES OF MODESTO CITY COUNCIL MEETING, MONDAY, FEBRUARY 24, 1969.

There being no members of the Modesto City Council present, the regular meeting of Monday, February 24, 1969 is adjourned to and until Tuesday, February 25 at 7:30 P.M.

The scheduled hearings are continued as follows:

Consideration of revised sign ordinance set for 7:45 P.M. is continued to and until 7:45 P.M. on February 25.

Amendment to Sec. 20-3-9 of zoning map (Thompson) set for 7:50 P.M. is continued to and until 7:50 P.M. on February 25.

Amendment to Sec. 8-3-9 of zoning map (Ballestrini) set for 7:55 P.M. is continued to and until 7:50 P.M. on March 24.

Amendment to Sec. 15-3-9 of zoning map (Soelling) set for 8:00 P.M. is continued to and until 8:00 P.M. on February 25.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 24, 1969 AT 7:30 P.M.  
WHICH WAS ADJOURNED TO TUESDAY, FEBRUARY 25, 1969 AT 7:30 P.M.

Roll Call Present: Mitchell, Simon, Smith, and Vice Mayor Robinson  
Absent: Hughes, Shastid, and Mayor Davies

Pledge of allegiance to the Flag

Invocation---Reverend R. Truman Northrup, Church of the Brethren

Those present joined in a moment of silent prayer.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 8, 9,  
(Mitchell/Smith, unan.) 10, 17, 18, 20, 21, 22, 23,  
25, 26, 27, 28, 32, 34, 35

(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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of February 17, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Request of Beautification Committee for free dumping days May 3 and 24, 1969.  
(Motion granting request needed)

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

CONSENT

3. Invitation from Greater Modesto Council of Church Women United to World Day of Prayer on March 7 at Our Lady of Fatima Catholic Church.  
(Motion ordering filed needed)

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

4. Application of Skymark Airlines to operate commuter airline service from Modesto City-County Airport.

ACTION: By motion (Smith/Simon, unan.) application referred to staff to work out negotiations and report to Council. (P/W to handle)

CONSENT

5. Request of Gas 'N Wash, Inc., for driveway variance.  
(Resolution setting hearing needed. Suggested date 3/3/69 at 4:25 P.M.)

ACTION: Res. 69-147 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

6. Accept as complete the contract with Industrial Electrical for installation of water lines in Coleman Acres Subdivision. (All work on the contract has been completed to the satisfaction of the Public Works Department and it would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work as complete needed. Actual cost \$2,523.50; funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-148 adopted accepting contract. (Clerk to handle)

CONSENT

7. Consider acceptance of Ferrero Electric's contract for construction of airport security lighting. (The contract was satisfactorily completed and final inspection was made on February 19. Therefore, it is recommended that the City Clerk be authorized to file notice of completion. Resolution accepting work needed. Contract cost \$12,757.80; funds budgeted in Account 6512-230-46, Security Lighting Revisions, p. 62)

ACTION: Res. 69-149 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider award of bid for construction of Sutter Trunk Liner. (Bids were opened February 18, and the low bid was submitted by Certified Sewers of Stockton, which is 8.8% over the Engineer's Estimate is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$61,000 (Contract, \$59,838; Engr. & Insp. \$1,161.40; funds budgeted in Account 6586-52-212, Replacement of Sutter Trunk Sewer, p. 60)

ACTION: Res. 69-150 adopted awarding contract to Certified Sewers of Stockton. (P/W to handle)

CONSENT

9. Consider award of bid for the resurfacing of tennis courts at Graceada Park and Westside Park.  
(Bids were opened on February 18th. The low bid submitted by Langworthy Paving Co., Inc., which is 35% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$14,065 (Contract \$12,765; Engr. \$1,300; funds budgeted in Account 6305-31-321, Graceada Tennis Courts and 6390-31-321, Westside Park Resurfacing, p. 63)

ACTION: Res. 69-151 adopted awarding contract to Langworthy Paving Co., Inc. (P/W to handle)

CONSENT

10. Partial acceptance of George Osborn Construction Co. contract for construction of the Wastewater Pumping and Treatment Works Enlargement, Project Unit No. 1.  
(All work on this project has been completed with the exception of Change Orders Nos. 10, 11 and 12. Final inspection has been made by Economic Development Administration and Jenks and Adamson of the completed work. Memo with agenda. Resolution accepting work as complete except Change Orders Nos. 10, 11 and 12, and authorizing City Clerk to file notice of partial completion and release retained percentage less actual cost of change orders 10, 11, and 12. Actual cost \$1,597,981 total revised contract cost, including Change Orders 10, 11 and 12; funds budgeted in Account 6553-405, Muni Sewer Dist. Impr.)

ACTION: Res. 69-152 adopted accepting contract with the exception of Change Orders Nos. 10, 11, and 12. (Clerk to handle)

HEARINGS

11. Consideration of proposed changes to Chapter 2 of Title X of Municipal Code (R-2 signs) 7:45 P.M.

ACTION: Ord. No. 953-C.S. introduced (Mitchell/Smith, unan.) changing portion of Chapter 2 of Title X of Municipal Code re R-2 signs. (Clerk to handle)

12. Hearing on amendment to Section 20-3-9 of zoning map (Thompson) 7:50 P.M.

ACTION: Ord. No. 954-C.S. introduced (Mitchell/Simon, unan.) amending Sec. 20-3-9 of zoning map. (Clerk to handle)

13. Hearing on amendment to Section 8-3-9 of zoning map (Balestrini) 7:55 P.M.

On February 24 this matter was continued to March 24, 1969 at 7:50 P.M.

14. Hearing on amendment to Section 15-3-9 of zoning map (Soelling) 8:00 P.M.

ACTION: Ord. No. 955-C.S. introduced (Simon/Smith, unan.) amending Sec. 15-3-9 of zoning map. (Clerk to handle)

15. Matters for the good of the community. 8:05 P.M.  
(These may be presented by citizens in the audience)

Res. 69-153 adopted (Mitchell/Simon, unan.) authorizing City Manager to sign application for flood relief funds. (C/Mgr to handle)

By motion (Smith/Mitchell, unan.) staff directed to inform State Div. of Highways that State plan for southbound off-ramp at N. 9th Street is satisfactory. (P & T to handle)

The proposed new library was discussed. The Council was informed that costs would likely total \$2,614,000 and the projected completion date was March 1, 1972. About \$104,000 additional City money will be needed.

The Council was informed that the staff was making the necessary arrangements to handle problems arising from flooding which may occur.

The father of Russell Fey, Director of Planning, was introduced.

The untimely death of Ada Hubbard, former secretary to the City Manager, was discussed and it was decided to adjourn the meeting in respect to her memory.

#### ORDINANCES

16. Submission of draft of proposed revision to the sign ordinance. (Memo with agenda. Motion directing staff needed)

ACTION: By motion (Simon/Mitchell, unan.) C/Attorney directed to conduct a review of the proposed revision with all segments of the community that are interested. Following this review the revision will be studied by a Council committee. (C/Atty to handle)

#### OLD BUSINESS

##### CONSENT

17. Consider addendum to library agreement. (Memo with agenda. Resolution approving needed)

ACTION: Res. 69-154 adopted approving addendum and authorizing designated City Officials to execute same. (Clerk to handle)

##### CONSENT

18. Consider letter from Richard Carpenter, Executive Director and General Counsel, League of California Cities, relating to SB-4, home rule.  
(At its meeting of February 3rd, the City Council considered a letter from Senator H. L. Richardson requesting support for SB-4. The council at that time requested the staff to write the League regarding its position on SB-4. Copies of Mr. Carpenter's letter of transmittal and enclosure have been mailed to the councilmen with the agenda and are self-explanatory. Motion ordering filed needed)

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

19. Direction to staff re downtown mall petitions.  
(February 23 will be 90 days from the hearing when permission was given for the circulation of petitions for the formation of a mall. Motion indicating whether or not the Council favors extending the time is needed)

ACTION: Following a report that 35% of the primary area and 44% of the secondary were signed, the Council, by motion (Mitchell/Smith, unan. granted an additional 30 days for the signing of petitions.

NEW BUSINESS

CONSENT

20. Approve agreement with State covering J Street traffic signals changed as part of one-way streets change.  
(Agreement provides that State will pay the City \$2,717.32 as half the cost. Report by Director of Parking & Traffic sent with the agenda. Resolution approving agreement needed)

ACTION: Res. 69-155 adopted approving agreement and authorizing designated City Officials to execute same. (Clerk to handle)

CONSENT

21. Petition for abandonment of portion of alley which lies between Tully Road and Uhlig Avenue.  
(Larry and Edith Palleschi and George A. and Peg E. Loudenback have requested the abandonment and have paid the required \$75.00. Resolution referring petition to Planning Commission needed)

ACTION: Res. 69-156 adopted referring petition to Planning Commission.  
(Planning to handle)

CONSENT

22. Consider plans for Highway 99 northerly from Prescott Road.  
(Preliminary plans covering the Prescott and Beckwith Road interchanges will be on display at the council meeting. It is suggested that they be referred to the Planning Commission for early report, since the State would like to have a hearing in April. Motion referring plans to Planning Commission needed)

ACTION: By motion plans referred to Planning Commission for report.  
(Planning to handle)

CONSENT

23. Resolution instructing Superintendent of Streets to give notice requiring construction of sidewalk, curb and gutter, portion of lots 31 & 32, Block 3 (George J. Lyng). (212 G Street)  
(An informal request was sent over thirty days ago to property owner to install sidewalk, curb and gutter. The work has not been done. It is recommended that a resolution be adopted authorizing the Superintendent of Streets to give notice requiring construction. Resolution setting hearing needed. Suggested date 3/17/69 at 4:15 P.M.)

ACTION: Res. 69-157 adopted setting hearing. (P/W to handle)

24. Recommendation that a subcommittee of the City Council be appointed to review applications and recommend to the entire council the appointment of a Westside Neighborhood Center Director.  
(Resolution needed)

ACTION: Acting Mayor Robinson appointed Councilman Mitchell as Chairman and Councilmen Smith and Robinson as members of the subcommittee.  
(Personnel to handle)

CONSENT

25. Resignation of Mrs. Mary Walton from Modesto Human Rights Commission.  
(Resolution accepting with regret needed)

ACTION: Res. 69-158 adopted accepting resignation with regret.  
(Clerk to handle)

CONSENT

26. Resolution requesting allocation of State Highway Funds for the construction of City of Modesto Federal-aid Secondary Urban Extension project Sta. Mod. FAS 1285; UE-1, on Northern Boulevard and Briggsmore Ave. between Prescott Road and McHenry Avenue.  
(Memo with agenda. Resolution requesting allocation of State Highway Funds needed)

ACTION: Res. 69-159 adopted requesting allocation. (P/W to handle)

CONSENT

27. Consider the following documents:  
(a) Agreement between City and East Modesto Industrial Waste Company pertaining to transfer Company's waste collection system to City of Modesto.

ACTION: Res. 69-160 adopted approving agreement. (Clerk to handle)

(b) Bill of Sale of Company's waste collection system

(c) Deeds of easement  
(Memo with agenda. Resolution accepting bill of sale, deeds of easement, approving agreement and authorizing City Manager to sign agreement on behalf of City needed)

ACTION: Res. 69-161 adopted accepting Bill of Sale, accepting deeds of easement, and authorizing recordation of deeds. (Clerk to handle)

CONSENT

28. Consider adoption of the following resolutions in connection with application for funds from the California State Library for a new central library building.

(a) A resolution authorizing the filing of a construction project application for federal funds under the Library Services and Construction Act, and authorizing the City Manager to sign the application and other documents required in connection with said application.

(Resolution needed)

ACTION: Res. 69-162 adopted authorizing filing of application. (C/Mgr to handle)

(b) A resolution appointing and designating Marvin Ray, Deputy City Manager, as the liaison representative between the California State Library and the City of Modesto for an approved project under the Library Services and Construction Act.

(Memo with agenda. Resolution needed)

ACTION: Res. 69-163 adopted appointing Marvin Ray as liaison representative. (C/Mgr to handle)

REPORTS

29. Report. Salary  
(Memo from the City Council/Survey Committee suggesting a new list of comparative cities for salary and other comparative purposes. Acceptance of report and motion authorizing City Manager to meet and confer with employee organizations needed)

ACTION: By motion (Smith/Mitchell, unan.) report accepted and City Manager authorized to meet and confer with employee organizations. (C/Mgr to handle)

30. Report on fire insurance, per Council's request of August 19, 1968. (Memo with agenda. Motion accepting report and instructing staff needed)

ACTION: By motion (Smith/Simon, unan.) staff authorized to make appraisal of City-owned buildings and report back to Council. (P/W to handle)

31. Report on procedure for deposit of employees' checks into the bank. (Memo with agenda. Motion accepting report needed)

ACTION: By motion (Simon/Smith, unan.) report accepted.

REPORTS FROM PLANNING COMMISSION

CONSENT

32. Recommending to the City Council disposition of city owned property, at the south corner of 7th and Washington Streets. (On January 27, 1969 the City Council referred the proposed sale of city owned property at the corner of 7th and Washington Streets to the Planning Commission for its recommendation. The Planning Commission, at its meeting of February 18, considered this matter and recommends by Resolution 69-25 the sale of this property. Motion authorizing Finance Department to call for bids needed)

ACTION: By motion Finance Department authorized to call for bids. (Finance to handle)

33. Planning Commission recommendation - Capital Improvement Project No. 319, moved from 1971-72 fiscal year to 1969-70. (Information with agenda. Motion accepting needed)

ACTION: By motion (Mitchell/Smith, unan.) recommendation approved. (Finance and C/Mgr to handle)

CONSENT

34. A resolution annexing uninhabited territory to the City of Modesto known as Prescott #3 Addition. (The Planning Commission has reviewed and recommends annexation of uninhabited territory known as Prescott #3 Addition to the City of Modesto, and the Local Agency Formation Commission has authorized the annexation without notice or public hearing. Resolution annexing area needed)

ACTION: Res. 69-164 adopted annexing Prescott #3 Addition to City of Modesto. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

35. Appropriation transfer of \$800 from General Fund, General Reserve, for renovation of Del Webb Field seats. (When we originally budgeted funds for this renovation, the bid quotes indicated the cost would be \$6 per seat. The cost is now \$7.65 per seat, and we will need an additional \$800 to complete the project. Resolution approving appropriation transfer needed.)

ACTION: Res. 69-165 adopted approving appropriation transfer of \$800 from Account 60-101 (General Fund, General Reserve) to Account 5201-35-101 (Parks Div., Del Webb Field seats) (Finance to handle)

MISCELLANEOUS

36. Legislative matters.  
None.

37. Appointments.  
None.

Adjournment at 8:55 P.M. in respect to the memory of Ada Hubbard.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 3, 1969 AT 4:00 P.M.

Roll Call Present: Hughes, Mitchell, Simon, Smith, and  
Vice Mayor Robinson  
Absent: Shastid and Mayor Davies

Pledge of allegiance to the Flag

Invocation: Reverend Larry Duncan, Memorial Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 6, 7, 8, 9,  
(Smith/Mitchell, unan.) 10, 11, 17, 18, 19, 22, 23,  
24, 25, 26, 27, 28, 29, 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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of regular meeting of February 24 and adjourned regular meeting of February 25, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Request of Modesto Symphony Orchestra for payment of the \$1,500 budgeted for 1968-69 and for inclusion of \$1,500 in 1969-70 budget. (Motion approving payment and referring to proper budget sessions needed)

ACTION: By motion payment of \$1,500 approved and request for inclusion of \$1,500 in 1969-70 budget referred to proper budget session. (Finance to handle)

3. Reply from Dept. of Mental Hygiene to City Council resolution opposing closure of Modesto State Hospital.

NO ACTION AT THIS TIME.

CONSENT

4. Notice of application of Western Greyhound Lines for fare increase. (Motion ordering filed needed)

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

CONSENT

5. Request of Richard H. Kinser for variance to permit 4-foot sidewalk on Roseburg Avenue at 1140 Mills Ave. (Suggested hearing date March 10 at 7:45 P.M. Resolution setting hearing needed)

ACTION: Res. 69-166 adopted setting hearing. (Clerk to handle)

CONSENT

6. Notice that Mrs. Peggy Mensinger has been elected Chairman of the Library and Culture Commission for 1969.  
(Motion ordering filed needed)

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

BIDS

CONSENT

7. Consider approval of specifications and authorize call for bids for furnishing eleven (11) portable and mobile radios to be received by March 18, 1969 at 2:00 p.m.  
(Radios - 10 mobiles - Fire (2); Police (6); Public Works (2). 1 Portable, Fire (1). Estimated cost \$7,064; funds budgeted in Account 5401-26-101, Radio equipment, Capital Outlay, p. 32)

ACTION: Res. 69-167 adopted approving specifications and call for bids.  
(Clerk to handle)

CONSENT

8. Approve plans and specifications and call for bids for the construction of office building and electrical work at Modesto City-County Airport. (Memo of explanation with agenda. Bid opening March 25, 1969 at 10:00 a.m. This building will provide new office space for Silvaire Flying School and Hawke Flying Service, fixed base operators. Resolution approving plans, specifications and call for bids needed. Estimated cost \$32,000 (contract, \$30,200; Engr. \$1,800). Funds budgeted in Account 6513-46-230, New Office Building. Additional funds to be requested later from Fund 230, 6530, Aircraft Hangar 60x60)

ACTION: Res. 69-168 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

9. Approve plans and specifications and call for bids for the modernization of electrical controls at Pump Stations 9, 10, and 16. (Memo with agenda. Bid opening March 18 at 10:00 a.m. Resolution approving plans, specifications and call for bids needed; resolution approving appropriation transfer of \$3,500 needed. Estimated cost \$9,500. Funds budgeted in Account 6842-50-101, Modernization of Electrical Controls at Pump Stations 9 and 16)

ACTION: Res. 69-169 adopted approving plans and specifications and call for bids; Res. 69-169A adopted approving appropriation transfer.  
(Clerk & Finance to handle)

CONSENT

10. Consider award of bid for installation of water lines north on Prescott Road and west on Rumble Road to Junior high site. (Bids were opened on February 25. The low bid submitted by Modesto Industrial Electrical Co., Inc., which is 13.9% under 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 \$3,054; contract, \$2,631.61. Funds budgeted in Account 6804-50-101, Water Line Extension, p. 45)

ACTION: Res. 69-170 adopted awarding contract to Modesto Industrial Electrical Co., Inc. (P/W to handle)

CONSENT

11. Consider award of bid for installation of water lines in Renee Manor No. 2 Subdivision.  
(Bids were opened on February 25, 1969. The low bid submitted by Modesto Industrial Electrical Co., Inc., which is 12% under the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$4,688; contract, \$4,121.20. Funds budgeted in Account 6804-50-101, Water Line Extension, p. 45)
- ACTION: Res. 69-171 adopted awarding contract to Modesto Industrial Electrical Co., Inc. (P/W to handle)

HEARINGS

12. Hearing on curb and gutter requirement on Wright Street at 303 Poplar, Lots 11 and 12, Block 525 (Robert Betz) 4:15 P.M.
- ACTION: Res. 69-172 adopted (Hughes/Mitchell, unan.) ordering work done. (P/W to handle)
13. Hearing on cost of installation of curb and gutter, 421 Leon Ave., Lots 11 and 12, Block 355 (Prokes) 4:20 P.M.
- ACTION: Res. 69-173 adopted (Mitchell/Hughes, unan.) approving report, assessing costs and directing method of collection. (Finance to handle)
14. Hearing on cost of installation of curb and gutter, 337 Yosemite, Lots 23 and 24, Block 350 (Corriea) 4:20 P.M.
- ACTION: Res. 69-174 adopted (Mitchell/Hughes, unan.) approving report, assessing costs and directing method of collection. (Finance to handle)
15. Hearing on request of Gas 'N Wash, Inc., for driveway variance. 4:25 P.M.
- ACTION: By Order of the Chair this matter was withdrawn at the request of the applicant.
16. Matters for the good of the Community. 4:30 P.M.  
(These may be presented by citizens in the audience)

Frank Andrews complained that his letters addressed to the Council were not placed on the agenda. He was informed that this was done because his letters dealt with M.I.D. affairs rather than City matters.

The Council took a recess at 4:15 P.M. and returned at 4:27 P.M. During the recess the Committee to Interview Candidates for Westside Center Director held a short meeting.

ORDINANCES

CONSENT

17. Final adoption of Ord. No. 952-C.S. (Park and Recreation Facilities Tax).

ACTION: By motion Ord. No. 952-C.S. adopted (Clerk to handle).

CONSENT

18. Final adoption of Ord. No. 953-C.S. (Signs in R-2 Zones)

ACTION: By motion Ord. No. 953-C.S. adopted (Clerk to handle).

CONSENT

19. Consider revision of speed limits on Tully Road between Rumble Road and 300 feet north of Woodrow Avenue.

(The present speed limit in this area is 35 mph. There is sufficient residential development to qualify for a 25 mile limit. Due to the residential development and proximity of two schools, it is recommended that the speed limit be lowered from 35 mph to 25 mph. Ordinance revising Sec. 3-2.1401 of the Municipal Code needed. Estimated cost, \$30 to revise signing. Funds budgeted in Account 5301-56-101, Traffic Signs)

ACTION: Ord. No. 956-C.S. introduced. (Clerk to handle)

OLD BUSINESS

20. Motion authorizing staff to negotiate for architectural landscape services for the preparation of plans and specifications for the development of Moose Park in accordance with the master plan prepared by Ribera and Sue.  
(Memo with agenda)

ACTION: By motion (Mitchell/Simon, unan.) staff authorized to negotiate.  
(City Manager and Parks & Recreation to handle)

21. Motion authorizing staff to negotiate for architectural landscape services for the preparation of plans and specifications for the development of Sherwood Park in accordance with the master plan prepared by Ribera and Sue.  
(Memo with agenda)

ACTION: By motion (Mitchell/Simon, unan.) staff authorized to negotiate.  
(City Manager and Parks & Recreation to handle)

NEW BUSINESS

CONSENT

22. Consider approval of lease with Nicholas Martino for Mancini property.  
(Memo with agenda. Resolution approving lease agreement needed)

ACTION: Res. 69-175 adopted approving lease agreement. (Finance to handle)

CONSENT

23. Consider the following resolutions for lease agreements for Hangar No. 1, Modesto City-County Airport.  
(a) Resolution terminating lease of Montgomery Flight Service for east half of Hangar No. 1 effective February 28, 1969.

ACTION: Res. 69-176 adopted terminating lease. (P/W to handle)

- (b) Resolution terminating lease of Silvair Flying School for west one-half of Hangar No. 1 effective February 28, 1969.

ACTION: Res. 69-177 adopted terminating lease. (P/W to handle)

- (c) Resolution approving lease of Silvair Flying School for east half of Hangar No. 1 effective March 1, 1969.

ACTION: Res. 69-178 adopted approving lease. (P/W to handle)

- (d) Resolution approving lease of Hawke Flying Service for the west half of Hangar No. 1 effective March 1, 1969.

ACTION: Res. 69-179 adopted approving lease. (P/W to handle)

- (e) Resolution approving subleasing of office and storage space in east half of Hangar No. 1 to Modesto Avionics, effective March 1, 1969.

ACTION: Res. 69-180 adopted approving sublease. (P/W to handle)

CONSENT

24. Resignation of William Hoffman from Mayor's Council on Youth Opportunity.  
(Mr. Hoffman, former Director of Boy Scouts of America, has moved to Florida. Resolution accepting resignation with regret needed)

ACTION: Res. 69-181 adopted accepting resignation with regret.  
(Clerk to handle)

CONSENT

25. Resolution of Intention to call special election for annexation of El Terino Addition to the City of Modesto.  
(A petition containing 118 valid signatures and requesting that the El Terino Addition be annexed to the City of Modesto has been filed with the City Clerk. This represents 45.39 of the registered voters. (Resolution setting time and place for hearing protests to annexation needed. Suggested hearing date April 7, 1969 at 4:30 P.M.)

ACTION: Res. 69-182 adopted setting April 7, 1969 at 4:30 P.M. as time for hearing protests. (Clerk to handle)

CONSENT

26. Report of Superintendent of Streets on the cost of installation of sidewalk and curb and gutter on Kearney Avenue at 1428 Del Monte Avenue, Lot 8, Block 934, (Mr. Ralph E. Torres).  
(The amounts assessed against the property will be included in the report distributed with the agenda for the hearing date. Resolution setting date for hearing needed. Suggested date March 17, 1969 at 4:20 P.M. Estimated cost \$509.60; funds budgeted in Account 5302-51-101, Curbs and Gutters, special)

ACTION: Res. 69-183 adopted setting hearing. (P/W to handle)

CONSENT

27. Consider approval of easement from Modesto Irrigation District.  
(Easement from Modesto Irrigation District is for crossing of MID Lateral No. 7 east of Dale Road for trunk sewer, Project Unit No. 10, Sewerage Works Improvements. Resolution accepting easement and authorizing payment to MID of \$10.00 easement fee needed. Estimated cost \$10; funds budgeted in Account 6553-405, Muni Sewer District Improvements)

ACTION: Res. 69-184 adopted accepting easement. (Clerk to handle)

CONSENT

28. Consider approving request of Stanislaus Food Products, 12 and D Streets for permission to drill and develop a well on their property.  
(Memorandum with agenda. Resolution approving request needed)

ACTION: Res. 69-185 adopted approving request. (P/W to handle)

CONSENT

29. Resolution instructing Superintendent of Streets to give notice requiring construction of sidewalk on Roseburg Avenue at 1140 Mills Ave. (Lot 1, Block 834, Richard Kinser).  
(Informal request sent over thirty days ago to property owner to install sidewalk. The work has not been done. It is recommended that a resolution be adopted authorizing Superintendent of Streets to give notice requiring construction of sidewalk. Resolution setting hearing needed. Suggested date March 17, 1969 at 4:15 P.M.)

ACTION: Res. 69-186 adopted setting hearing. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

30. Report and recommendation on parcel size requirement of the P-D zone.  
(Report and recommendation on parcel size requirement of the P-D Zone, by the Planning Commission, as requested by the City Council)

It was decided that this matter should be considered when Councilman Shastid is present. The staff was directed to prepare a report on possible uses of small parcels that do not adapt themselves to other types of zoning. (Planning to handle)

CONSENT

31. El Vista School Addition - for referral to Planning Commission.  
(Proposed annexation, uninhabited)  
(Information with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 69-187 adopted referring to Planning Commission.  
(Planning to handle)

APPROPRIATION TRANSFERS

NONE.

MISCELLANEOUS

32. Legislative matters.

NONE.

33. Appointments

NONE.

Adjournment at 4:35 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

## AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 10, 1969 AT 7:30 P.M.

Roll Call Present: Hughes, Mitchell, Simon, Smith, and Mayor Davies  
 Absent: Robinson and Shastid

Pledge of allegiance to the Flag

Invocation: Reverend J. Paul Miller, LaLoma Grace Brethren Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 6, ~~7~~, 8, 10,  
 Item 7 removed from consent. 15, 17, 19, 22, 23, 24  
 (Smith/Simon, 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 for the individual items).

APPROVAL OF MINUTES

## CONSENT

1. Minutes of March 3, 1969.

ACTION: Minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

## CONSENT

2. Petition of residents in area of 610 Josilane for repairs to dry well in front of 610 Josilane.  
 (Motion referring to staff for report to Council needed)

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

3. Request of Skymark Airlines for approval of operations from Modesto City-County Airport.  
 (Motion referring to staff needed)

ACTION: By Order of the Chair request of Skymark Airlines for an airport use permit referred to staff; to be placed on agenda for March 17. (P/W to handle)

## CONSENT

4. Request of J. Greenberg & Company for waiver of penalty charges.  
 (Motion referring to City Attorney needed)

ACTION: By motion referred to City Attorney. (C/Atty to handle)

5. Announcement from League of California Cities of Mayors' and Councilmen's Legislative Institute to be held April 14-16 in Sacramento.

NO ACTION.

#### BIDS

##### CONSENT

6. Request for waiver of formal bid procedures and authorization to proceed with purchase of replacement seats for Del Webb Field.  
(Stadiums Unlimited, Inc., is the only firm involved in the production of the type of replacement seating which will be required. (Resolution waiving formal bid procedures and authorization to proceed with purchase needed. Estimated cost \$3,206; funds budgeted in Account 5201-35-101, Replace Seats Del Webb Field)

ACTION: Res. 69-188 adopted waiving formal bid procedures and authorizing purchase. (P & R and Finance to handle)

##### ~~CONSENT~~

7. Consider award of bid for construction of Improvement District No. 13 facilities.  
(Bids were opened on March 4th and the low bid of W. M. Lyles Company which is 2.7% over the Engineer's Estimate is considered acceptable. Therefore, it is recommended that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$28,681.60 (Contract \$25,981.60; Incid. \$2,700). Funds budgeted in Account 7901-212, Imp. Dist. No. 13)

ACTION: Res. 1086-S.P. adopted (Hughes/Mitchell, unan.) awarding contract to W. M. Lyles Co. (P/W to handle)  
Res. 69-190 adopted (Hughes/Mitchell, unan.) authorizing appropriation transfer of \$3,000 from Account 60-212 (Reserve) to Account 7901-212 (Impr. Dist. No. 13) (Finance to handle).

##### CONSENT

8. Consider award of bid for construction of subtrunk sewer - Woodrow to Standiford in Block 13014.  
(Bids were opened March 4th and the low bid of Evatt Building Materials, Fresno, which is 17.5% over the Engineer's Estimate is considered acceptable after we reviewed the depth of line and working conditions. Therefore it is recommended that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$21,809; (Contract \$20,809; Engr. \$1,000). Funds budgeted in Account 6561-52-212, Extend Subtrunk & Perimeter Sewers, p. 60)

ACTION: Res. 69-191 adopted awarding contract to Evatt Building Materials, Fresno. (P/R to handle)

9. Consider award of bid for the construction of chain link fence on Briggsmore Avenue.  
(Bids were opened March 4, 1969. Memo of explanation with agenda. Resolution awarding bid needed. Estimated cost \$3,175 (Contract \$2,975, Engr. \$200). Funds budgeted in Account 6287-31-321, Beautification of northside of Briggsmore Avenue)

ACTION: Res. 69-192 adopted (Hughes/Simon, unan.) awarding contract to Anchor Post Products, Inc. (P/W to handle)

CONSENT

10. Consider award for automotive equipment to low bidders.  
(Frontier Dodge, \$47,059; Griswold & Wight, \$4,133; Helm Chevrolet, \$36,808; total, \$88,000. Two memos and bid tabulation with agenda. Bids were opened February 25, 1969 at 2:00 P.M. Three resolutions awarding bids needed. Funds budgeted in various accounts, 48/512; Service Division Capital Outlay, p. 67)

ACTION: Res. 69-193 adopted awarding bid for items 1, 2, 7 & 8 (21 vehicles - \$47,058.28) to Frontier Dodge.  
Res. 69-194 adopted awarding bid for item 9 (1 vehicle - (\$4,132.28) to Griswold & Wight.  
Res. 69-195 adopted awarding bid for items 3, 4, 5, 6, 10, 11 & 12 (14 vehicles - \$36,807.44) to Helm Chevrolet.  
(Finance to handle)

HEARINGS

11. Hearing on request of Richard H. Kinser for sidewalk variance. 7:45 PM  
(1140 Mills Avenue)

ACTION: Res. 69-196 adopted (Smith/Mitchell, unan.) granting request for a variance to permit a 4-foot sidewalk on the Roseburg side of 1140 Mills Avenue. (P/W to handle)

12. Matters for the good of the Community.  
(These may be presented by citizens in the audience) 7:50 PM

Res. 69-197 adopted (Hughes/Mitchell, unan.) approving agreement with Federal Aviation Administration whereby City of Modesto Fire Department will furnish first response for fire protection at Modesto City-County Airport. (Clerk to handle)

By Order of the Chair, and with the consent of the Council, the City Manager was granted permission to take a vacation for three weeks beginning September 6 to permit him to participate in an S.O.S. trip to Europe.

By motion (Smith/Hughes, unan.) Fair Employment Practices Commission granted permission to use Council Chamber May 8 & 9.

Frank Ruggieri, Chairman of the Downtown Improvement District informed the Council that 65.3% in the primary area and 52.9% in the secondary had signed petitions for the formation of the downtown mall.

By motion (Mitchell/Hughes, unan.) City Attorney directed to check mall petitions for accuracy and correctness.

By motion (Mitchell/Hughes, unan.) City Attorney directed to negotiate agreement with bond counsel.

By motion (Mitchell/Hughes, unan.) Public Projects Committee appointed to recommend employment of engineer for mall project. (C/Mgr to handle)

ORDINANCES

CONSENT

15. Final adoption of Ord. 956-C.S. - Tully Road speed limits.

ACTION: By motion Ord. No. 956-C.S. adopted. (Clerk to handle)

OLD BUSINESS

16. Consider request of Modesto Council of Churches to lease Downey Avenue Fire Station.  
(Copies of letter from Modesto Council of Churches and memo from City Manager being distributed with agenda. Motion authorizing City Attorney to prepare necessary lease agreement and resolution appropriating \$1,200 for removal of existing inside stairway, construction of new inside and outside stairways needed.)

ACTION: By motion (Simon/Smith) City Attorney directed to prepare agreement for lease of fire station.

Res. 69-198 adopted (Simon/Smith, unan.) approving appropriation transfer of \$1,200 from Account 101 (General Fund, General Reserve) to Account 7901-61-101 (Finance to handle)

NEW BUSINESS

CONSENT

17. A resolution and order of the Council of the City of Modesto providing for a general municipal election to be held on Tuesday, April 15, 1969 and designating precincts and polling places and appointing election officers for said general municipal election. (This is the biennial City Council and School Trustee election. Resolution needed)

ACTION: Res. 69-199 adopted designating precincts and polling places, appointing election officers and providing for canvass of votes. (Clerk to handle)

18. Request for waiver of penalty on business license tax.  
(Memo with agenda. Resolution approving or denying request needed)

ACTION: Res. 69-200 adopted (Mitchell/Simon, unan.) denying request of Kellers of Modesto for waiver of business license tax penalty. (Finance to handle)

CONSENT

19. Consider the following agreements between Turlock Irrigation District and the City:

(a) Agreement whereby T.I.D. grants City the right to install, operate, maintain and use a sanitary sewer line on property owned by T.I.D. for the City's Sewerage Works Improvements, Project Unit 10. (Resolution needed)

ACTION: Res. 69-201 adopted approving agreement. (Clerk to handle)

(b) Agreement whereby T.I.D. grants City right to install, operate, maintain and use a sanitary sewer outfall line on property owned by T.I.D. for the City's Sewerage Works Improvements, Project Unit #2. (Memo with agenda. Resolution needed)

ACTION: Res. 69-202 adopted approving agreement. (Clerk to handle)

20. A resolution commending Modesto Police Reserves for contribution to community welfare and safety during 1968.

ACTION: Res. 69-203 adopted (Hughes/Smith, unan.) commending Police Reserves. (Police to handle)

#### REPORTS

21. Report on garbage collection methods and service charges.  
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Hughes/Smith, unan.) intention of Council to not permit curbside collection of garbage expressed.

By Order of the Chair report accepted and staff directed to continue to work with garbage companies. (C/Mgr, Finance & P/W to handle)

CONSENT

22. Presentation of financial statement for February 1969.  
(Copies of report will be presented at meeting. Motion accepting report needed)

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

#### REPORTS FROM THE PLANNING COMMISSION

CONSENT

23. Report and recommendation on walkway policy for subdivisions.  
(Report and recommendation on walkway policy for subdivisions, by the Planning Commission, as requested by the City Council. Motion referring to staff for report needed)

ACTION: By motion referred to staff for report. (P & R and P/W to handle)

CONSENT

24. Resolution annexing uninhabited territory to the City of Modesto known as Riverside Addition.  
(The Planning Commission has reviewed and recommends annexation of uninhabited territory known as the Riverside Addition to the City of Modesto, and the Local Agency Formation Commission has authorized the annexation without notice or public hearing. Resolution needed)

ACTION: Res. 69-204 adopted annexing Riverside Addition to City of Modesto. (Clerk to handle)

#### APPROPRIATION TRANSFERS

#### MISCELLANEOUS

25. Legislative matters.

ACTION: By motion (Hughes/Smith, unan.) AB374 and SB208 opposed.

By motion (Mitchell/Hughes, unan.) AB239 opposed.

By motion (Hughes/Mitchell, unan.) AB240 and SB310 opposed.

By motion (Smith/Hughes, unan.) AB327 opposed.

(C/Mgr to handle)

26. Appointments

NONE.

Adjournment to executive session at 9:10 P.M. with the announcement that the Council would not return to open session.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 17, 1969 AT 4:00 P.M.

Roll Call Present: Hughes, Mitchell, Robinson, Shastid, Simon, Smith,  
and Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend-Ben-Jennings;--Central-Bible-Church  
Reverend Herbert Rasske, Modesto Gospel Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 10, 11, 14, 16,  
Item 24d dropped from agenda. 17, 18, 20, 24a, b, c, M,  
(Robinson/Mitchell, unan.) 29, 30

(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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of March 10, 1969.

ACTION: Minutes approved. (Clerk to handle)

BIDS

2. Consider bids received for sale of property located at the south corner of 7th Street and Washington.  
(Written bids will be opened March 17 at 2:00 P.M.; oral bids will be considered by the Council at 4:00 P.M. Memo with agenda.  
Resolution accepting bid needed)

ACTION: Res. 69-205 adopted (Simon/Smith, unan.) accepting bid of Louis St. Louis in the amount of \$2,750.00. (Finance to handle)

CONSENT

3. A. Resolution approving waiver of formal bid procedures and authorization to proceed with repair of aerial ladder.  
(Resolution needed. Peter Pirsch & Sons, Inc., is only source of service available for this reconditioning)

ACTION: Res. 69-206 adopted waiving formal bid procedures and authorizing repair by Peter Pirsch & Sons, Inc. (Fire to handle)

CONSENT

B. Resolution approving amendment of 1968-69 budget capital outlay item 5407-21-101 "Ground Ladders" to repair of Aerial Ladder.  
(Resolution needed)

See below.

CONSENT

C. Resolution approving appropriation transfer of \$3,552 from unappropriated reserve fund to cover balance of cost of repair of aerial ladder.  
(Portion of needed funds budgeted in Account 5407-21-101, Ground Ladders. Resolution appropriating balance of funds required needed. Estimated cost: \$6,000)

ACTION: Res. 69-207 adopted approving amendment of 1968-69 budget as outlined above and approving appropriation transfer of \$3,552 from Account No. 95, General Fund to Account No. 5407-12, General Fund. (Finance to handle)

CONSENT

4. Accept as complete Emerald Construction Company, Inc. contract for the construction of Fire Station No. 3 on El Vista Avenue. (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 notice of completion. Resolution needed. Estimated cost, contract, \$66,583.94; funds budgeted in Account 6107-41-321, Relocate Fire Station No. 3)

ACTION: Res. 69-208 adopted accepting contract. (Clerk to handle)

HEARINGS

5. Sidewalk, curb and gutter requirement at 212 G Street - portion of lots 31 and 32, Block 3 (George Lyng) 4:15 P.M.

ACTION: Res. 69-208A adopted (Shastid/Robinson, unan.) ordering work. (P/W to handle)

6. Sidewalk on Roseburg at 1140 Mills (Kinser). 4:15 P.M.

ACTION: Res. 69-209 adopted (Shastid/Robinson, unan.) ordering work. (P/W to handle)

7. Hearing on cost of installation of sidewalk, curb and gutter on Kearney Avenue at 1428 Del Monte, Lot 8, Block 934, (Ralph Torres) 4:20 P.M.

ACTION: Res. 69-210 adopted (Robinson/Simon, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

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

Inspection of the Westside Neighborhood Center by members of the Council was set for March 21 at 7:30 A.M. (C/Mgr. to handle)

By motion (Shastid/Smith, unan.) staff authorized to negotiate with Financial Consultants for a feasibility study of the 10th St. Mall. (C/Mgr to handle)

By motion (Robinson/Simon, unan.) appointment of Modesto Junior Chamber of Commerce to handle centennial celebration ratified.

It was decided to place a proposed agreement for sewer service to the Empire Sanitary District on the agenda for March 24. (Clerk to handle)

Following a discussion it was decided to take no further action on the award of bid for construction of a chain link fence to Anchor Post Products, Inc.

Complaint by Fred Earle of the Modesto Swim & Racquet Club concerning water billing was referred to staff for study. (Councilman Shastid was excused from consideration of this item. (C/Mgr to handle)

9. Improvement District No. 12. (Hearing on assessments)

5:00 P.M.

ACTION: Res. 1087-S.P. adopted (Shastid/Hughes, unan.) confirming proceedings and assessment. (Clerk to handle)

#### ORDINANCES

##### CONSENT

10. Final adoption of Ordinance No. 954-C.S., amendment to Section 20-3-9 (Thompson).

ACTION: By motion Ord. No. 954-C.S. adopted. (Clerk to handle)

##### CONSENT

11. Final adoption of Ordinance No. 955-C.S., amendment to Section 15-3-9 (Soelling)

ACTION: By motion Ord. No. 955-C.S. adopted. (Clerk to handle)

#### OLD BUSINESS

12. Further consideration of rezoning in area of Doctors' Hospital. (The Planning Commission has taken no further action and the 40-day period has passed. Transcript of Planning Commission hearing with agenda).

ACTION: Res. 69-211 adopted (Shastid/Smith, unan.) affirming previous action of Council in denying rezoning. (Clerk to handle)

##### CONSENT

14. Agreement with Ribera and Sue, landscape architects. (The agreement provides that Ribera and Sue will develop plans and specifications for Stage 1 development of Sherwood Park site for a lump sum figure of \$4,765. Resolution authorizing agreement needed. Funds budgeted in Account 6301-31-321, Sherwood Park Stage I, p. 63).

ACTION: Res. 69-212 adopted approving agreement and authorizing City Manager to execute same. (Clerk to handle)

15. Report on proposals of airlines for service to Modesto.

ACTION: By motion (Shastid/Smith, unan.) report accepted and staff directed to negotiate agreements with Golden Pacific and Skymark Airlines. (P/W to handle)

CONSENT

16. Letter from Muir Trail Girl Scout Council requesting use of city parks for day camp programs.  
(Motion granting request needed)

ACTION: By motion request granted as follows:  
Kewin Park - June 16 - 20; August 4 - 8  
Beard Brook Park - June 16 - 20

(P & R to handle)

CONSENT

17. A resolution establishing filing fee for application for abandonment or vacation of public rights of way or easements and rescinding Resolution No. 69-73.  
(This would retain the conditions set forth in Resolution No. 69-73 and add a provision requiring applicant to obtain title report if needed. Memo with agenda. Resolution needed)

ACTION: Res. 69-213 adopted rescinding Res. No. 69-73 and establishing fees. (Clerk to handle)

CONSENT

18. A resolution determining that the public interest and convenience require that Prescott No. 3 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. Suggested hearing date May 5, 1969 at 4:15 P.M. Resolution setting hearing (2/3 affirmative vote needed).

ACTION: Res. 69-214 adopted setting hearing. (Clerk to handle)

19. Consider resolution to P.U.C. asking that the City not be charged for Woodland Avenue railroad crossing gates.  
(A memo by the Director of Parking and Traffic has been sent with the agenda. The Council, by motion, in August 1968 asked the staff to tell the P.U.C. that the crossing was outside the City and therefore not a city responsibility. A resolution to present at the P.U.C. hearing is now needed. Resolution needed)

ACTION: Res. 69-215 adopted (Hughes/Robinson, unan.) asking P.U.C. to not charge City of Modesto for Woodland Ave. railroad crossing gates.  
(C/Atty to handle)

CONSENT

20. Consider expansion of City's S.P. Depot parking lot.  
(The Southern Pacific Co. has asked the City to expand the area leased from S.P. by approximately 700 square feet. The new area is behind the Railway Express building. There will be no increase in rent, and two metered parking spaces will be added. A report by the Director of Parking and Traffic has been sent with the agenda. Resolution approving agreement needed)

ACTION: Res. 69-216 adopted approving agreement. (Clerk to handle)

21. Consider termination of radio service agreement with R. S. Gada, dba Ray's Radio Shop, Modesto, effective April 30, 1969. (The agreement provides for a 30-day cancellation. Memo with agenda; Resolution needed)

ACTION: Res. 69-217 adopted (Robinson/Shastid, unan.) accepting letter from R. S. Gada terminating agreement effective April 16, 1969. (Clerk to handle)

22. Request for waiver of penalty on business license tax from Chet Bowes, D.D.S. (Memo with agenda. Resolution approving or denying request needed)

ACTION: Res. 69-218 adopted (Shastid/Simon, unan.) denying request. (Finance to handle)

23. Request for waiver of penalty on business license tax from Home Finance Corporation. (Memo with agenda. Resolution approving or denying request needed)

ACTION: Res. 69-219 adopted (Shastid/Simon, unan.) denying request. (Finance to handle)

CONSENT

24. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below. (Informal requests were sent over thirty days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolution setting hearing needed. Suggested date April 7, 1969 at 4:20 P.M.)

CONSENT

- (a) Sidewalk at 920 McHenry Avenue, a portion of Block 649. (H. E. Austin) (Resolution needed)

ACTION: Res. 69-220 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Sidewalk on McHenry at 912 McHenry Avenue, a portion of Block 649, (Reginald S. Jeans) (Resolution needed)

ACTION: Res. 69-221 adopted setting hearing. (P/W to handle)

CONSENT

- (c) Sidewalk on McHenry at 1560 McHenry Ave., a portion of Block 1235, (Rumbley Realty Co.) (Resolution needed)

ACTION: Res. 69-222 adopted setting hearing. (P/W to handle)

CONSENT

- (d) Curb and gutter on Rosina at 1623 Yosemite Blvd, a portion of Lot 9, Lots 10 and 11, Block 2125 (Atlantic Richfield Corp.) (Resolution needed)

DROPPED FROM AGENDA.

REPORTS

25. Report by City Attorney regarding rezonings, use permits, appeals, variances, and other hearings held by the City Council, Planning Commission and Board of Zoning Adjustment.  
(Report with agenda)

HELD FOR ONE WEEK TO PERMIT FURTHER STUDY BY COUNCILMEN.

26. Further consideration of noise regulations.  
(A report by the Director of Parking and Traffic has been sent with agenda. Regulations similar to three California cities are recommended. One of the three cities' ordinances has been slow in coming, but its features have been outlined in the report. Motion directing staff to prepare ordinance or whatever action Council desires needed)

ACTION: By motion (Shastid/Robinson, unan.) City Attorney directed to prepare a brief and simple ordinance modeled after Compton or Inglewood and with any additions he thinks are necessary.  
(C/Atty to handle)

REPORTS FROM THE PLANNING COMMISSION

27. Report and recommendation on parcel size requirement of the P-D zone.  
(Report and recommendation on parcel size requirement of the P-D Zone, by the Planning Commission, as requested by the City Council)

ACTION: By motion (Shastid/Hughes, unan.) report accepted.

28. Reaffirmation of the recommendation of 14th and 15th Streets and Jennie and Grand Streets as a one-way couplet connection between Yosemite Boulevard and K and L Streets.  
(At its regular meeting of March 4, 1969 by Resolution No. 69-32, the Planning Commission reaffirmed its previous recommendation of 14th and 15th Streets and Jennie and Grand as a one-way couplet connection between Yosemite Boulevard and K and L Streets. Letter with agenda. No council action needed)

ACTION: By motion (Shastid/Robinson, unan.) previous action in approving above-outlined couplet reaffirmed. (P & T to handle)

CONSENT

29. Kazmir Court Addition (Inhabited) annexation - for referral to Planning Commission.  
(Annexation has been requested by residents of the Sunset Manor Subdivision located south of Rouse Avenue and west of Sutter Avenue. The area is approximately 20 acres in size and contains 88 single family dwelling units and is bounded by the city limits on the north, east and south. Water service is provided by Del Este Water Co. The area is within the Burbank-Paradise Fire District from which it will be withdrawn and in the Modesto City School District, in which it will remain. If referred to the Planning Commission, the planning staff will gather additional information. Resolution referring to Planning Commission needed)

ACTION: Res. 69-223 adopted referring to Planning Commission.  
(Planning to handle)

CONSENT

30. East Coolidge Addition (inhabited) annexation - for referral to Planning Commission.  
(Annexation has been requested by residents of the unincorporated area bounded in general by East Granger Ave. on the north, the John Sutter School on the east, and the city limits on the west and south. Water service is provided by the Del Este Water Co. The area is within the McHenry-Dry Creek Fire District from which it will be withdrawn and partially within both the Modesto City School District and the Sylvan School District. If referred to the Planning Commission, the Planning staff will gather additional information. Resolution referring to Planning Commission needed)

ACTION: Res. 69-224 adopted referring to Planning Commission.  
(Planning to handle)

APPROPRIATION TRANSFERS

NONE.

MISCELLANEOUS

31. Legislative matters.

ACTION: By motion (Smith/Robinson, majority - Simon, no) SB312 and SB314 opposed until such time as Legislature has placed similar restrictions on itself. (C/Mgr to handle)

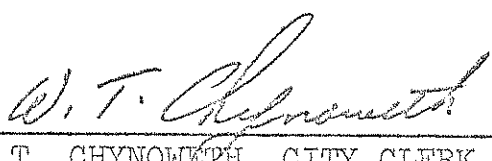
32. At 6:20 P.M. the Council adjourned to executive session to consider appointments. The Council reconvened in open session at 7:30 P.M. without Councilman Simon who was excused.

Appointments. The City Manager announced that Robert E. Wegener had been appointed as Director of Westside Neighborhood Center and Maddux Youth Center.

Rev. Howard Clarke was commended for his efforts on behalf of Center.

Adjournment at 7:35 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

City of Modesto

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 24, 1969 AT 7:30 P.M.

Roll Call Present: Hughes, Mitchell, Shastid, Smith, and Mayor Davies  
Absent: Robinson and Simon

Pledge of allegiance to the Flag

Invocation: - Reverend Harold Kewles, - Central Baptist Church

A moment of silent prayer was observed.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 5, 6, 7, 8, 12, 13,  
(Shastid/Hughes, unan. - Robinson and Simon absent) 15, 17a, b, c, d, e, 18, 19, 20,  
21, 22, 25, 28, 29, 30

(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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of March 17, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Request of Modesto Roadmen Bicycle Club for permission to hold fourth annual Tour de Graceada on September 7, 1969.

ACTION: By motion (Smith/Shastid, unan. - Robinson and Simon absent) request granted subject to sponsors meeting with Council of Churches representatives in attempt to arrange church services in park before the race. (P & R to handle)

3. Letter from Farm-City Advisory Committee opposing immediate closing of Modesto State Hospital.  
(Committee Chairman, Joe Hart, will be present to comment on this subject)

Joe Hart explained that the immediate closure of the hospital was opposed until certain questions had been answered.

CONSENT

4. Request of Greater Modesto Chamber of Commerce for \$15,000 appropriation for fiscal year 1969-70.  
(Motion referring to appropriate budget session needed)

ACTION: By motion referred to budget session. (C/Mgr and Finance to handle)

BIDS

CONSENT

5. Consider awards for radio equipment as a result of bid opening of March 18, 1969 at 2:00 P.M.  
(Cooks Communication Corp., Items 1 & 2, ten total radios, \$5,350; Motorola Communications & Electronics Corp., Item 3, one radio \$798. Resolutions accepting bids needed. Estimated cost \$6,148; funds budgeted in Account 5401-26-101, Radio Equipment Capital Outlay, p. 32)

ACTION: Res. 69-225 adopted awarding bid for Items 1 & 2 (10 mobile radios, \$5,350) to Cooks Communication Corp.  
Res. 69-226 adopted awarding bid for Item 3 (1 portable radio, \$797.11) to Motorola Communications & Electronics Corp.  
(Finance to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids on construction of subtrunk sewer, Woodrow to Rumble.  
(Subtrunk sewer is required to serve Davis Park, Northgate No. 5 Subdivision and adjacent area to the north and east. Suggested bid opening April 8 at 10:00 A.M. Resolution approving plans and specifications and calling for bids and resolution approving appropriation transfers needed. Estimated cost \$43,000 (Contract \$40,095; Engr. \$2,905)

ACTION: Res. 69-227 adopted approving plans and specifications and call for bids. (Clerk to handle)  
Res. 69-228 adopted approving appropriation transfer of \$19,201 from Account 60-404 (General Reserve) and \$23,799 from Account 6553-405 (Muni. Sewer Dist.) to Account 6555-405 (Northgate Sub-trunk sewers). (Finance to handle)

CONSENT

7. Approve plans and specifications and call for bids for improvements to Marshall Park.  
(Bid opening April 8, 1969 at 10:10 A.M. Resolution approving plans and specifications and call for bids needed. Estimated cost \$42,000; funds budgeted in Account 6274-31-321, Marshall Park Development)

ACTION: Res. 69-229 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

8. Consider award of bid for modernization of electrical controls at Pump Stations 9, 10 and 16.  
(Bids were opened March 18 and the low bid submitted by Industrial Electrical Co. of Modesto which is 22.9% under 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 \$9,500; funds budgeted in Account 6842-50-101, Modernization of Electrical Controls at Pump Stations 9, 10 and 16)

ACTION: Res. 69-230 adopted awarding bid to Industrial Electrical Co.  
(P/W to handle)

HEARINGS

9. Hearing on annexation of Rose Acres No. 3 to Modesto Municipal Sewer District. 7:45 P.M.

ACTION: Res. 69-231 adopted (Mitchell/Hughes, unan. - Robinson and Simon absent) annexing Rose Acres No. 3 to District. (Clerk to handle)

10. Hearing on amendment to Sec. 8-3-9 of zoning map. (Continued from 2/24/69 - Ballestrini) 7:50 P.M.

ACTION: Res. 69-232 adopted (Smith/Shastid, majority - Hughes, no - Robinson and Simon absent) referring petition for amendment back to Planning Commission. (Planning to handle)

11. Matters for the good of the community. (These may be presented by citizens in the audience) 7:55 P.M.

ACTION: Res. 69-233 adopted (Shastid/Smith, unan. - Robinson and Simon absent) waiving formal bid procedures for replacement of water line on Hatch Rd. (P/W to handle)

A motion (Shastid/Smith) to include the position of ombudsman (or public relations officer) in the 1969-70 budget failed.

A large delegation of residents of the near west side of Modesto appeared to object to the appointment of Robert Wegener as Director of the West Side Neighborhood Center. The feeling was that the Rev. Monroe Taylor should have been appointed. It was urged that the appointment of Mr. Wegener be rescinded and Rev. Taylor given the job. It was decided that a meeting would be arranged between the Council and the Directors of the West Side Neighborhood Center. (C/Mgr to handle)

- 11A. Oral progress report by State Division of Highways on McHenry Avenue study. 8:00 P.M.

Following a presentation in which two routes using McHenry as the southbound half of a one-way couplet were suggested, the Division of Highways was requested to make a study whereby Highway 108 would be moved from McHenry to Virginia. (P & T to handle)

OLD BUSINESS

CONSENT

12. Agreement with Ribera and Sue, landscape architects. (The agreement provides that Ribera and Sue will develop plans and specifications for Stage I development of Moose Park site for a lump sum figure of \$3,308. Resolution authorizing agreement needed. Funds budgeted in Account 6321-324, Moose Park Development Stage I, p. 64)

ACTION: Res. 69-234 adopted approving agreement with Ribera and Sue and authorizing City Manager to sign same. (Clerk to handle)

CONSENT

13. Lease agreement between City of Modesto and Greater Modesto Council of Churches for lease of the Downey Avenue Fire Station at 416 Downey Avenue for a youth center.  
(At its meeting of March 10, 1969 the Council authorized the City Attorney to prepare the necessary lease agreement. Resolution approving agreement needed)

ACTION: Res. 69-235 adopted approving lease agreement. (Clerk to handle)

14. Consider lease agreements between City of Modesto and Commute Airlines (Skymark Airlines and Golden Pacific Airlines).  
(Memo with agenda. Three resolutions needed -- approving lease agreement with Skymark Airlines; approving lease agreement with Golden Pacific Airlines; approving temporary operation from a mobile office)

ACTION: Res. 69-236 adopted (Shastid/Mitchell, unan. - Robinson and Simon absent) approving agreement with Aero Commuter Airlines (successor to Skymark); Res. 69-237 adopted (same vote) approving agreement with Golden Pacific Airlines; Res. 69-238 adopted (same vote) authorizing temporary operation from a mobile office.  
(P/W to handle)

CONSENT

15. Amendment to City of Modesto contract with the Public Employees Retirement System.  
(Amendment necessary to correct error in the amendment to the contract that was effective January 1, 1969 to provide increased allowances to persons already retired. Resolution approving amendment needed)

ACTION: Res. 69-239 adopted approving amendment to contract and authorizing City Manager to sign same. (Personnel to handle)

16. Consider agreement between City of Modesto and Empire Sanitary District.  
(Agreement between the City and Empire Sanitary District has been negotiated, which provides for the City to accept and handle domestic and commercial waste from the sanitary district and establishes the fees and conditions of that service. Resolution approving agreement and authorizing City Manager to execute on behalf of City needed)

ACTION: Res. 69-240 adopted (Shastid/Hughes, unan. - Robinson and Simon absent) approving agreement. (C/Atty to handle)

CONSENT

17. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over thirty days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Adoption of resolutions set hearings needed. Suggested hearing date April 7, 1969 at 4:20 P.M.)

(a) Curb and gutter at 111 Rosina Avenue, portions of Lots 8 and 9, Block 2125, (Spearing).  
(Resolution needed)

ACTION: Res. 69-241 adopted setting hearing. (P/W to handle)

CONSENT

17. (b) Sidewalk, curb and gutter at 509 Woodrow Avenue, portion of Block 13019, (Jetton)  
(Resolution needed)

ACTION: Res. 69-242 adopted setting hearing. (P/W to handle)

CONSENT

- (c) Curb and gutter at 223-225 Rosemont Avenue, Lots 11 through 14, Block 325 (Laver)  
(Resolution needed)

ACTION: Res. 69-243 adopted setting hearing. (P/W to handle)

CONSENT

- (d) Sidewalk at 410 Roselawn Avenue, Lots 43 and 44, Block 358 (K.O. Diehl)  
(Resolution needed)

ACTION: Res. 69-244 adopted setting hearing. (P/W to handle)

CONSENT

- (e) Sidewalk at 1220 McHenry Ave., portion of Block 1129 (C.E. Miller)  
(Resolution needed)

ACTION: Res. 69-245 adopted setting hearing. (P/W to handle)

CONSENT

18. Consider agreement with Cook's Communication Corporation to provide radio and electronic maintenance for one year period commencing April 16, 1969.  
(Memo with agenda. Resolution approving agreement needed. Estimated cost \$7,500; funds budgeted in Account 223, M & R Eqpt. other, all departments using radios)

ACTION: Res. 69-246 adopted approving agreement and authorizing City Manager to sign same. (Clerk to handle)

CONSENT

19. Consider acceptance of license for sewer construction and authorize City Clerk and City Manager to sign the same.  
(A license is required from Tidewater Southern Railroad to construct sewer subtrunk to serve Northgate Subdivision and the adjacent area. The sewer line will be bored under the railroad tracks. Resolution authorizing City Clerk and City Manager to sign license needed. Estimated cost \$25, Funds budgeted in Account 6555-405)

ACTION: Res. 69-247 adopted accepting license. (Clerk to handle)

CONSENT

20. Consider approval of agreement to annex.  
(The Union Oil Co. constructed a service station at the southwest corner of McHenry Ave. and Standiford Rd. Water service has been provided from the municipal water system and Union Oil Co. has signed an agreement to annex when so requested by the City. Resolution authorizing City Manager to execute agreement needed)

ACTION: Res. 69-248 adopted approving agreement. (Clerk to handle)

NEW BUSINESS

CONSENT

21. Agreement between the City of Modesto and Floyd Thomas Berglund pursuant to which Mr. Berglund will continue to be Executive Secretary of the Downtown Improvement District.  
(An agreement dated 1/22/68 was entered into between City and Mr. Berglund and was thereafter amended by a supplemental agreement dated 1/27/69. The Downtown Improvement District has recommended that a new contract be entered into. The major changes in the new agreement include a change of wage from \$800 to \$900 per month, retroactive to 2/1/69, and the agreement is for a two-year period instead of one year. Resolution approving agreement needed)

ACTION: Res. 69-249 adopted approving agreement. (Clerk to handle)

CONSENT

22. Consider request for approval of assignment of contract from Stockton Construction Co. to Stockton Construction Co., Inc. - Sewer Project Unit No. 9.  
(Memo with agenda. Resolution approving assignment needed)

ACTION: Res. 69-250 adopted approving assignment. (C/Atty to handle)

REPORTS

23. Report on petition for improvement of drainage on Josilane.

ACTION: Referred to staff for solution. (C/Mgr to handle)

24. Report by City Attorney regarding rezonings, use permits, appeals, variances and other hearings held by the City Council, Planning Commission and Board of Zoning Adjustment.  
(Report with agenda)

ACTION: Res. 69-251 adopted (Shastid/Smith, unan. - Robinson and Simon absent) referring the following proposed amendments to Title X of the Modesto Municipal Code to the Planning Commission:

1. Amend H-1 Zone to make it the responsibility of the Board of Zoning Adjustment instead of the Planning Commission to consider H-1 Zone Use Permits.

2. Amend P-0 Zone to make it the responsibility of the Board of Zoning Adjustment to consider P-0 Zone Use Permits.

3. Amend Sec. 10-2.1803 to make it the responsibility of the Board of Zoning Adjustment to determine the number of off-street parking spaces needed for any uses not listed.

4. Amend Sec. 10-2.2114 to eliminate the requirement for an automatic referral back to the Planning Commission when Council and Commission do not agree on a rezoning request.

5. Include a one-year limitation for bringing back the same rezoning request with qualification that Planning Commission could waive limitation in unusual cases.

6. Add section to clearly spell out that an applicant for rezoning has the burden of proof of showing that present zoning is incorrect.

(Planning to handle)

ACTION: By motion (Shastid/Smith, unan.) staff directed to prepare necessary documents to adopt balance of recommendations.  
(C/Atty to handle)

CONSENT

25. Report on petitions requesting establishment of a pedestrian mall on Tenth Street.  
(This matter was considered by the Council at its meeting of March 10, 1969 at which time the petitions were referred to the City Attorney for checking. Copies of a memorandum setting forth findings with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

26. Request of J. Greenberg and Company, Inc., for waiver of penalty on business license taxes.  
(This matter was referred to the City Attorney for investigation and report by the City Council at its meeting of March 10, 1969. Memorandum with agenda. Resolution denying request needed)

ACTION: Res. 69-252 adopted (Shastid/Hughes, unan. - Robinson and Simon absent) denying request. (Finance to handle)

27. Report from Personnel Officer on suggestions of the three employee organizations concerning comparative cities.  
(Resolution setting cities to be used for comparative salary purposes needed)

ACTION: By motion (Mitchell/Smith, unan.) decision made to retain 13 cities now used for salary comparisons but discussion of possible changes in cities to be on agenda for April 7.  
(Personnel to handle)

CONSENT

28. Sample inventory report per Council's request.  
(Memo and report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

29. Recommend commencement of proceedings for the annexation to the City of uninhabited territory (El Vista School Addition)  
(On March 18, 1969 the Planning Commission adopted Resolution No. 69-37 recommending to the Council the commencement of proceedings for the annexation to the City of uninhabited territory - El Vista School Addition. Resolution setting hearing date needed. Suggested date May 12, 1969 at 7:45 P.M.)

ACTION: Res. 69-253 adopted setting hearing. (Clerk to handle)

CONSENT

30. Consider amendments to Chapter 2 of Title X of the Modesto Municipal Code (R-3 height increase)  
(On March 18, 1969 the Planning Commission adopted Resolution No. 69-33 recommending to the City Council amendments to Chapter 2 of Title X of the Modesto Municipal Code (R-3 height increase). Resolution setting hearing date needed. Suggested date April 21, 1969 at 4:15 P.M.)

ACTION: Res. 69-254 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

NONE.

MISCELLANEOUS

31. Legislative matters.

NONE.

The Council adjourned to executive session at 1:00 A.M. and returned to open session at 1:55 A.M.

32. Appointments

ACTION: Res. 69-255 adopted (Shastid/Smith, unan. - Robinson and Simon absent) appointing Mrs. Richard Osterholm as a member of the Library and Culture Commission for a term expiring January 1, 1973. (City Clerk to handle)

Adjournment at 2:00 A.M. to March 28, 1969 at 5:00 P.M. for the purpose of holding an executive session.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

CITY OF MODESTO

MINUTES OF ADJOURNED COUNCIL MEETING

The Council convened in adjourned regular meeting at 5:00 P.M. on March 28, 1969:

Present: Hughes, Robinson, Shastid, Simon, Smith, and Mayor Davies

Absent: Mitchell

The Mayor announced that the Council would retire to executive session to consider personnel matters and that at 6:00 P.M. the Council would have the Directors of Westside Neighborhood Center, Inc., join the Council in the executive session.

The Mayor stated that the Council would not reconvene in open session.

The meeting was adjourned at 7:00 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

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MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 7, 1969 AT 4:00 P.M.

Roll Call Present: Hughes, Mitchell, Robinson, Shastid, Simon, Smith,  
and Mayor Davies

Absent: None

Mayor Davies was excused at 6:00 P.M.

Pledge of allegiance to the Flag

Invocation: Reverend Bill Stewart, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 5, <sup>6,</sup> 7, 8, 9, 10, 11,  
(Shastid/Smith, unan.) 12, 13, 25, 29, 30, 31, 32, 33,  
34a, b, c, d, e, f, g, 35, 36, 37,  
38, 39, 40,

(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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of March 24 and 28, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

2. Request of some of the local service clubs for opportunity to express their support of councilmen.

ACTION: Richard E. Fleming, representing the Kiwanis Clubs of Modesto, Metropolitan Modesto and North Modesto; the Lions "500" Club and the Modesto Optimist Club, expressed confidence in the City Council. This was accepted with thanks.

CONSENT

3. Letter of appreciation from Camellia Society of Modesto.  
(Motion ordering letter filed needed)

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

4. Complaint by Mr. and Mrs. Oliver Morris concerning Improvement District No. 13.

ACTION: No action taken by Council but after a discussion Mrs. Morris met with representatives of the Public Works Department with the understanding that she could return to the Council if she wished.

CONSENT

5. Request of Stanislaus Area Advisory Planning Assn. for use of Council Chambers the evening of May 14 for a public hearing by the State Division of Highways for the adoption of a plan for the widening and realignment of Highway 99 from L Street north to Pelendale Ave.  
(Motion granting request needed)

ACTION: By motion request granted. (Clerk to handle)

CONSENT

6. Request of 4th of July Committee for City assistance.  
(Motion referring to staff for report needed under Section 12602 of the Health and Safety Code)

ACTION: By motion referred to staff for report under Sec. 12602 of the Health and Safety Code. (C/Mgr to handle)

CONSENT

7. Resignation of William M. Nicholson from Board of Zoning Adjustment.  
(Resolution accepting needed)

ACTION: Res. 69-256 adopted accepting resignation with regret.  
(Clerk to handle)

CONSENT

8. Resignation of Jerry Bair from D.I.D. Advisory Board.  
(Resolution accepting needed)

ACTION: Res. 69-257 adopted accepting resignation with regret.  
(Clerk to handle)

BIDS

CONSENT

9. Consider approval of specifications and call for bids to be opened April 22, 1969 at 2:00 p.m. for furnishing one golf course gasoline tractor.  
(Resolution needed. Estimated cost \$3,350; funds budgeted in Account 5408-48-512, Wheel Tractor, Capital Outlay, p. 66)

ACTION: Res. 69-258 adopted approving specifications and call for bids.  
(Clerk to handle)

CONSENT

10. Consider award of bid for the construction of office building and electrical work at Modesto City-County Airport.  
(Bids were opened on March 25th. The low bid submitted by Emerald Construction Company, Inc., which is 3.0% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid and resolution approving appropriation transfer of \$5,000 needed. Estimated cost \$31,770 (Contract \$29,970, Engr. \$1,800). Funds budgeted in Account 6513-46-230, New Office Building)

ACTION: Res. 69-259 adopted awarding bid to Emerald Construction Co. (P/W to handle); Res. 69-260 adopted approving appropriation transfer of \$5,000 from Account 6530-46-230 (Aircraft Hangar 60 x 60 to Account 6513-46-230 (New Office Bldg.) (Finance to handle).

CONSENT

11. Accept as complete Industrial Electrical Company's contract to construct sewer extension on McHenry Avenue, Floyd Avenue to Cavil Drain.  
(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 notice of completion. Resolution accepting work needed. Actual cost \$4,581.15; funds budgeted in Account 6561-52-212, Extend Subtrunk and Perimeter Sewers)

ACTION: Res. 69-261 adopted accepting work as complete. (Clerk to handle)

CONSENT

12. Accept as complete Jonnie E. Galloway's contract for the installation of automatic sprinkler system at Del Webb Field.  
(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 notice of completion. Resolution accepting work as complete needed. Contract cost \$6,874. Funds budgeted in Account 6363-31-321, Del Webb Automatic Sprinkler, Stage 2)

ACTION: Res. 69-262 adopted accepting work as complete. (Clerk to handle)

CONSENT

13. Approve plans and specifications and call for bids for adjusting curbs on "I" Street between 9th Street and 12th Street.  
(Bid opening April 22, 1969 at 10:00 a.m. This project is to facilitate parallel parking on "I" Street after it is converted to two-way traffic. Resolution approving plans, specifications and bid call needed. Estimated cost \$6,190; (Contract, \$5,840; Engr. \$350. Funds budgeted in Account 5399-218, Downtown Beautification)

ACTION: Res. 69-263 adopted approving plans and specifications and call for bids. (Clerk to handle)

HEARINGS

14. Hearing on annexation of Strathmore Addition to Sewer District. 4:15 PM

ACTION: Res. 69-264 adopted (Robinson/Hughes, unan.) annexing area to Modesto Municipal Sewer District No. 1. (Clerk to handle)

15. Sidewalk at 920 McHenry Ave., a portion of Block 649 (Austin) 4:20 PM

ACTION: Res. 69-265 adopted (Mitchell/Robinson, unan.) ordering work done. (P/W to handle)

16. Sidewalk on McHenry at 912 McHenry Avenue, a portion of Block 649 (Reginald S. Jeans) 4:20 PM

ACTION: Staff directed to inspect the macadam sidewalk at this location and make an estimate as to the length of its acceptable life. Report to be made to Council on 4/14/69.

17. Sidewalk at 1560 McHenry Ave., a portion of Block 1235 (Rumbley Realty Co.) 4:20 PM

ACTION: Res. 69-266 adopted (Mitchell/Robinson, unan.) ordering work done. (P/W to handle)

18. Curb and gutter at 111 Rosina Avenue, portions of Lots 8 and 9, Block 2125 (Spearing) 4:20 PM

ACTION: Res. 69-267 adopted (Mitchell/Robinson, unan.) ordering work done. (P/W to handle)

HEARINGS (Cont'd)

19. Sidewalk, curb and gutter at 509 Woodrow Avenue, portion of Block 13019 (Jetton) 4:20 PM  
ACTION: Res. 69-268 adopted (Mitchell/Robinson, unan.) ordering work done. (P/W to handle)
20. Curb and gutter at 223-225 Rosemont Avenue, Lots 11 through 14, Block 325 (Laver) 4:20 PM  
ACTION: Res. 69-269 adopted (Mitchell/Robinson, unan.) ordering work done. (P/W to handle)
21. Sidewalk at 410 Roselawn Avenue, Lots 43 and 44, Block 358 (Diehl) 4:20 PM  
ACTION: Res. 69-270 adopted (Mitchell/Robinson, unan.) ordering work done. (P/W to handle)
22. Sidewalk at 1220 McHenry Ave., portion of Block 1129 (C. Miller) 4:20 PM  
ACTION: Res. 69-271 adopted (Mitchell/Robinson, unan.) ordering work done. (P/W to handle)
23. Hearing on El Terino Addition to the City of Modesto. 4:30 PM  
ACTION: By Order of the Mayor hearing continued to 4:35 P.M. on April 21. (Clerk to handle)

24. Matters for the good of the community. 4:35 PM  
(These may be presented by citizens in the audience)

James Clark commented that the Alfred Mathews auto sales agency was required to remove macadam sidewalks and replace them with concrete. He felt that the efforts of the City should be directed toward causing sidewalks where there are none rather than the replacement of sidewalks that are in.

A lengthy discussion was held concerning the position of Director of West Side Neighborhood Center. Some members of the Council suggested that an informal type of election be held to determine what the majority of the residents to be served by the Center prefer.

Paul LaVine, member of the Farm-City Advisory Committee; and Pasquel Mancini, brother of the late Frank Mancini, were introduced by the Mayor.

SEE ADDITION TO OFFICIAL MINUTES FOR APRIL 7, 1969

ORDINANCES

CONSENT

25. Amendment of Section 306, subsection (d) of the Uniform Building Code.  
(Copies of ordinance distributed with agenda. Introduction of ordinance needed)

ACTION: Ord. No. 957-C.S. introduced. (Clerk to handle)

26. Discussion re proposed sign ordinance.  
(Copies of a revised draft of the ordinance have been sent to Mayor and Councilmen with agenda)

ACTION: By motion (Hughes/Smith, unan.) April 21, 1969 at 4:40 P.M. set as time for an informal hearing on the proposed sign ordinance.  
(Clerk and C/Atty to handle)

27. Consider the following ordinances and resolutions which implement the Council's recent discussions relating to changes in procedure regarding variances, use permits, business license refunds and public hearings:

(1) Consider ordinance establishing License Tax Appeals Board and revising the limit on refunds from \$100 to \$500.

ACTION: Ord. No. 958-C.S. introduced (Shastid/Simon, unan. - Mayor Davies absent). (Clerk to handle)

(2) Consider ordinance authorizing Director of Public Works to grant variances from the City's driveway standards.

ACTION: Ord. No. 959-C.S. introduced (Shastid/Simon, unan. - Mayor Davies absent). (Clerk to handle)

(3) Consider resolution setting forth general conditions for the granting of driveway variances by the Director of Public Works.

ACTION: Res. 69-272 adopted (Shastid/Simon, unan. - Mayor Davies absent) outlining general conditions for granting of driveway variances by the Director of Public Works. (P/W to handle)

(4) Consider resolution setting forth general conditions for granting encroachment permits by the Director of Public Works.

ACTION: Res. 69-273 adopted (Shastid/Simon, unan. - Mayor Davies absent) outlining general conditions for granting encroachment permits by the Director of Public Works. (P/W to handle)

(5) Consider resolution adopting rules for the conduct of public hearings by the City Council.

ACTION: Res. 69-274 adopted (Shastid/Simon, unan. - Mayor Davies absent) establishing guidelines for the conduct of public hearings by the City Council. (C/Mgr to handle)

#### OLD BUSINESS

28. Discussion of possible changes in Cities used for comparison purposes.  
(This was held over from March 24)

ACTION: By motion (Shastid/Smith, unan.) this matter referred to Salary Study Committee (Robinson, Smith, and Hughes) for further consideration after a new member has been appointed to succeed Councilman Hughes. (C/Mgr to handle)

NEW BUSINESS

CONSENT

29. A resolution determining that the public interest and convenience require that Riverside 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. Suggested hearing date May 26, 1969 at 7:45 P.M. Resolution setting hearing needed (2/3 affirmative vote)

ACTION: Res. 69-275 adopted setting hearing. (Clerk to handle)

CONSENT

30. Consider request for sewer service to property at 1310 Garden Avenue located on the south side of Garden Avenue between Sutter Street and Colorado Avenue. (The property owners (Efrain Romero R. and Hortencia Romer) have signed an agreement to annex when requested to do so by City. The property is contiguous to the City and a line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 69-276 adopted approving agreement. (Clerk to handle)

CONSENT

31. Request for permission by City Attorney to attend Spring Meeting, City Attorneys' Department, May 14 - 16, 1969. (This is the annual City Attorneys' Department of the League of California Cities spring meeting which is to be held at South Lake Tahoe, California. Funds for attendance are included in the City Attorney's budgeted. Motion authorizing attendance needed. Funds budgeted in Account 207-13, Conference Expense)

ACTION: By motion request granted. (C/Atty to handle)

CONSENT

32. Request by Mr. Bartoni to construct exposed aggregate concrete sidewalk on Tenth Street frontage of Bartoni Arcade. (The staff has discussed this matter with Mr. Ralph Morgan, who has represented Mr. Bartoni on this matter, and explained to him that with the Mall construction pending and no specific program for sidewalks of varying textures and/or colors in the downtown area, that this request is premature. It was our recommendation that the regular broom finish concrete would be the best solution for the sidewalk construction in the area at this time. Resolution setting hearing needed. Suggested date April 21, 1969 at 4:25 P.M.)

ACTION: Res. 69-277 adopted setting hearing. (Clerk to handle)

CONSENT

33. Accept as complete the improvements in Somerset Park Unit No. 1 Subdivision.  
(Somerset Park Unit No. 1 Subdivision is located on the north side of Rumble Road west of Coffee Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion and release bond upon expiration of statutory lien period needed)

ACTION: Res. 69-278 adopted accepting improvements. (Clerk to handle)

CONSENT

34. Resolutions instruction the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over thirty days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolution setting hearing needed. Suggested hearing date April 21, 1969 at 4:30 P.M.)

CONSENT

- (a) Sidewalk, curb and gutter at 921 Woodrow Ave., a portion of Block 13124, Miss Lucille M. Rife)  
(Resolution needed)

ACTION: Res. 69-279 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Sidewalk, curb and gutter at 1005 Woodrow Ave., a portion of Block 13119, Joseph A. Reis.  
(Resolution needed)

ACTION: Res. 69-280 adopted setting hearing. (P/W to handle)

CONSENT

- (c) Curb and gutter at 1315 E Street, one-half of Lots 15 and 16, Block 102 (T. Gutierrez)  
(Resolution needed)

ACTION: Res. 69-281 adopted setting hearing. (P/W to handle)

CONSENT

- (d) Curb and gutter on E Street at 501 14th St., east one-half of Lots 15 and 16, Block 102 (Stella Y. Marshall)  
(Resolution needed)

ACTION: Res. 69-282 adopted setting hearing. (P/W to handle)

CONSENT

- (e) Sidewalk on Mensinger at 1032 Brady Ave., a portion of Block 735, LeRoy Wach)

ACTION: Res. 69-283 adopted setting hearing. (P/W to handle)

CONSENT

- 34.(f) Sidewalk and gutter on L Street at 1201 7th St., Lts 15 and 16, Block 37, (Williams, Robert)  
(Resolution needed)

ACTION: Res. 69-284 adopted setting hearing. (P/W to handle)

CONSENT

- (g) Curb and gutter on Rosina Ave. at 1623 Yosemite Blvd., Lots 10 and 11, and 40 feet of 9, Block 2125 (Atlantic Richfield Corp.)  
(Resolution needed)

ACTION: Res. 69-285 adopted setting hearing. (P/W to handle)

REPORTS

CONSENT

35. Presentation of financial statement for March 1969.  
(Copies of report will be presented at meeting)  
(Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

36. Recommend commencement of proceedings for the annexation to the City of inhabited territory - Kazmir Court Addition.  
(On April 1, 1969 the Planning Commission adopted Resolution No. 69-39 recommending to the Council the commencement of proceedings for the annexation to the City of inhabited territory (Kazmir Court Addition) Resolution consent/ to commencement of proceedings to annex needed)

ACTION: Res. 69-286 adopted consenting to commencement of annexation proceedings. (Planning to handle)

CONSENT

37. Recommend commencement of proceedings for the annexation to the City of inhabited territory - East Coolidge Addition.  
(On April 1, 1969 the Planning Commission adopted Resolution No. 69-40 recommending to the Council the commencement of proceedings for the annexation to the City of inhabited territory (East Coolidge Addition). Resolution consent/ to commencement of proceedings to annex needed)

ACTION: Res. 69-287 adopted consenting to commencement of annexation proceedings. (Planning to handle)

CONSENT

38. Proposed annexation totaling less than 100 acres of two noncontiguous portions of the City's new sewer ponding site, located approximately 7 miles southwest of Modesto on the San Joaquin River, known as the Jennings Addition.  
(Pursuant to State annexation statutes, a City may annex uninhabited noncontiguous territory owned by it and used for municipal purposes provides that the maximum amount of territory so annexed shall not exceed 100 acres. The County Board of Supervisors as well as the Local Agency Formation Commission will also have to approve an annexation of this nature. Motion referring matter to the Planning Commission for report and recommendation needed)

ACTION: By motion referred to Planning Commission for report and recommendation. (Planning to handle)

CONSENT

39. Proposed annexation of city owned property located on the east side of Riverside Drive, immediately south of M.I.D. Lateral #2, known as the Riverside #2 Addition.  
(This property is the proposed Riverside park site. The city limit line is now located along the parcel's west property line. Motion referring matter to the Planning Commission for report and recommendation needed)

ACTION: By motion referred to Planning Commission for report and recommendation. (Planning to handle)

CONSENT

40. Rose Acres No. 4 Addition - for referral to Planning Commission.  
Proposed annexation (uninhabited)  
(Information with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 69-288 adopted referring to Planning Commission.  
(Planning to handle)

APPROPRIATION TRANSFERS

41. Transfer of funds. (Police Department)  
(Purchase of items submitted in 69-70 budget with funds from 68-69 budget. Resolution approving transfer needed. (\$10,547).  
Funds budgeted in Account 110, Salaries and Wages, regular)

ACTION: Res. 69-289 adopted (Shastid/Simon, unan. - Mayor Davies absent) approving appropriation transfer of \$10,547 from Account 110-22-101 (Police, Salaries and Wages, Regular) to various accounts in 22-101. (Finance to handle)

42. Consider Fire Department budget.  
(Memo and budget pages distributed with agenda. Resolution appropriating funds needed (\$21,718).

ACTION: By motion (Shastid/Smith, unsn.) 1969-70 Fire Dept. Budget approved.  
Res. 69-290 adopted (Shastid/Smith, unan. - Mayor Davies absent) approving appropriation transfer of \$21,718 from the General Fund, General Reserve for the purchase of supplemental capital outlay items. (Finance to handle)

MISCELLANEOUS

43. Legislative matters.

ACTION: By motion (Hughes/Mitchell, unan.) SB-396 Bradley supported.

By motion (Mitchell/Simon, unan.) AB-330 opposed.

44. Appointments

NONE.

Adjournment at 7:45 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

· ADDITION TO OFFICIAL MINUTES OF APRIL 7, 1969

MODESTO CITY COUNCIL

24. Matters for the good of the community

A recent newspaper article concerning alleged discrimination in allocation of starting times at Dryden Golf Course was discussed. Although it appears that the allegations are not correct, it is planned to discuss this with the Sports Editor of the Modesto Bee in an effort to clear up the matter.

In response to an inquiry it was pointed out that when bonds are required to insure completion of improvements the bond is usually delivered to the City at the time a building permit is taken out. In the case of the S. O. S. Club, no building permit has been applied for and therefore no bond has been posted as required by the Planning Commission.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 14, 1969 AT 7:30 P.M.

Roll Call Present: Hughes, Mitchell, Robinson, Shastid, Smith, and  
Mayor Davies  
Absent: Simon (Councilman Hughes arrived at 7:40 P.M.)  
Pledge of allegiance to the Flag  
Invocation: Reverend Steve Sprunger, Youth for Christ

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 8, 9,  
(Robinson/Shastid, unan. - Hughes and 10, 11, 12, 13, 14, 18, 19, 20,  
Simon absent) 21, 23, 28, 29, 30, 32

(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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of April 7, 1969

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Notice of intention to circulate petition seeking incorporation of the Town of Waterford.  
(Motion ordering filed needed)

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

CONSENT

3. Letter from Stanislaus County stating that Rudy Bonzi will permit dumping at his facility on May 3 and 24 by County residents at one-half the usual cost.  
(Motion ordering letter filed needed)

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

CONSENT

4. Notice that Councilman Mitchell has been appointed as a member of the Committee on International Municipal Cooperation of the National League of Cities.  
(Motion approving appointment needed)

ACTION: By motion appointment approved. (Clerk to handle)

CONSENT

5. Letter from Hazel I. Davis concerning the appointment of a Director of the West Side Neighborhood Center.  
(Motion ordering letter filed needed)

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

CONSENT

6. Letter from W. C. Winslow concerning Harte Tract annexation.  
(Memo from staff attached. Motion referring to staff needed)

ACTION: By motion letter referred to staff. (C/Mgr to handle)

7. Letter from Modesto Garbage Co. re discontinuance of twice a week garbage collection.

ACTION: By motion (Mitchell/Shastid, unan.) staff directed to discuss this matter with all garbage companies; to consult with the Health Dept.; to consider equal service to all parts of the City; and to look into the possibility of twice a week pickup during the summer months. (P/W and C/Mgr to handle)

CONSENT

BIDS

8. Call for bids for installation of flashing light beacons at six intersections.  
(Plans and specifications for installation of flashing light beacons at 8th and H, Bodem and Morris, Sycamore and Roseburg, College and Bowen, Carver and Orangeburg, and Carver and Briggsmore are complete and it is recommended that bids be received on May 6, 1969 at 10:00 A.M. Resolution approving call for bids needed. Estimated cost \$8,400; funds budgeted in Accounts 6212-56-321 and 6218-56-321, Flashing Lights. \$7,000 is budgeted. A transfer may be needed after bids are known)

ACTION: Res. 69-291 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

9. Consider approval of specifications and authorize call for bids to be opened April 23, 1969 at 2:15 P.M. for annual requirements of liquid anhydrous ammonia, commencing June 15, 1969.  
(The product is used for treating waste water at Water Quality Control facilities. Resolution needed. Estimated cost \$11,000; Funds budgeted in Account 312/53/101, Chem., Drug & Lab Supplies, p. 48)

ACTION: Res. 69-292 adopted approving specifications and call for bids. (Clerk to handle)

CONSENT

10. Consider approval of specifications and authorize call for bids to be opened April 23, 1969 at 2:30 P.M. for annual requirements of liquid chlorine, commencing June 15, 1969.  
(The product is used for treating waste water at Water Quality Control facility. Resolution needed. Estimated cost \$47,000; funds budgeted in Account 312-53-101, Chem., Drug & Lab Supplies, p. 48)

ACTION: Res. 69-293 adopted approving specifications and call for bids. (Clerk to handle)

CONSENT

11. Consider approval of specification and authorize call for bids to be opened April 28, 1969 at 2:00 p.m. for a new street flusher body.  
(Body is to be fabricated and installed on a city truck now on order. Resolution needed. Estimated cost \$5,000; funds budgeted in Account 5416-48-512, Capital Outlay Service Division, p. 67)

ACTION: Res. 69-294 adopted approving specifications and call for bids.  
(Clerk to handle)

CONSENT

12. Approve plans and specifications and call for bids for the improvement of LaLoma from H Street to Yosemite Blvd.  
(Bid opening April 29, 1969 at 10:00 a.m. LaLoma is part of the Select Street System and will be financed by State Gas Tax Funds. Resolution approving plans, specifications and call for bids needed. Estimated cost \$39,700 (Contract \$34,600; Engr. \$5,100). Funds budgeted in Account 6655-1-207, LaLoma - H to Yosemite. Funds to be requested later from Fund No. 207, General Reserve, if needed. Construction costs have gone up and the staff wants to review the bids before requesting additional funds if required.)

ACTION: Res. 69-295 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

13. Consider award of bid for construction of subtrunk sewer, Woodrow to Rumble.  
(Bids were opened on April 8, 1969 and the low bid of W. M. Lyles Co., which is 24% under the Engineer's Estimate is considered acceptable. Therefore, it is recommended that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$33,046.99 (Contract \$30,546.99, Engr & Insp \$2,500). Funds budgeted in Account 6555-404, 6555-405, Northgate Subtrunk Sewers)

ACTION: Res. 69-296 adopted awarding bid to W. M. Lyles Co. (P/W to handle)

CONSENT

14. Consider award of bid for installation of improvements in Marshall Park.  
(Bids were opened April 8, 1969. The low bid submitted by Albert M. Biehl, which is 30% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to him. Resolution awarding bid needed. Estimated cost \$29,902 (Contract \$29,402, Engr. \$500). Funds budgeted in Account 6274-31-321, Marshall Park Development)

ACTION: Res. 69-297 adopted awarding bid to Albert M. Biehl. (P/W to handle)

HEARINGS

15. Hearing on annexation of Prescott No. 2 Addition to City of Modesto. 7:45 P.M.

ACTION: By motion (Mitchell/Robinson, unan.) further consideration continued to April 28, 1969 at 7:45 P.M. and staff instructed to obtain more information and report on how proponents and opponents will be affected by annexation as proposed or as it might be changed. (Planning to handle)

16. Hearing on annexation of Scenic No. 2 Addition to City of Modesto. 7:50 P.M.

ACTION: Res. 69-298 adopted (Smith/Robinson, unan. - Simon, absent) declaring no majority protest made.  
Ord. 960-C.S. adopted (Smith/Robinson, unan. - Simon, absent) annexing area. (Clerk to handle)

- Matters for the good of the community! 7:55 P.M.  
(These may be presented by citizens in the audience)

Three members of Girl Scout Troop No. 567 were introduced.

Members of the audience brought up the matter of the Director of the West Side Community Center. They were informed that the Council was ready and willing to discuss this with the Directors of West Side Community Center, Inc., at any time.

Res. 69-299 adopted (Mitchell/Hughes, unan. - Simon, absent) approving amendment to easement contract with Eugene R. Abel, et ux, for Project Unit No. 5. (Clerk to handle)

Res. 69-300 adopted (Robinson/Hughes, unan. - Simon, absent) approving participation in "Bishop vs City of San Jose" (C/Atty to handle)

ORDINANCES

CONSENT

18. Final adoption of Ord. 957-C.S. - amendment to building code.

ACTION: By motion Ord. No. 957-C. adopted. (Clerk to handle)

CONSENT

19. Final adoption of Ord. 958-C.S. - license tax appeals board.

ACTION: By motion Ord. No. 958-C.S. adopted. (Clerk to handle)

CONSENT

20. Final adoption of Ord. 959-C.S. - driveway variances.

ACTION: By motion Ord. No. 959-C.S. adopted. (Clerk to handle)

OLD BUSINESS

CONSENT

21. 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. Resolution needed)

ACTION: Res. 69-301 adopted approving one-year extension of agreement. (Clerk to handle)

NEW BUSINESS

22. Consider approval of proposal to do feasibility study on mall. (Memo with agenda. Resolution authorizing City Manager to sign agreement to do study needed. Resolution appropriating funds from unappropriated reserve needed. Estimated cost \$2,500)

ACTION: Res. 69-302 adopted (Robinson/Mitchell, unan. - Simon, absent) approving agreement with Stone & Youngberg. (Clerk to handle)  
Res. 69-303 adopted (Robinson/Mitchell, unan. - Simon, absent) appropriating \$2,500 from unappropriated reserve. (Finance to handle)

CONSENT

23. Approval of agreement with State for modification and modernization of traffic signals at McHenry and Needham. (The agreement provides that the modification and modernization will be done by the City by contract. The work will be combined with the Needham Street widening project. The agreement provides that the State will pay one-half the cost up to \$11,325. Resolution approving agreement needed. Estimated cost \$11,325. Funds budgeted in Account 6220-56, Modernize signal Needham and Downey. \$10,000 is budgeted. Additional funds may be needed after bids are known and will be requested later from Fund No. 31)

ACTION: Res. 69-304 adopted approving agreement. (Clerk to handle)

24. Consider resolution granting an extension of time to January 1, 1970 for escalation of the connection charge for connection to the City of Modesto's Sewage System. (Copies of the proposed resolution are being distributed with agenda. Resolution needed)

ACTION: Res. 69-305 adopted (Shastid/Robinson, unan. - Simon, absent) granting extension of time. (Finance and P/W to handle)

REPORTS

25. Oral report by staff regarding future golf course sites.

ACTION: Res. 69-306 adopted (Robinson/Mitchell, unan. - Simon & Shastid, absent) approving option agreement with Sheldon M. Smith, et al, for site for sanitary landfill which will become golf course. (C/Atty to handle)

26. Report by staff on macadam sidewalk at 912 McHenry Avenue.

ACTION: Res. 69-307 adopted (Robinson/Smith, maj. - Hughes, no - Simon, absent) ordering construction of sidewalk on McHenry at 912 McHenry Ave. (Reginald S. Jeans). (P/W to handle)

27. Report re Parks and Recreation Facilities Tax. (Memorandum with agenda)

ACTION: Report received.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

28. John Sutter School Addition - for referral to Planning Commission. Proposed annexation (uninhabited) (Information with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 69-308 adopted referring to Planning Commission. (Planning to handle)

CONSENT

29. Recommend that the name of Huron Avenue in the County Housing Authority Development at Robertson Road and Hammond Street be changed to "Pelton Avenue."  
(Planning Commission Resolution 69-42 adopted April 1, 1969 recommends to the Council that the name of Huron Avenue in the County Housing Authority development at Robertson Road and Hammond Street be changed to "Pelton Ave." Resolution approving needed)

ACTION: Res. 69-309 adopted changing name to Pelton Ave.  
(Clerk to handle)

CONSENT

30. Vacation and abandonment of Rosedale Avenue between 1st Street and Sierra Drive.  
(Planning Commission Resolution 69-31 adopted March 4, 1969 recommends to the City Council the vacation and abandonment of Rosedale Avenue between 1st Street and Sierra Drive. Resolution of intention to vacate and abandon and setting a date for public hearing needed. Suggested date May 5, 1969 at 4:25 P.M.)

ACTION: Res. of Intention No. 313 (Resolution No. 1088-S.P.) adopted setting hearing. (Clerk to handle)

31. Report from the Planning Commission regarding the Balestrini rezoning application (amendment to Section 8-3-9 of the zoning map).  
(This item was heard by the City Council on March 24, 1969. By resolution No. 69-232, the City Council referred the recommended rezoning back to the Planning Commission for further study. The city Planning Commission has recommended that the property be changed from R-1 to P-D. Resolution approving or denying the rezoning application needed)

ACTION: Res. 69-311 adopted (Shastid/Smith, maj. - Hughes & Davies, no - Simon, absent) denying request for rezoning. (Clerk to handle)

APPROPRIATION TRANSFER

CONSENT

32. Appropriation transfer.  
(Funds are needed to purchase a wastepaper basket and a cabinet for use in the Mayor's office. Resolution approving appropriation transfer needed. Estimated cost \$335)

ACTION: Res. 69-312 adopted approving appropriation transfer of \$335 from Account 60-101 (General Reserve, General Fund) to Account 301-7-101 (City Council, Office Supplies) (\$35) and Account 5501-7-101 (City Council, Cabinet). (Finance to handle)

MISCELLANEOUS

33. Legislative matters.

ACTION: By motion (Robinson/Hughes, unan.) SB464 opposed.  
By motion (Hughes/Shastid, unan.) AB518 supported.  
A motion (Hughes/Robinson) to support SB62 & SB63 was tabled for one week upon motion (Mitchell/Hughes, unan.).  
By motion (Hughes/Robinson, unan.) AB644 opposed.  
By motion (Shastid/Smith, unan.) AB646 opposed.  
Staff requested to obtain copies of AB787 for Council.

34. Appointments.

None.

Adjournment at 10:15 P.M.

ATTEST:

*W. T. Chynoweth*  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 21, 1969 AT 4:00 P.M.

Roll Call Present: Hughes, Mitchell, Shastid, Simon, Smith, and  
Mayor Davies  
Absent: Robinson

Pledge of allegiance to the Flag

Invocation: Reverend ~~F. E. Ness, Bethel Church~~

Reverend Burton C. Reed, College Ave. Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 17a, b, c, d,  
Item 21 removed from Consent. e, 18, 19, ~~XX~~, 23, 24, 25, 26,  
(Shastid/Simon, unan. - Robinson, absent) 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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of April 14, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES & CORRESPONDENCE

CONSENT

2. Request of Boy Scouts for use of reviewing stand for parade on  
May 10.  
(Motion granting request needed)

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

BIDS

CONSENT

3. Accept as complete Albert M. Biehl's contract for the installation of automatic sprinkler system at Enslin Park.  
(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 notice of completion. Resolution accepting work as complete needed. Estimated cost \$12,298; funds budgeted in Account 6309-31-321, Enslin Park - Automatic Sprinklers)

ACTION: Res. 69-313 adopted accepting contract. (Clerk to handle)

CONSENT

4. Consider award of bid for construction of sewer extension on Coffee Road and East Orangeburg Avenue to serve Golden Years Nursing Home. (The Council approved sewer agreement between Golden Years Nursing Home and City dated December 16, 1968. Bids were opened December 31, 1968. The low bid submitted by Modesto Industrial Electrical Company, Inc., which is 7.3% over the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Golden Years Nursing Home has paid the City \$3,330.50 as their share of cost of construction for this sewer extension. Resolution awarding bid needed. Funds budgeted in Account 6561-52-212. Estimated cost \$8,428.80 (Contract \$7,728.80 - Engr. \$700)

ACTION: Res. 69-314 adopted awarding bid to Modesto Industrial Electrical Co., Inc. (P/W to handle)

HEARINGS

5. Hearing on amendment to Chapter 2 of Title X of Municipal Code (R-3 height increase). 4:15 P.M.

ACTION: Res. 69-315 adopted (Shastid/Smith, majority - Hughes, no) referring back to Planning Commission. (Planning to handle)

6. Hearing on request of Bart Bartoni to construct exposed aggregate sidewalk on 10th St. frontage of Bartoni Arcade. 4:25 P.M.

ACTION: Res. 69-316 adopted (Hughes/Shastid, unan.) granting request. (P/W to handle)

7. Sidewalk, curb and gutter at 921 Woodrow Ave., a portion of Block 13124 (Miss Lucille Rife) 4:30 P.M.

ACTION: Res. 69-317 adopted (Hughes/Simon, unan.) ordering work done. (P/W to handle)

8. Sidewalk, curb and gutter at 1005 Woodrow Ave., a portion of Block 13119 (Joseph A. Reis) 4:30 P.M.

ACTION: Res. 69-318 adopted (Hughes/Simon, unan.) ordering work done. (P/W to handle)

9. Curb and gutter at 1315 E Street, west one-half of Lots 15 and 16, Block 102 (Trinidad Gutierrez) 4:30 P.M.

ACTION: Res. 69-319 adopted (Hughes/Simon, unan.) ordering work done. (P/W to handle)

10. Curb and gutter on E Street at 501 14th Street, east one-half of Lots 15 and 16, Block 102 (Mrs. Stella Y. Marshall) 4:30 P.M.

ACTION: Res. 69-320 adopted (Hughes/Simon, unan.) ordering work done. (P/W to handle)

11. Sidewalk on Mensinger at 1032 Brady Ave., a portion  
of Block 735 (LeRoy Wach) 4:30 P.M.

ACTION: Res. 69-321 adopted (Hughes/Simon, unan.) ordering work done.  
(P/W to handle)

12. Sidewalk and gutter on L Street at 1201 7th Street, Lots  
15 and 16, Block 37 (R. Williams) 4:30 P.M.

ACTION: Res. 69-322 adopted (Hughes/Simon, unan.) ordering work done.  
(P/W to handle)

13. Curb and gutter on Rosina Ave. at 1623 Yosemite Blvd.,  
Lots 10 and 11, and 40 feet of 9, of Block 2125 (Atlantic  
Richfield Corp.) 4:30 P.M.

ACTION: Res. 69-323 adopted (Hughes/Simon, unan.) ordering work done.  
(P/W to handle)

14. Continued hearing on El Terino Addition to the City of  
Modesto. 4:35 P.M.

ACTION: Res. 69-324 adopted (Shastid/Simon, unan.) declaring no majority  
protest made. Res. 69-325 adopted (Shastid/Simon, unan.) fixing  
July 1, 1969 as election date. (Clerk to handle)

15. Informal hearing on proposed sign ordinance. 4:40 P.M.

Following the hearing it was decided that a new Council Committee to  
study the sign ordinance would be appointed as soon as the new members of  
the Council have qualified. Names of persons wishing notice of further  
meetings were obtained.

16. Matters for the good of the community.  
(These may be presented by citizens in the audience) 4:45 P.M.

It was reported that considerable damage had been done to the river-  
bank at Legion Park by boats traveling at high speed on the Tuolumne  
River. The staff was directed to look into the situation. (P & R to  
handle)

Councilman Shastid gave a brief review of major accomplishments  
since he became a member of the Council. Both he and Councilman Hughes  
were commended by other members of the Council and the City Manager.

NEW BUSINESS

CONSENT

17. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below.

(The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. The City Clerk will set the date for the hearing. Resolution setting date for hearing needed. Suggested date May 5 at 4:20 P.M. Funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)

CONSENT

(a) Sidewalk, curb and gutter at 911 Sycamore Ave., Lot 16 and portions of Lots 15 and 17, Block 723. (\$262.81). (Resolution needed) (Louise Long)

ACTION: Res. 69-326 adopted setting hearing. (P/W to handle)

CONSENT

(b) Sidewalk, curb and gutter at 905 Sycamore Ave., Lots 18 through 21 and a portion of 17, Block 723 (\$569.49) (Francis P. Atteberry)

ACTION: Res. 69-327 adopted setting hearing. (P/W to handle)

CONSENT

(c) Sidewalk, curb and gutter at 901 Sycamore Ave., Lots 22, 23, and 24, Block 723 (\$296.93) (Anton W. Hanneman)

ACTION: Res. 69-328 adopted setting hearing. (P/W to handle)

CONSENT

(d) Curb and gutter at 435 Griswold Ave., portion of Block 721 (\$100) (Mrs. Bernice Doern)

ACTION: Res. 69-329 adopted setting hearing. (P/W to handle)

CONSENT

(e) Sidewalk on Western Way at 1421 Western Way, Lots 25, 26 and 27, Block 353 (\$134.02) (Mrs. Pauline B. Simms)

ACTION: Res. 69-330 adopted setting hearing. (P/W to handle)

CONSENT

18. Establishment of landing fees for nonscheduled jet aircraft. (Memo with agenda. Resolution approving revision to Section 4 of Resolution 67-505 needed)

ACTION: Res. 69-331 adopted amending Section 4 of Res. 67-505 to provide for jet aircraft landing fees. (P/W to handle)

CONSENT

19. Assignment of Silvaire Flying School lease and the assignment of the Operator's Permit.  
(Memo with agenda. Resolution approving assignment needed)

ACTION: Res. 69-332 adopted approving assignment of Silvaire Flying School lease to Roy B. and Dorene Hirschhorn. (P/W to handle)

20. Consider proposal to replace the radio system used by Police Department.  
(Memo with agenda. Motion of direction needed. Estimated cost \$55,000, to be requested later from the General Reserve when bids are received and amount of money needed is known)

ACTION: By motion (Shastid/Simon, unan.) staff authorized to prepare specifications for replacement of Police Dept. radio system and to return to Council for authorization to call for bids.  
(Finance to handle)

CONSENT

21. A resolution authorizing filing of application for Urban Beautification grant.  
(The Planning Commission by its Resolution No. 69-55 recommends to the Council that an application be made for federal funds for the Urban Beautification program and outlines therein specific projects to be placed in that program. Copies of the Planning Commission's resolution and the recommended projects are being sent to the Mayor and Council with agenda. Resolution authorizing filing of application needed)

ACTION: Res. 69-334 adopted (Mitchell/Smith, majority - Hughes, no) authorizing filing of application. (C/Mgr to handle)

REPORTS

22. Report on dividends from Workmen's Compensation Insurance.  
(Memo from Deputy City Manager being distributed with agenda. Motion accepting report needed)

ACTION: By motion (Hughes/Shastid, unan.) report accepted and staff directed to send letter of appreciation to all employees.  
(C/Mgr to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

23. Planning Commission recommendation - Six-Year Beautification Program, 1969-70.  
(Information with agenda) Resolution approving the 6-year Beautification Program, 1969-70 needed.

ACTION: Res. 69-333 adopted approving Six-Year Beautification Program.  
(C/Mgr to handle)

CONSENT

24. Recommend commencement of proceedings for the annexation of uninhabited city-owned property (Riverside #2 Addition)  
(On April 15, 1969 the Planning Commission adopted Resolution 69-53 recommending to the Council the commencement of proceedings for the annexation to the City of uninhabited city-owned property (Riverside #2 Addition.) Resolution commencing annexation proceedings and authorizing City Manager to sign the Local Agency Formation Commission letter of transmittal needed)

ACTION: Res. 69-335 adopted commencing annexation proceedings.  
(Planning to handle)

CONSENT

25. A resolution annexing uninhabited territory to the City of Modesto known as Rose Acres No. 4 Addition.  
(The Planning Commission has reviewed and recommends annexation of uninhabited territory known as the Rose Acres No. 4 Addition to the City of Modesto, and the Local Agency Formation Commission has authorized the annexation without notice or public hearing. Resolution needed)

ACTION: Res. 69-336 adopted annexing Rose Acres No. 4 Addition to City of Modesto. (Clerk to handle)

CONSENT

26. Recommend amendment to Section 15-3-9 of the zoning map (Commission Initiated).  
(Planning Commission Resolution No. 69-51 adopted April 15, 1969 recommends an amendment to Section 15-3-9 of the zoning map as requested by Planning Commission for revocation of prezoned planned development zone, P-D (38), property located on the northeast corner of Coffee Road and Floyd Avenue. Resolution setting date for public hearing needed. Suggested date May 12 at 7:50 P.M.)

ACTION: Res. 69-337 adopted setting hearing. (Clerk to handle)

CONSENT

27. Recommend amendment to Section 8-3-9 of the zoning map (Wolverine Building Service)  
(By Resolution No. 69-49 adopted April 15, 1969 the Planning Commission recommends an amendment to Section 8-3-9 of the zoning map as requested by Wolverine Building Service to rezone from single-family R-1, to Two-family, R-2, to accommodate duplex development on property located on the east side of Tully Road about 100 feet north of Rumble Road. Resolution setting date for public hearing needed. Suggested date May 12, 1969 at 7:55 P.M.)

ACTION: Res. 69-338 adopted setting hearing. (Clerk to handle)

CONSENT

28. Recommend the granting of an unclassified use permit to Mr. and Mrs. Benedict V. Cipponeri for a 99-bed convalescent hospital to be located behind the existing Evergreen Nursing Home on the south side of Evergreen Avenue.  
(Planning Commission Resolution No. 69-50 adopted April 15, 1969 recommends the granting of an Unclassified Use Permit to Mr. and Mrs. Benedict V. Cipponeri for a 99-bed convalescent hospital to be located behind the existing Evergreen Nursing Home on the south side of Evergreen Avenue. Resolution setting date for public hearing needed. Suggested date May 12, 1969 at 8:00 P.M.)

ACTION: Res. 69-339 adopted setting hearing. (Clerk to handle)

29. Report on informal review of plans for Highway 99 and Beckwith and Prescott interchanges.  
(On February 25, 1969 the City Council referred this matter to the Planning Commission for its review. On April 15, 1969 at its regular meeting, the Planning Commission informally reviewed the tentative plans for Highway 99 and the Beckwith and Prescott Interchanges. The Commission does not wish to make a recommendation on these plans at this time due to the fact it does not feel there is enough information available on which to make a decision. No council action needed - for information only. Sketches will be posted at the meeting)

NO ACTION BY COUNCIL.

MISCELLANEOUS

30. Legislative matters

ACTION: Opposition to AB374 to be continued.  
SB538 (Brown Act) opposed by motion (Hughes/Mitchell, unan.)  
(C/Mgr to handle)

31. Appointments

NONE.

ADJOURNMENT NOTE: Meeting adjourned at 6:40 P.M. to 4:00 P.M. on April 22, 1969 for the purpose of confirming the canvass of the votes cast at the April 15, 1969 election, declaring the results of the election and administering the oath of office to the new councilmen. Following the swearing in of the new members of the Council an executive session will be held to discuss personnel problems.

NOTICE: Next quarterly meeting of Central Valley Division, League of California Cities, will be in Lodi on May 1.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

MINUTES OF ADJOURNED REGULAR MEETING OF APRIL 22, 1969

The Council of the City of Modesto convened at 4:00 P.M. pursuant to adjournment and there being:

Present: Councilmen Mitchell, Robinson, Shastid, Simon, Smith,  
Mayor Davies

Absent: Councilman Hughes

Resolution 69-340 adopted (Shastid/Robinson, unan) confirming the canvass of the votes cast at the General Municipal Election held on April 15, 1969 and declaring the results to be as follows:

Chair 2

James H. Dixon, Jr.	3580
Richard A. Hammerstrom	1180
M. Lee Holmes	434
Frank T. Muratore	1425
Robert G. Stonum	2636

Chair 4

G. Dale Smith	6671
Anthony V. Souza	1952

Chair 5

Arthur E. Baker	2138
Joseph F. Medeiros, Jr.	369
Phillip E. Newton	3400
John C. Sutton	3394

Members, Board of Education

Robert C. Bienvenu	8668
Jean J. Knoles	8208
Floyd H. Rydalch	4396

The successful candidates for councilman, namely, James H. Dixon, Jr., G. Dale Smith, and Phillip E. Newton then took the oath of office and were installed in their respective chairs.

The Mayor announced that the Council would adjourn to executive session to consider personnel matters and would not return to open session.

The meeting adjourned to executive session at 4:10 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH  
City Clerk

## AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 28, 1969 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, and  
Mayor Davies  
Absent: Robinson

Pledge of allegiance to the Flag

Invocation: Reverend-R. Praman-Northrup, Church of the Brethren  
Reverend Wm. T. Lockett

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 9, 10,  
Item 7 dropped from agenda. 11, 12, 13, 14, 15, 18, 19, 20,  
(Smith/Simon, unan. - Robinson, absent) 21, 22, 23, 25, 26, 28, 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 for the individual items).

APPROVAL OF MINUTES

## CONSENT

1. Minutes of April 21 and 22, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES & CORRESPONDENCE

2. Letter stating goals of "Family Tribune."  
(John Rollins, Public Relations for this newspaper, will be present.)

ACTION: Mr. Rollins explained that the new paper hoped to create dialog in the community and to represent the students. He suggested that there might be a City Government column in the paper.

## CONSENT

3. Request of Modesto Band of Stanislaus Co., Inc. for (1) Payment of \$350 for appearance at Cal-Expo; (2) Budgeting of \$350 by City for 1969-70; (3) Payment of \$1,200 for 1968 summer concerts; and (4) budgeting of \$1,500 for 1969 summer concerts.  
(Motion approving items 1 and 3 and directing that items 2 and 4 be referred to proper budget session needed)

ACTION: By motion items 1 and 3 approved and items 2 and 4 referred to proper budget session. (Finance to handle)

## CONSENT

4. Letter from Stella V. Marshall concerning drainage at 14th and E Streets and other problems.  
(Motion referring to staff needed)

ACTION: By motion referred to staff. (P/W to handle)

BIDS

CONSENT

5. Consider authorizing Purchasing Officer to join with Stanislaus County's Purchasing Agent in a consolidated call for bids for furnishing the annual requirements of gasoline for period commencing July 1, 1969.  
(The total requirements of all of the various agencies involved in this seventh joint venture is expected to exceed 1,200,000 gallons. Motion needed. Estimated cost \$50,350; funds budgeted in Account 330-48-512, Gas, Oil, Lubricants and some other accounts, p. 66)

ACTION: By motion Purchasing Officer authorized to join in consolidated call for bids for gasoline. (Finance to handle)

CONSENT

6. Consider approval of specifications and authorize call for bids to be opened May 20, 1969 at 2:00 p.m. for furnishing annual lamp requirements commencing July 1, 1969.  
(Memo with agenda. Resolution needed. Estimated cost \$5,000; funds budgeted in Account 438-512, Revolving Fund. Not shown in budget book. Supplies are purchased into Stores and distributed to various accounts)

ACTION: Res. 69-341 adopted approving specifications and bid call.  
(Finance to handle)

CONSENT

7. Consider approval of plans and specifications for construction of parking facilities at United Air Terminal. Proposed bid opening May 13, 1969 at 10:00 a.m.  
(The volume of air passenger service has increased to a point that the parking facilities are no longer adequate around the terminal building. The need for parking has also been increased by the addition of the new commuter lines. The proposed parking facilities will require relocation of the TVOR power source to the Control Tower. Resolution approving plans and specifications and call for bids needed. Estimated cost \$13,800 (Construction \$12,071; Engr. & Cont. - \$1,729). Funds budgeted in Account 6520-46-230, Parking Facilities at United Air Terminal - 1969)

DROPPED FROM AGENDA.

CONSENT

9. Consider award of contract to low bidder, PureGro Co., Modesto, to supply annual requirements of liquid anhydrous ammonia commencing June 15, 1969.  
(Tabulation and memo with agenda. Resolution needed. Estimated cost \$9,400. Funds budgeted in Account 312-53-101, Chem., Drug & Lab Supplies, p. 48)

ACTION: Res. 69-342 adopted awarding contract to PureGro Co.  
(Finance to handle)

CONSENT

10. Consider award of contract to Jones Chemicals, Inc., Milpitas, California, to supply requirements of liquid chlorine for a one-year period beginning June 15, 1969.  
(Tabulation and memo with agenda. Resolution needed. Estimated cost \$42,400; funds budgeted in Account 312-53-101, Chem., Drug, & Lab. Supplies, p. 48)

ACTION: Res. 69-343 adopted awarding contract to Jones Chemicals, Inc.  
(Finance to handle)

CONSENT

11. Accept as complete Industrial Electrical Company's contract for the installation of water lines in Tully Manor No. 4 Subdivision. (All work on the 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 needed. Actual cost \$3,273.21; funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-344 adopted accepting contract. (Clerk to handle)

CONSENT

12. Accept as complete the contract for demolition of the Penney Annex and Wherry Buildings.  
(Botto Demolition has satisfactorily completed all work necessary on the job. The contract price is \$13,450. Resolution accepting contract as complete needed)

ACTION: Res. 69-345 adopted accepting contract. (Clerk to handle)

CONSENT

13. Accept as complete Industrial Electrical Company's contract for the installation of water lines north on Prescott Road and west on Rumble.  
(All work on the 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 notice of completion. Resolution needed. Actual cost \$2,594.74; funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-346 adopted accepting contract. (Clerk to handle)

CONSENT

14. Accept as complete Ferrero Electric, Inc. contract for the installation of Subdivision-Type lighting modernization, stage 1. (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 notice of completion. Resolution needed. Estimated cost \$112,832.37 (Contr. \$101,832.37; Engr. \$11,000; funds budgeted in Account 6626-321, Lighting Modernization, Special Fund for Capital Outlay)

ACTION: Res. 69-347 adopted accepting contract. (Clerk to handle)

CONSENT

15. Consider final acceptance of Certified Sewer Services' contract for construction of Sutter Trunk Liner. (All work in connection with the project has been completed to the satisfaction of the Public Works Department. It is recommended that the City Clerk be authorized to file notice of completion. Resolution needed. Actual cost, construction, \$59,838.60; funds budgeted in Account 6586-52-212, Replacement of Sutter Avenue Trunk Sewer)

ACTION: Res. 69-348 adopted accepting contract. (Clerk to handle)

HEARINGS

16. Further consideration of Prescott #2 Addition to the City of Modesto.

(Continued from April 14, 1969 meeting)

7:45 P.M.

ACTION: Res. 69-349 adopted (Mitchell/Smith, unan. - Robinson, absent) declaring no majority protest made.

Ord. 961-C.S. adopted (Mitchell/Smith, unan. - Robinson, absent) annexing area to City. (Clerk to handle)

17. Matters for the good of the community.

7:50 P.M.

(These may be presented by citizens in the audience)

Mayor Davies announced that at the request of Mel Williams he had looked into the fact that there are no Saturday afternoon movies in Modesto. As a result the Covell plans to start Saturday matinees on May 3 to see if attendance will justify this.

The dropping of leaves from Modesto Ash trees was discussed. Spraying of the trees is too expensive but some extra leaf pick up is being done.

The City Manager presented the Councilmen with a proposed letter to residents explaining the position of the City concerning the needed sanitary landfill site. It is planned to mail this with the water bills if the Council informally agrees.

John deBoer, member of the Farm-City Advisory Committee, was introduced.

NEW BUSINESS

CONSENT

18. Proposed job classification of Battalion Chief. (Memo and job description with agenda, Resolution approving new classification needed. Funds approved in 1969-70 Fire Department budget)

ACTION: Res. 69-350 adopted approving new classification of Battalion Chief. (Personnel to handle)

CONSENT

19. Consider agreement with E. & J. Gallo Winery to purchase dried digested sludge for one year period commencing April 16, 1969. (Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 69-351 adopted approving agreement. (P/W to handle)

CONSENT

20. Consider request for sewer service to property at 1501 Rose Avenue located at the northwest corner of Rose Avenue and Coolidge Avenue, owners Samuel C. Smith and Ester A. Smith. (The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to the City and a line must be extended to serve it. Resolution approving agreement needed)

ACTION: Res. 69-352 adopted approving agreement. (P/W to handle)

CONSENT

21. Consider the following items relating to the Beard Land Improvement Company:

(a) Agreement providing for reimbursement of cost of the Garner Road sewer.

ACTION: Res. 69-353 adopted approving agreement. (Finance to handle)

(b) Agreement providing for reimbursement of cost of the Riverside Drive sewer.

ACTION: Res. 69-354 adopted approving agreement. (Finance to handle)

(c) Accept Garver Road, Riverside Drive and Mariposa-Finch sewers for maintenance.

(Memo with agenda. Three resolutions approving agreements and accepting various sewer lines for maintenance needed)

ACTION: Res. 69-355 adopted accepting Garver Road, Riverside Drive and Mariposa-Finch sewers for maintenance. (P/W to handle)

CONSENT

22. Resolution establishing policy directive relating to official parking in the city hall parking lots and rescinding resolution No. 65-98.

(A parking sticker is being requested for the Building Maintenance foreman. Memo of explanation with agenda. Resolution needed)

ACTION: Res. 69-356 adopted rescinding Res. 65-98 for the purpose of adding Building Maintenance Foreman to list of those granted parking privileges at City Hall. (P & T to handle)

CONSENT

23. Consider request for sewer service to 2040-42 Glendale Avenue located on the south side of Glendale Avenue, between Phoenix Avenue and Parry Avenue.  
(Owners, Lester D. Murray and Annie M. Murray. The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to the City and a line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 69-357 adopted approving agreement. (P/W to handle)

REPORTS

24. Oral report by staff concerning Westside Neighborhood Center.

ACTION: By motion (Smith/Dixon, unan.) (Councilman Newton excused due to a conflict of interest) proposed agreement with Rev. Monroe Taylor approved in principle and staff authorized to contact Rev. Taylor and to prepare a formal agreement.  
(C/Mgr, C/Atty, and P & R to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

25. Vacation and abandonment of a portion of an alley located in Block 6621, Gregory Gardens #3 Subdivision.  
(Planning Commission Resolution 69-38 adopted April 1, 1969 recommends the vacation and abandonment of a portion of an alley located in Block 6621, Gregory Gardens #3 Subdivision. Resolution of Intention to vacate and abandon and setting date for public hearing needed. Suggested hearing date May 19, 1969 at 4:15 P.M.)

ACTION: Res. of Int. 314 (1089-S.P.) adopted setting hearing.  
(Clerk to handle)

CONSENT

26. Consider amendments and deletions to municipal code relating to zoning regulations.  
(On April 15, 1969 the Planning Commission adopted Resolution No. 69-52 recommending to the City Council amendments and deletions to the municipal code relating to zoning regulations. Resolution setting date for public hearing needed. Suggested date May 19, 1969 at 4:20 P.M.)

ACTION: Res. 69-358 adopted setting hearing. (Clerk to handle)

27. Planning Commission recommendation - Capital Improvement Program 1969-70 through 1974-75.  
(See IBM listing and letter of transmittal. Motion accepting needed)

ACTION: By motion (Mitchell/Simon, unan.) it was directed that this be set for formal hearing at the same time as the Budget but will also be considered during preliminary budget sessions.  
(Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

28. Appropriation transfer to provide funds for alterations in communication center requested by A.I.A. Survey Engineers. (Copy of memo from Fire Chief to City Manager with agenda. Resolution needed)

ACTION: Res. 69-359 adopted approving transfer of \$343 from Account 130-21-101 (Fire - Salaries/Wages, Overtime) to Account 224-22-101 (Police - M/R Building & Grounds). (Finance to handle)

CONSENT

29. Appropriation transfer from General Fund. (Memorandum with agenda. Resolution approving appropriation transfer of \$3,000 from Account 60-101 (General Reserve, General Fund) to Account 5201-39-101 (Automation of heating and cooling system, Senior Citizens' Center)

ACTION: Res. 69-360 adopted approving transfer. (Finance to handle)

MISCELLANEOUS

30. Legislative matters.

ACTION: Individuals were urged to contact Sen. Teale opposing AB374. Action was delayed on SB62 and 63 to give the new Councilmen time to study the bills.

The Council retired to executive session at 8:40 P.M. to discuss appointments and returned to open session at 9:30 P.M.

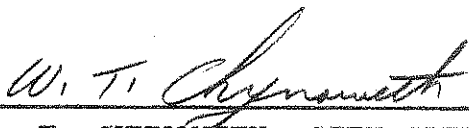
31. Appointments.

ACTION: Res. 69-361 adopted (Smith/Simon, unan. - Robinson, absent) reappointing Robert S. Boland, Lawrence E. Meeker, and John Sutton; and appointing Robert Moon to replace Howard Shaw to the AB-103 Advisory Board (D.I.D.) for terms expiring March 28, 1973. (Clerk to handle)

Res. 69-362 adopted (Smith/Simon, unan. - Robinson, absent) appointing Andrew L. Rice as a member of the Mayor's Council on Youth Opportunity to replace William Hoffman. (Clerk to handle)

Adjournment at 9:35 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

CITY OF MODESTO MINUTES AND ACTION AGENDA  
AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 5, 1969 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, and  
Mayor Davies  
Absent: Robinson

Pledge of allegiance to the Flag  
Invocation: Reverend W. Gibbs, Baptist Temple

1. Election of Vice Mayor.

ACTION: Res. 69-363 adopted (Dixon/Newton, unan. - Robinson, absent)  
electing Councilman Mitchell as Vice Mayor. (Clerk to handle)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 9,  
Items 5 & 11 removed from consent. 10, 11, 12, 13, 14, 15, 27, 28,  
(Simon/Smith, unan.) 29, 30, 33, 34, 36, 37, 38, 39

(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 for the individual items).

APPROVAL OF MINUTES

CONSENT

2. Minutes of April 28, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

3. Request for payment of \$3,000 budgeted for California Relays and for inclusion of the same amount in 1969-70 budget.  
(Motion authorizing payment of \$3,000 and referring budget request to proper budget session needed)

ACTION: By motion payment of \$3,000 authorized and request for inclusion of \$3,000 in 1969-70 budget referred to proper budget session.  
(Finance to handle)

CONSENT

4. Request of Lane Ward for abandonment of portion of Floyd Avenue between Katherine Avenue and the Tidewater Railroad tracks.  
(The \$75.00 filing fee has been paid. Resolution referring to Planning Commission needed)

ACTION: Res. 69-364 adopted referring to Planning Commission.  
(Planning to handle)

~~CONSENT~~

5. Request of L. P. Hudelson Company and Long's Drug Stores, Inc. for abandonment of the easterly eight feet of the alley adjacent to Long's Drug Store in exchange for the dedication of ten feet on the westerly side of the alley.  
(The 75.00 filing fee has been paid. Resolution referring to Planning Commission needed)

ACTION: Request amended to total abandonment of alley.  
Res. 69-365 adopted referring request for abandonment to Planning Commission. (Planning to handle)

CONSENT

6. Request of 4th of July Committee for \$750 for 4th of July celebration.  
(Motion granting request needed)

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

CONSENT

7. Request of Beautification Committee for disbursement of \$75.00 for awards presented in Beautification poster contest.  
(Motion granting request needed)

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

BIDS

CONSENT

8. Approve plans and specifications and call for bids for Subdivision Type Lighting Modernization, Stage 2.  
(Bid opening: May 27, 1969 at 10:00 A.M. Provides for the conversion of 433 intersection lights to mercury vapor and the installation of extensions to provide better light distribution. Also included is the construction of or modernization of 14 transformer stations. Resolution approving plans, specifications and call for bids needed. Estimated cost \$150,700 (Contract \$142,200, Engr. \$8,500). Funds budgeted in Account 6626-41-321, Modernize City Lighting Stage 2. If additional funds are needed after bids are opened, an appropriation transfer will be requested later from Fund No. 321, General Reserve).

ACTION: Res. 69-366 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

9. Consider award of bid for the improvement of LaLoma Avenue from "H" Street to Yosemite Boulevard.  
(Bids were opened on April 29th. The low bid submitted by the Flintkote Company dba Standard Materials Company, which is 0.9% below the Engineer's Estimate, is considered acceptable. It is recommended by the Public Works Dept. that the bid be awarded to them. Resolution awarding bid and resolution approving appropriation transfer of \$4,610 from Account 60-207, General Reserve. Estimated cost \$39,538 (Contract \$34,438 - Engr. \$5,100). Funds budgeted in Account 6655-1-207, LaLoma "H" to Yosemite)

ACTION: Res. 69-367 adopted awarding bid to Standard Materials Co.  
(P/W to handle)

Res. 69-368 adopted approving appropriation transfer of \$4,610 from Account 60-207 (General Reserve). (Finance to handle)

CONSENT

10. Accept as complete James L. Bray's contract for construction of the Westside Neighborhood Center.  
(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 notice of completion. Resolution accepting work needed. Contract cost \$156,617.68. Funds budgeted in Account 6375-31-321, Westside Neighborhood Center)

ACTION: Res. 69-369 adopted accepting contract. (Clerk to handle)

~~CONSENT~~

11. Accept as complete Anchor Post Products, Inc. of California's contract for construction of chain link fence on Briggsmore Avenue.  
(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 notice of completion. Resolution accepting work needed. Estimated cost \$3,175 (Contract \$2,975; Engr. \$200). Funds budgeted in Account 6287-31-321, Beautification of North Side of Briggsmore Ave.)

ACTION: Res. 69-370 adopted (Smith/Dixon, unan.) accepting contract.  
(Clerk to handle)

CONSENT

12. Accept as complete Langworthy Paving Co., Inc. contract for resurfacing of tennis courts at Graceada and Westside Park.  
(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. Estimated cost \$14,065 (Contract \$12,765; Engr. \$1,300). Funds budgeted in Accounts 6305-31-321, Graceada Tennis Courts; 6305-6390-31-321, Westside Park Resurfacing).

ACTION: Res. 69-371 adopted accepting contract. (Clerk to handle)

CONSENT

13. Consider award of contract to low bidder, Nance Ford Tractor, to supply one new golf course tractor.  
(Memo and tabulation with agenda. Resolution needed. Estimated cost \$2,628. Funds budgeted in Account 5408-48-512, Wheel Tractor, Capital Outlay, p. 66)

ACTION: Res. 69-372 adopted awarding contract to Nance Ford Tractor.  
(Finance to handle)

CONSENT

14. Accept as complete Industrial Electrical Company's contract for the installation of water lines in Renee Manor No. 2. (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 \$4,106.83; funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-373 adopted accepting contract. (Clerk to handle)

CONSENT

15. Consider approval of specifications and authorize call for bids to be opened May 27, 1969 at 2:00 P.M. for furnishing a 52-foot aerial tower and body and installing on city furnished truck chassis. (Resolution needed. Estimated cost \$13,775. Funds budgeted in Account 5409-48-512, Service Division Capital Outlay, p. 67)

ACTION: Res. 69-374 adopted approving specifications and call for bids. (Finance to handle)

HEARINGS

16. Hearing on annexation of Prescott No. 3 Addition to Sewer District. 4:15 P.M.

ACTION: Res. 69-375 adopted (Smith/Mitchell, unan.) annexing area. (Clerk to handle)

17. Sidewalk, curb and gutter at 911 Sycamore Avenue, Lots 16 and portions of Lots 15 and 17, Block 723. (\$262.81 - Miss Louise Long) 4:20 P.M.

ACTION: Res. 69-376 adopted (Simon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

18. Sidewalk, curb and gutter at 905 Sycamore Ave., Lots 18 through 21 and a portion of 17, Block 723. (\$569.49 - Francis P. Atteberry) 4:20 P.M.

ACTION: Res. 69-377 adopted (Simon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

19. Sidewalk, curb and gutter at 901 Sycamore Ave., Lots 22, 23, and 24, Block 723. (\$296.93, Anton W. Hanneman) 4:20 P.M.

ACTION: Res. 69-378 adopted (Simon/Mitchell, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

20. Curb and gutter at 435 Griswold Ave., portion of Block 721.  
(\$100 - Mrs. Bernice Doern) 4:20 P.M.

ACTION: Res. 69-379 adopted (Simon/Mitchell, unan.) confirming report, assessing costs and directing method of collection.  
(Finance to handle)

21. Sidewalk on Western Way at 1421 Western Way, Lots 25, 26, 27, Block 353.  
(\$134.02 - Pauline B. Simms) 4:20 P.M.

ACTION: Res. 69-380 adopted (Simon/Mitchell, unan.) confirming report, assessing costs and directing method of collection.  
(Finance to handle)

22. Hearing on abandonment of portion of Rosedale Ave. 4:25 P.M.

ACTION: Res. 1090-S.P. adopted (Dixon/Newton, unan.) abandoning portion of Rosedale Ave. (Clerk to handle)

23. Matters for the good of the community. 4:30 P.M.  
These may be presented by citizens in the audience)

Mrs. Mole, 1700 Concord, complained that the City is five years behind. The Public Works staff was requested to confer with Mrs. Mole.

The City Manager commended the members of the Employees' Association who assisted in free dumping day on May 3.

Res. 69-381 adopted (Mitchell/Dixon, unan.) approving grant agreement with HUD for 1968-69 Urban Beautification Funds. (C/Mgr to handle)

It was announced that Rev. Monroe Taylor had signed an agreement with the City in connection with the Westside Neighborhood Center. By motion (Smith/Simon, unan.) further consideration of this agreement was set for May 12 at 8:10 P.M. to enable Councilmen to study the agreement and the audit report of the West Side Neighborhood Center. (Clerk to handle)

It was announced that Robert Wegener had resigned as Director of the West Side Neighborhood Center.

Councilman Smith inquired as to the status of the apparent conflict between the 400' CATV tower and CAB regulations. He was informed that the staff is working on this.

The matter of weeds growing between sidewalks and streets was discussed. It was pointed out that this area is the responsibility of the adjacent property owner.

#### OLD BUSINESS

24. Policy considerations on McHenry Avenue traffic alternatives.  
(The Division of Highways is studying ways of improving traffic movement on McHenry Avenue. The study is being made at the City's request. The State has asked some policy questions. The questions and suggested answers are included in a Parking and Traffic memo sent with the agenda. Motion directing staff how to answer questions needed)

ACTION: By motion (Smith/Mitchell, unan.) May 12 at 8:05 P.M. set as time for an informal hearing on McHenry Ave. traffic.  
(Clerk to handle)

25. Consider exercising option to purchase sanitary landfill site.

- (a) Letter of opposition from Claus Riverbank Farm Bureau.
- (b) Resolution appropriating \$152,000 for purchase of property. (Memo with agenda. Resolution exercising option needed. Resolution appropriating \$152,000 for purchase of property needed)

ACTION: A motion (Smith/Newton) to hold all action for one week was amended by motion (Dixon/Smith, unan.) to hold all action until the Board of Supervisors and the City Council can have a joint meeting to discuss this but no later than May 19. The City Clerk was directed to make the necessary arrangements for the joint meeting. The motion as amended then passed by unanimous vote. (Clerk to handle)

#### NEW BUSINESS

26. Presentation of the 1969-70 preliminary budget.  
(Budgets will be distributed at the council meeting)  
(It is necessary to schedule budget hearings for Council consideration. Last year the Council met in special session on Tuesdays and Thursdays at 4:00 P.M. to review budget recommendations. Consider operating budget first and then return to supplemental requests. Motion scheduling budget hearings by Council needed)

ACTION: Res. 69-382 adopted (Mitchell/Newton, unan.) setting May 19, 1969 at 4:30 P.M. as time for public hearing on budget. (Clerk to handle) By motion (Mitchell/Newton, unan.) Tuesdays and Thursdays from 4:00 P.M. to 5:30 P.M. set for Council review of budget recommendations starting on May 15. (Finance to handle)

#### CONSENT

27. Authorize City Manager to sign hold harmless agreement with Ernest W. Hahn, Inc.  
(To permit the Fire Department to conduct a public information program and display of equipment Saturday, May 10, 1969 on the Briggsmore Square parking lot. The agreement is required. Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 69-383 adopted approving hold harmless agreement with Ernest W. Hahn, Inc. (Clerk to handle)

#### CONSENT

28. Accept improvements in Rose Terrace No. 1 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of the statutory lien period.  
(Rose Terrace No. 1 Subdivision is located on the east side of Rose Avenue between Celeste Drive and Floyd Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion and release bond upon expiration of statutory lien period.)

ACTION: Res. 69-384 adopted accepting improvements. (Clerk to handle)

#### CONSENT

29. Consider request for sewer service to property at 1721 East Coolidge located at northeast corner of East Coolidge and Queens Avenue - owners Elmer Teel and Fern Teel).  
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to the City and a line must be extended to serve it. Resolution approving agreement needed)

ACTION: Res. 69-385 adopted approving agreement. (Clerk to handle)

CONSENT

30. Consider lease agreement between the City of Modesto and Norman C. Hougey.  
(The City purchased a house at 412 Vine Street to provide parking at the Westside Neighborhood Center. The building cannot be moved for six months. It is proposed that it be rented during this time under the usual type of agreement which includes tenancy on a month-to-month basis with the tenant to pay all utilities and provide maintenance. Rental is to be \$85.00 per month. Resolution approving lease agreement needed)

ACTION: Res. 69-386 adopted approving lease agreement. (Finance to handle)

31. Letter from Max Hanney regarding use of property at Sutter and Robertson Road.  
(Letter with agenda. Mr. Hanney proposed to remove fill dirt from above property, then using the land for disposal of dry garbage, and finally deeding said property to City for future park development. Mr. Hanney wishes to make a statement regarding this proposal at the Council meeting. Motion referring to staff for study needed)

ACTION: By motion (Mitchell/Smith, unan.) referred to staff for study.  
(C/Mgr to handle)

32. Consider acquiring balance of land for library construction.  
(Memo with agenda. Motion instructing staff needed)

ACTION: By motion (Smith/Newton, unan.) staff directed to begin condemnation proceedings. (C/Mgr to handle)

CONSENT

33. Resolution authorizing the Attorney General of California to represent the City of Modesto in an antitrust action against certain suppliers of asphaltic petroleum products.  
(Memo with agenda. Resolution needed)

ACTION: Res. 69-387 adopted authorizing Attorney General to represent City of Modesto. (C/Atty to handle)

REPORTS

CONSENT

34. Report of Greater Modesto Chamber of Commerce for January, February and March 1969.  
(Motion accepting report needed.)

ACTION: By motion report accepted. (Clerk to handle)

35. Crime Stop report.  
(Annual progress report of the Modesto Citizens Operation Crime Stop by Mr. Robert Stewart, Chairman. Motion accepting report needed)

ACTION: By motion (Mitchell/Dixon, unan.) report accepted. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

36. Carpenter Addition - for referral to Planning Commission. Proposed annexation, uninhabited. (Information attached. Resolution referring to Planning Commission needed)

ACTION: Res. 69-388 adopted referring to Planning Commission. (Planning to handle)

CONSENT

37. Montclair Addition - for referral to Planning Commission. Proposed annexation, uninhabited. (Information with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 69-389 adopted referring to Planning Commission. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

38. Appropriation transfer of \$260. (To provide funds for tax increase at Broughton Branch, rent increase for Elias Branch, and servicing of air conditions at McHenry, Broughton, Elias and Wright Libraries. Resolution approving appropriation transfer of \$260 from Account 60-62-201 (Library-General Reserve) to Account 215-62-201 (Library-Rent/Real Property - \$60) and Account 224-62-201 (Library - M/R Bldgs/Grounds \$200).

ACTION: Res. 69-390 adopted approving appropriation transfer. (Finance to handle)

CONSENT

39. Consider following appropriation transfers:

(a) To provide additional funds for strengthening the water system. (\$31,400)

(b) To provide funds for installation of emergency generator in former Bumgardner water system in South Modesto. (\$2,300) (Memo with agenda. Resolution approving transfers needed.

ACTION: Res. 69-392 adopted approving appropriation transfer of \$33,700 from Fund 101 (General Fund, General Reserve) to Account 6828-50-101 (PW - Water, Strengthening Systems, various locations, \$31,400) and Account 5303-50-101 (PW - Water, Install Emergency Generator, \$2,300). (Finance to handle)

40. Legislative matters.

(a) Discussion re SB-774.

ACTION: No action at this time. Perhaps this can be discussed with members of the Board of Supervisors. Individual Councilmen requested to express their opposition to AB-240. By motion (Smith/Simon, maj. - Davies, no) SB62 & 63 supported.  
(C/Mgr to handle)

41. Appointments.

The Council retired to executive session at 7:02 P.M. to consider appointments and returned to open session at 7:38 P.M.

ACTION: Res. 69-393 adopted (Smith/Simon, unan.) reappointing John C. deBoer, Joe Hart, and John Kidd as members of the Farm-City Advisory Committee for terms ending May 1, 1973; Res. 69-394 adopted (Smith/Simon, unan.) appointing Edward Liljeblad as a member of the Mayor's Council on Youth Opportunity to replace Jess Aguilar for a term ending October 31, 1970. (Clerk to handle)

Res. 69-395 adopted (Simon/Newton, unan.) approving the following appointments to Council Committees:

Public Relations Committee - Davies, Ch., membership to rotate every month in alphabetical order

Public Projects Committee - Mitchell, Ch., Newton, Smith

Stanislaus City-County Committee - Mitchell, Smith

\*Executive Committee of the Central Valley Division of the League of California Cities - Davies; alternate, Newton

Stanislaus County Highway Advisory Committee - Simon; alternate, Newton

Economic Development Action Committee (County) - Smith; alternate, Simon

Civil Defense Program - Simon, Dixon

Council-Supervisors Liaison Committee - Robinson (his alternate - Newton)  
Davies (his alternate - Simon)

Sister City Liaison Committee - Mitchell

Stanislaus Area Advisory Planning Association - Robinson, Smith;  
alternates, Simon, Dixon

Chamber of Commerce Board of Directors Liaison - Robinson; alternate, Smith

Downtown Plan Committee - Robinson, Ch., Simon, Smith

Regional Advisory Board on Criminal Justice - Simon; alternate, Smith

Community Action Agency Governing Board - Mitchell and Newton;  
alternates: Dixon and Simon

Governor's Council on Aging Liaison - Dixon

Tuolumne River Regional Park Plan Committee - Newton, Mitchell

(Clerk to handle)

Adjournment at 7:45 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 12, 1969 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon and Smith  
Absent: Mayor Davies (Vice Mayor Mitchell presided)

Pledge of allegiance to the Flag

Invocation: Reverend Harold Knowles, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 6, 7, 8, 9, 10,  
Item 26 removed from consent. 10A, 19, 20, 21, 22, 23, ~~24~~,  
(Smith/Robinson, unan.) 27, 28, 29, 30, 31, 32, 34

(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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of May 5, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Request that City of Modesto sponsor Children's Program for the summer.

(Representatives from M.J.C. will be present to explain)

ACTION: By Order of the Chair this was referred to staff for report on May 19, 1969. (P & R to handle) (Bill Lee, Student Body President of Modesto Junior College, stated that the request was for co-sponsorship.)

CONSENT

3. Resolution from M.I.D. authorizing participation in Stage II of street lighting program.

(Motion ordering resolution filed and directing letter of appreciation to M.I.D. needed).

ACTION: By motion resolution ordered filed and staff directed to send letter of appreciation to Modesto Irrigation District.  
(Clerk to handle)

4. Resolution from City of Ceres calling for school tax equalization.

ACTION: By motion (Dixon/Newton, unan.) referred to City Attorney for report on May 19, 1969. (C/Atty to handle)

5. Requests for exception to requirement that connections to city sewers be made by July 1, 1969:

(a) Hazel Davis, 2038 Bellamy

(b) Mrs. Robert E. Foster, 409 Camellia Way

(c) Mr. and Mrs. E. D. Blakely, 1023 College Avenue

ACTION: By Order of the Chair all three requests referred to staff for study and recommendation. (P/W to handle)

City Attorney directed to prepare report on possibility of City assisting in obtaining some type of financing. (C/Atty to handle)

CONSENT

6. Request for modification of agreement with H. Russell Briggs as to access from Briggsmore Square to Briggsmore Avenue. (Motion referring to Planning Commission needed)

ACTION: By motion referred to Planning Commission for study and recommendation. (Planning to handle)

CONSENT

7. Letter from E. F. Huggins enjoining the City of Modesto from issuing permits for buildings without street level access. (Motion referring to City Attorney for report needed)

ACTION: By motion referred to City Attorney for report. (C/Atty to handle)

CONSENT

8. A resolution of appreciation for Fay L. Quisenberry for her dedicated service as an educator for more than four decades. (Resolution needed)

ACTION: Res. 69-396 adopted expressing appreciation to Fay L. Quisenberry. (Clerk to handle)

#### BIDS

CONSENT

9. Consider rejecting all bids received April 28, 1969 for furnishing a 1500-gallon street flusher and authorize new call for bids to be opened May 27, 1969 at 2:15 P.M. (Memo with agenda. Resolution rejecting bids opened April 28, 1969 and resolution authorizing new bid call needed. Estimated cost \$4,500; funds budgeted in Account 5416-48-512, Capital Outlay, Service Division, p. 67)

ACTION: Res. 69-397 adopted rejecting all bids;  
Res. 69-398 adopted authorizing bid call for May 27, 1969 at 2:15 P.M. (Clerk to handle)

CONSENT

10. Two-month extension for G, H, and I Streets changeover.  
(The contractor for G, H, and I Streets changeover has requested a two-month extension due to the delay in receiving the signal equipment. The two-month extension will make the new completion date August 11, 1969. A memo from the Parking and Traffic Director has been sent with the agenda. His check indicates that the request is justified and he intends to grant it. No council action needed; for informational purposes only.)

NO ACTION.

CONSENT

- 10A. Award contract for construction of flashing beacons at six intersections to White's Electric Service.  
(White's Electric Service is low bidder at \$6,965.21 for construction of flashing beacons at 8th and H, Bodem and Morris, Sycamore and Roseburg, College and Bowen, Carver and Orangeburg, and Carver and Briggsmore. Engineer's estimate for the job was \$8,400, and it is recommended that the contract be awarded to White's Electric. Resolution awarding contract and transferring funds needed. Estimated cost \$7,900; funds budgeted in Account 6212-56-321- \$4,000; 6218-56-321- \$3,000, Flashing Lights.)

ACTION: Res. 69-399 adopted awarding contract to White's Electric Service; Res. 69-399A adopted authorizing appropriation transfer of \$900 from General Reserve (60) to Account 321-56-6212 (P & T - Flashing Lights, \$600) and Account 321-56-6218 (P & T - Flashing Lights, \$300). (P & T and Finance to handle)

HEARINGS

11. Hearing on annexation of El Vista School Addition to City of Modesto. 7:45 P.M.

ACTION: Res. 69-400 adopted (Robinson/Simon, unan.) declaring majority protest not made.  
Ord. 962-C.S. adopted (Robinson/Simon, unan.) annexing El Vista School Addition to City of Modesto. (Clerk to handle)

12. Hearing on amendment to Section 15-3-9 of the zoning map (Commission initiated) 7:50 P.M.

ACTION: Ord. 963-C.S. introduced (Simon/Smith, unan.) amending Sec. 15-3-9 of the zoning map. (Clerk to handle)

13. Hearing on amendment to Sec. 8-3-9 of zoning map (Wolverine Building Service) 7:55 P.M.

ACTION: Ord. 964-C.S. introduced (Smith/Newton, unan.) amending Sec. 8-3-9 of the zoning map. (Clerk to handle)

14. Hearing on application for unclassified use permit (Evergreen Nursing Home) 8:00 P.M.

ACTION: Res. 69-401 adopted (Smith/Robinson, unan.) granting unclassified use permit to Evergreen Nursing Home. (Planning to handle)

15. Informal hearing on McHenry Avenue traffic. 8:05 P.M.

ACTION: Following a thorough discussion during which members of the audience expressed their points of view it was decided that the City staff and the Division of Highways should continue to study this matter in line with various suggestions made by the audience. (P & T to handle)

16. Further consideration of agreement with Reverend Monroe Taylor. 8:10 P.M.

ACTION: The Council retired to executive session at 9:40 P.M. to consider personnel matters and returned at 10:30 P.M.

Res. 69-402 adopted (Smith/Newton, unan.) approving agreement with Monroe Taylor and authorizing C/Mgr to sign same. (Clerk to handle)

17. Matters for the good of the community. 8:15 P.M.  
(These may be presented by citizens in the audience)

Joe Hart, Farm-City Advisory Committee Chairman, was introduced.

Margarethe Schulze of Bonn, Germany, who is a guest in Vice Mayor Mitchell's home while attending school here, was introduced.

The Council was informed that the 400' CATV tower will not be erected on any site which will interfere with the operation of the Airport.

#### OLD BUSINESS

18. Consider authorizing architect to proceed with preliminary plans for library building.  
(Memo with agenda)

ACTION: By motion (Newton/Smith, unan.) architect authorized to proceed with preliminary plans. (C/Mgr to handle)

#### NEW BUSINESS

##### CONSENT

19. A resolution determining that the public interest and convenience require that Scenic 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 annex it to the Modesto Municipal Sewer District. Suggested hearing date June 23, 1969 at 7:45 P.M. Resolution Setting hearing (2/3 affirmative vote needed)

ACTION: Res. 69-403 adopted setting hearing. (Clerk to handle)

CONSENT

20. A resolution determining that the public interest and convenience require that Rose Acres No. 4 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. Suggested hearing date June 23, 1969 at 7:50 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 69-404 adopted setting hearing. (Clerk to handle)

CONSENT

21. Consider request for sewer service to property at 704 Tokay Avenue located on the south side of Tokay Avenue, between Sunrise Avenue and Potter Avenue.

(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to the City and a line must be extended to serve it. Resolution approving agreement needed)

ACTION: Res. 69-405 adopted approving agreement with Welcome C. and Evaline Ann Mullen. (Clerk to handle)

CONSENT

22. A resolution approving the final map of the Grantland Manor 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. Grantland Manor Subdivision is located on the west side of Riverside Drive between Haddon and Miller Avenue. It contains 8.282 acres. Resolution approving final map needed)

ACTION: Res. 69-406 adopted approving final map. (Clerk to handle)

REPORT

CONSENT

23. Presentation of financial statement for April 1969.

(Copies of statement with agenda. Motion accepting report needed)

ACTION: By motion report accepted. (Clerk to handle)

24. Report on proposed Improvement District No. 14.

(Memo with agenda. Motion authorizing staff to proceed needed)

ACTION: By motion (Robinson/Simon, unan.) staff authorized to proceed. (P/W to handle)

25. Report of Public Projects Committee regarding plans for sign ordinance hearings.

ACTION: Vice Mayor Mitchell, Chairman of the Committee, announced that committee hearings would be held as soon as budget hearings are over. If the committee hearings are not completed the first two weeks in June, they will be continued after July 4. The hearings will be as follows: (1) Sign companies; (2) general public and businessmen; (3) amortization of costs. (C/Attorney to handle)

~~CONSENT~~

26. Report on curb and gutter complaint by Mrs. Walter S. Mole, 1700 Concord Avenue.  
(Memo with agenda. Motion accepting report needed)

ACTION: By motion (Robinson/Simon, unan.) staff directed to study need for repair of curbs and gutters and request Council for funds to fix any that staff feels should be repaired. (P/W to handle)

#### REPORTS FROM THE PLANNING COMMISSION

CONSENT

27. Recommend amendment to Section 23-3-9 of the zoning map, (Lance E. Ellis).  
(By Resolution No. 69-48 adopted April 15, 1969 the Planning Commission recommends an amendment to Section 23-3-9 of the zoning map as requested by Lance E. Ellis to prezone to Multiple Family Zone, R-3, and two-family zone, R-2, to accommodate duplex development on property located on the east side of Old Oakdale Road, south of Morningside Drive. Resolution setting date for public hearing needed. Suggested date June 2, 1969 at 4:30 P.M.)

ACTION: Res. 69-407 adopted setting hearing. (Clerk to handle)

CONSENT

28. Recommend amendment to Section 23-3-9 - Lance Ellis.  
(By Resolution No. 69-56 adopted May 6, 1969 the Planning Commission recommends an amendment to Section 23-3-9 of the zoning map as requested by Lance E. Ellis to prezone to Planned Development Zone, P-D, to accommodate forty dwelling units, property located on the east side of Old Oakdale Road, south of Morningside Drive. Resolution setting date for public hearing needed. Suggested date June 2, 1969 at 4:35 P.M.)

ACTION: Res. 69-408 adopted setting hearing. (Clerk to handle)

CONSENT

29. A resolution annexing uninhabited territory to the City of Modesto known as Montclair Addition.  
(The Planning Commission has reviewed and recommends annexation of uninhabited territory known as the Montclair Addition to the City of Modesto, and the Local Agency Formation Commission has authorized the annexation without notice or public hearing. Resolution needed)

ACTION: Res. 69-409 adopted annexing Montclair Addition to the City of Modesto. (Clerk to handle)

CONSENT  
30. Recommend commencement of proceedings for the annexation to the City of uninhabited territory (Carpenter Addition). (On May 6, 1969 the Planning Commission adopted Resolution No. 69-62, recommending to the Council the commencement of proceedings for the annexation to the City of uninhabited territory (Carpenter Addition). Resolution setting date for public hearing needed. Suggested date June 23, 1969 at 7:55 P.M.)

ACTION: Res. 69-410 adopted setting hearing. (Clerk to handle)

CONSENT

31. Recommend commencement of proceedings for the annexation to the City of uninhabited territory - John Sutter School Addition. (On May 6, 1969 the Planning Commission adopted Resolution 69-61 recommending to the Council the commencement of proceedings for the annexation to the City of uninhabited territory known as the John Sutter School Addition. Resolution setting date for public hearing needed. Suggested date June 23, 1969 at 8:00 P.M.)

ACTION: Res. 69-411 adopted setting hearing. (Clerk to handle)

CONSENT

32. Recommending the granting of an unclassified use permit to the Modesto Medical Development Company for additional parking facilities to supplement the parking areas required for the previously approved 4-story expansion of Doctors' Hospital, located at the northwest corner of Florida and W. Orangeburg Avenues. (By Resolution 69-58 adopted at its regular meeting of May 6, 1969 the Planning Commission recommends the granting of an unclassified use permit to the Modesto Medical Development Company for additional parking facilities to supplement the parking areas required for the previously approved 4-story expansion of Doctors' Hospital. Resolution setting date for public hearing needed. Suggested date June 9, 1969 at 7:45 P.M.)

ACTION: Res. 69-412 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

33. Legislative matters.

ACTION: By motion SB1178 (LAFCo) opposed (Robinson/Simon, unan.)  
By motion (Smith/Robinson, unan.) SB1414 opposed.  
By motion (Robinson/Dixon, unan.) Federal legislation re tax exempt status of municipal bonds opposed. (C/Mgr to handle)

APPOINTMENTS

CONSENT

34. 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 May 6, 1969 the Planning Commission adopted Resolution 69-66, recommending to the City Council the appointment of Kenneth Marple to the Board of Zoning Adjustment, as a representative of the Planning Commission for the balance of this year, his term to expire January 1, 1970. Resolution needed)

ACTION: Res. 69-413 adopted appointing Kenneth Marple. (Clerk to handle)

Adjournment

By motion (Simon/Smith, unan.) meeting adjourned at 11:05 P.M. to 4:00 P.M. on May 13, 1969 in the Chambers of the Board of Supervisors, Court House, Modesto.

ATTEST:

*W. T. Chynoweth*  
W. T. CHYNOWETH, CITY CLERK

CITY OF MODESTO

MINUTES OF ADJOURNED REGULAR MEETING, MAY 13, 1969

The Council of the City of Modesto convened in adjourned regular meeting at 4:00 P.M. in the Board of Supervisors Chambers, 1100 Eye St., Modesto, California, and there being:

Present: Councilmen Dixon, Mitchell, Newton, Simon, and Smith  
Absent: Councilman Robinson and Mayor Davies  
Councilman Newton arrived at 5:10 P.M.

This being a joint meeting with the Stanislaus County Board of Supervisors, Chairman VanderWall presided for the Board and Vice Mayor Mitchell presided for the Council.

Members of the City Council and staff informed the Board members of the efforts being made by the City of Modesto to obtain a suitable site for a sanitary land fill. It was pointed out that any site would have to be approved by the Board of Supervisors and that any site which required traveling a long distance would cost residents of both the incorporated and unincorporated areas considerably more for garbage collection.

It was suggested that a joint City-County Committee be formed to work on this problem. The suggestion was also made that representatives of other cities be named to the committee. The suggestion was made that perhaps a site to be used by all of the County or at least a large part of it could be found and that the County might operate it.

No formal action was taken by either the Board of Supervisors or the City Council.

The meeting adjourned at 5:20 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

Modesto City Council  
May 15, 1969

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 11th Street, Modesto, California, as provided by Section 2-1.02 of the Modesto Municipal Code, Vice Mayor Mitchell presiding, to consider the preliminary budget for fiscal year 1969-70.

Present: Councilmen: Dixon, Newton, and Vice Mayor Mitchell  
(Councilman Newton arrived at 4:25 P.M.)

Absent: Councilmen: Robinson, Simon, Smith, and Mayor Davies

As a quorum of the Council was not present it was decided that the members present would meet as a sub-committee to consider budget matters and to make recommendations to the Council when a quorum is present at preliminary budget meeting.

#### BUDGET MESSAGE

The budget message for the 1969-70 Budget was reviewed by the City Manager.

The sub-committee agreed that supplemental requests would be considered separately after review of the preliminary budget.

The following preliminary budgets were reviewed by the sub-committee and it was agreed that they would be recommended for tentative approval by the Council:

FIRE - 21 (P. 47)  
CITY COUNCIL - 7 (P. 25)  
CITY MANAGER - 8 (P. 27)  
TYPING POOL & RECORDS - 9 (P. 29)  
CITY ATTORNEY - 13 (P. 31)  
CITY CLERK & AUDITOR - 14 (P. 33)  
FINANCE - 15 (P. 35)  
PERSONNEL - 17 (P. 39)  
PLANNING - 18 (P. 41)  
DISASTER & CIVIL DEFENSE - 26 (P. 55)

#### ADJOURNMENT

The meeting was adjourned at 5:25 P.M. to May 20, 1969 at 4:15 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 19, 1969 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
and Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend Herbert Rasske, Modesto Gospel Mission

SUGGESTION AWARDS

1. Suggestion awards.

(\$15 award to Tom Donalson for Suggestion No. 229 that plastic door edge guards be put on the police cars to protect them from damage, and \$25 award to Ralph Aikin for Suggestion No. 225. He suggested that synchronization unit be placed in a separate location from the traffic signal controller, and supplied with a separate source of power. Funds budgeted in Account 236-17-101, Suggestion System. Mayor to present award)

ACTION: Awards presented by Mayor Davies.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 10, 11, 12, 13,  
(Robinson/Simon, unan.) 14, 15, 16, 17, 18, 19, 20, 21

(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 for the individual items).

APPROVAL OF MINUTES

CONSENT

2. Minutes of May 12 and 13, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

3. Invitation from Golden Pacific Airlines to visit their operations center at San Francisco International Airport.

ACTION: Staff to work out a schedule for the tour - possibly a weekday and a Saturday. (C/Mgr to handle)

BIDS

CONSENT

4. Approve plans and specifications for resurfacing various city streets and the parking lots at the Senior Citizens and Community Service Centers.

(The streets to be resurfaced are Westland Drive; Greenwood Drive; Magnolia Ave, Roseburg to Orangeburg; Melrose Ave., Roseburg to Orangeburg; Oakshire Ave., Miller to Encina; Edgebrook Drive; Las Palmas to Covenia; Elmhurst Dr.; Kavanaugh Ave.; Jefferson St., Paradise Road to Maze Blvd.; Chehalem Drive. Resolution approving plans, specifications and call for bids needed. Bid opening date June 3, 1969 at 10:00 A.M. Estimated cost, various city streets \$20,500; parking lots, \$3,400; funds budgeted in Account 321-51, Construction materials; 6303-321, Community Service Center; 7902-321, Senior Citizens Center)

ACTION: Res. 69-414 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

5. Consider approval of specifications and authorize call for bids to be opened June 4, 1969 at 2:00 p.m. for furnishing a skid mounted fire extinguishing and securing system.  
(Unit will be installed on a truck chassis yet to be purchased. Completed equipment will constitute a fire truck for airport use. Resolution needed. Estimated cost \$12,000; funds budgeted in Account 5413-21-101, Airport Crash Truck - not shown in budget book)

ACTION: Res. 69-415 adopted approving specifications and call for bids.  
(Clerk to handle)

HEARINGS

6. Hearing on abandonment of alley in Block 6621, Gregory Gardens 4:15 P.M.

ACTION: Res. 1091-S.P. adopted abandoning alley.  
(Robinson/Mitchell, unan.) (Clerk to handle)

7. Hearing on amendments to Municipal Code (zoning regulations). 4:20 P.M.

ACTION: Ord. No. 965-C.S. introduced (Robinson/Mitchell, unan.) (Clerk to handle) The Mayor then invited the Chairman of the Planning Commission or his representative to attend Council meetings when matters of mutual concern are being considered. It was also planned to have a joint Council-Commission meeting at a later date. (C/Mgr to handle)

8. Hearing on budget and on Capital Improvement Program, 1969-70 through 1974-75. 4:30 P.M.

ACTION: Hearing held - no formal action taken.

9. Matters for the good of the Community. 4:35 P.M.  
(These may be presented by citizens in the audience)

The City Manager reported that the Council was invited to check the crowded conditions at the City-County Airport between 2:00 and 3:00 P.M. on May 20. Several additional large planes will be present due to the election for Assemblyman. The Council was informed that the matter was under control and there was no danger.

Following a report that the 5th District Court of Appeals had requested that the City of Modesto not proceed with construction of the sewer line which is the cause of the present litigation between the Cities of Ceres and Modesto until the Court has made a decision on the appeal filed by the City of Ceres, by motion (Mitchell/Smith, unan.) the staff was directed to inform the Court that no work is scheduled or will be scheduled prior to July 1. (C/Atty to handle)

Councilman Simon reported that he had observed a potential problem at a local park which had been handled very well by the police.

NEW BUSINESS

CONSENT

10. Consider proposal of Mr. Thomas Fontana to harvest walnuts on city property.  
(A letter has been received from Mr. Thomas Fontana offering to harvest walnuts from city-owned trees located at Dryden Park Municipal Golf Course, Roosevelt Park, at City Pump Station No. 14 on Virginia Ave., the City pump station on Emerald Ave., Mancini property at 1204 River Road, and in the small parcel purchased by the City from the State on the south side of Tuolumne River near 9th Street bridge approach. He proposes to complete the harvest and pay to the City by November 20, 1969 35% of the gross revenue for the crop. Mr. Fontana harvested the walnuts in 1968 and paid the City \$389.03. Resolution approving proposal needed)

ACTION: Res. 69-416 adopted accepting proposal. (P & R to handle)

CONSENT

11. Letter from Modesto State Hospital requesting season swim passes.  
(We received a letter from the Modesto State Hospital requesting the City to issue 10 swim passes for adult and teenage patients. The Council approved the issuance of 10 passes for teenagers last season. Staff would recommend approval of request. Motion granting request needed)

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

CONSENT

12. Consider approval of letter agreement with Modesto Airport Traffic Control for operation of Airport light systems.  
(This updates an existing letter agreement relating to the operation of runway lights, and is required because of the new high intensity runway lights on Runway 29R. Resolution approving letter agreement effective May 19, 1969 needed; "Hold Harmless" resolution needed)

ACTION: Res. 69-417 adopted approving letter agreement;  
Res. 69-418 adopted approving "Hold Harmless" clause in letter agreement.  
(Clerk to handle)

CONSENT

13. Consider quitclaiming land acquired at the oxidation ponding site back to property owner.  
(Memo of explanation with agenda. Resolution authorizing Mayor to sign quitclaim deed needed)

ACTION: Res. 69-419 adopted authorizing Mayor to execute quitclaim deed.  
(Clerk to handle)

CONSENT

14. A resolution approving the final map of the Rose Terrace 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. Rose Terrace No. 2 subdivision is located between Rose Avenue and Old Oakdale Road north of Celeste Drive. It contains 9.72 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 69-420 adopted approving final map of Rose Terrace No. 2 Subdivision. (Clerk to handle)

CONSENT

15. Accept improvements in Northgate No. 5 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of the statutory lien period.  
(Northgate No. 5 Subdivision is located on the north side of Leveland Lane between the Tidewater Southern Railroad tracks and McHenry Ave. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion and release bond upon expiration of statutory lien period needed)

ACTION: Res. 69-421 adopted accepting improvements in Northgate No. 5 subdivision. (Clerk to handle)

CONSENT

16. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below:  
(Informal requests were sent over thirty days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolution setting hearing needed. Suggested hearing date June 2, 1969 at 4:45 P.M.).

CONSENT

- (a) Sidewalk at 1103 College Avenue, Lot 1, Block 830  
(Orland D. Greener)  
(Resolution setting hearing needed)

DROPPED FROM AGENDA.

CONSENT

- (b) Curb and gutter at 135 E. Granger Ave., a portion of Block 1237 (Reba H. Sargent)  
(Resolution setting hearing needed)

ACTION: Res. 69-423 adopted setting hearing. (P/W to handle)

CONSENT

- (c) Curb and gutter on Western Way at 1416 Western Way, Lots 22 through 26, Block 336. (Onofred M. Sepulveda)  
(Resolution setting hearing needed)

ACTION: Res. 69-424 adopted setting hearing. (P/W to handle)

CONSENT

(d) Curb and gutter on Parry Ave. at 2049 Miller Ave., Lot 24, Block 2225 (Delbert Hammons)  
(Resolution setting hearing needed)

ACTION: Res. 69-425 adopted setting hearing. (P/W to handle)

CONSENT

(e) Curb and gutter on Parry Ave. at 2048 Miller Ave., Lot 1, Block 2224 (Mrs. Ernest Bewley)  
(Resolution setting hearing needed)

ACTION: Res. 69-426 adopted setting hearing. (P/W to handle)

CONSENT

(f) Sidewalk on East Orangeburg and McHenry Avenues at 1340 McHenry Ave., a portion of Block 1133 (Pep Modesto Corporation)  
(Resolution setting hearing needed)

ACTION: Res. 69-427 adopted setting hearing. (P/W to handle)

CONSENT

(g) Sidewalk on Sierra Drive at 315 Sixth Street, Lots 5 through 11 and a portion of 29, Block W (Floyd Seigler)  
(Resolution setting hearing needed)

ACTION: Res. 69-428 adopted setting hearing. (P/W to handle)

CONSENT

(h) Curb and gutter at 138 Merced Ave., Lots 28 and 29, Block 311. (John McClain)  
(Resolution setting hearing needed)

ACTION: Res. 69-429 adopted setting hearing. (P/W to handle)

CONSENT

(i) Curb, gutter and sidewalk on Stoddard at 318 Magnolia Ave., Lots 1 and 2, Block 547 (Joie Maze Bunker)  
(Resolution setting hearing needed)

ACTION: Res. 69-430 adopted setting hearing. (P/W to handle)

CONSENT

(j) Curb and gutter on Merced Ave. at 142 Merced Ave., Lots 26 and 27, Block 311 (Ordill E. Tacket)  
(Resolution setting hearing needed)

ACTION: Res. 69-431 adopted setting hearing. (P/W to handle)

CONSENT

(k) Curb and gutter at 209 Merced Ave., Lots 5 & 6, Block 309 (Joe Minehi, Jr.)  
(Resolution setting hearing needed)

ACTION: Res. 69-432 adopted setting hearing. (P/W to handle)

CONSENT

17. Report of Superintendent of Streets on the cost of installation of curb and gutter at the properties listed below.  
(The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. The City Clerk will set the date for hearing. Resolution needed. Suggested hearing date June 2, 1969 at 4:50 P.M. Contract costs listed below with properties. Funds budgeted in Account 5302-51-101, Curbs and gutters, Special)

CONSENT

(a) Curb and gutter on Lucern at 601 El Cajon Ave., Lot 4, Block 607 (\$264.83 - Joe Nicolodi)  
(Resolution setting hearing needed)

ACTION: Res. 69-433 adopted setting hearing. (P/W to handle)

CONSENT

(b) Curb and gutter at 211 Ruberto Ave., Lots<sup>2</sup> and 1/2 of 3, Block 340 (\$133.52 - Margaret Stinson Erwin)  
(Resolution setting hearing needed)

ACTION: Res. 69-434 adopted setting hearing. (P/W to handle)

CONSENT

(c) Curb and gutter at 219 Ruberto Ave., Lots 5 and 6, Block 340. (\$182.14 - Bob C. Forster)  
(Resolution setting hearing needed)

ACTION: Res. 69-435 adopted setting hearing. (P/W to handle)

CONSENT

(d) Curb and gutter at 438 Alturas Ave., Lots 19 and 20, Block 336 (\$229.99 - Raymond Ybarra, Jr.)  
(Resolution setting hearing needed)

ACTION: Res. 69-436 adopted setting hearing. (P/W to handle)

CONSENT

(e) Curb and gutter on Tuolumne at 401 Tuolumne Blvd., Lots 23, 24 and 25, Block 312 (\$337.54 - Charles E. Erickson)  
(Resolution setting hearing needed)

ACTION: Res. 69-437 adopted setting hearing. (P/W to handle)

CONSENT

(f) Curb and gutter on Sierra Drive at 704-706 Sierra and 102 Sunset Blvd., Lots 41 to 44, Block 326 (\$457.40 - Edwin W. Ferrel)  
(Resolution setting hearing needed)

ACTION: Res. 69-438 adopted setting hearing. (P/W to handle)

CONSENT

18. Accept improvements in Carver Terrace No. 3 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of the statutory lien period.  
(Carver Terrace No. 3 is located east of Carver Road between Rumble Road and Mt. Vernon Drive. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing City Clerk to file notice of completion and release bond upon expiration of statutory lien period needed)

ACTION: Res. 69-439 adopted accepting improvements in Carver Terrace No. 3 Subdivision. (Clerk to handle)

CONSENT

19. Consider recommendation to approve new job specification and pay range for Supervisor of General Services (Range 23.5)  
(Memo with agenda. Motion directing staff to prepare resolution amending classification and pay plan needed)

ACTION: By motion staff directed to prepare necessary resolution.  
(C/Atty to handle)

CONSENT

20. Consider termination of county lease of parking space - Moose Park.  
(Memo with agenda) (Motion authorizing notice of termination needed.)

ACTION: By motion staff authorized to give County notice of termination of lease. (C/Mgr to handle)

REPORTS

CONSENT

21. Report relating to resolution from City of Ceres calling for school tax equalization.  
(The resolution from Ceres was considered by the Council at its meeting of May 12, 1969 at which time it was referred to the city staff for a report and recommendation. A memorandum relating to this matter is being transmitted with the agenda to the Mayor and councilmen. Motion accepting recommendation that no action be taken until specific bill is before legislature needed)

ACTION: By motion recommendation accepted.

22. Report on meeting of the City Council and Board of Supervisors regarding a sanitary landfill site.  
(Oral report will be made at the meeting)

It was announced that further consideration of the Litt Road site for a sanitary landfill operation would be on the agenda for May 26.

Vice Mayor Mitchell reported on the joint Council-Board meeting.

Mayor Davies appointed Councilmen Dixon and Simon to represent the Council in working with the County on the location of a site.

23. Report by Director of Parks and Recreation on request for City co-sponsorship of children's program.

ACTION: Res. 69-440 adopted (Robinson/Smith, unan.) approving appropriation transfer of \$256 from Account 428-65 (Misc. Unclassified) to Account 315-32-101 for this purpose. (Finance to handle)

#### REPORTS FROM THE PLANNING COMMISSION

24. Amendment to Chapter 2 of Title X of municipal code (R-3 height increase).

(At its regular meeting of April 21, 1969 by Resolution 69-315, the Council referred this matter back to the Planning Commission. Letter with agenda. Ordinance adopting the amendment needed, or resolution denying the Planning Commission's recommendation as per Council's final decision)

ACTION: The vote on a motion to introduce an ordinance (Robinson/Simon) amending Chapter 2 of Title X of the Modesto Municipal Code was continued by motion (Smith/Mitchell, majority - Robinson, Simon, and Davies, no) to July 21, 1969 to permit the Planning Commission to develop standards to be applied. (Planning to handle)

#### APPROPRIATION TRANSFERS

None.

#### MISCELLANEOUS

24. Legislative matters.

ACTION: By motion (Robinson/Smith, unan.) SB1077 (CATV franchises) opposed. (C/Mgr to handle)

25. Appointments

ACTION: Res. 69-441 adopted (Simon/Mitchell, unan.) reappointing Rev. Howard Clarke, Leopold Prescott, and Jerry Turner as members of the Modesto Human Rights Commission for terms expiring May 1, 1973. (Clerk to handle)

Adjournment at 6:45 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

Page 8 5/19/69

Modesto City Council  
May 20, 1969

The Council of the City of Modesto met in adjourned special session this date in the Council Chamber, City Hall, 801 11th Street, Modesto, California, to consider further the preliminary budget for fiscal year 1969-70, Mayor Davies presiding.

Present: Councilmen: Dixon, Mitchell, Robinson, Smith, and Mayor Davies  
Absent: Councilmen: Newton & Simon

The meeting was called to order at 4:20 P.M.

Upon motion (Robinson/Smith, unan.) the City Attorney was excused from attendance at the budget sessions with the understanding that he would be available if needed.

The following budgets were considered and given tentative approval:

POLICE - 22 (P. 51)

(Account 302 changed to \$778 due to a mathematical error. Total operating expense changed to \$140,681 and Total Police Budget changed to \$1,014,618.)

WESTSIDE NEIGHBORHOOD CENTER - 30 (P. 57)

Account 235 - Services Prof. and Others added in the amount of \$7,260.

PARKS & RECREATION - ADMINISTRATION - 31 (P. 59)

PARKS & RECREATION - RECREATION - 32 (P. 61)

PARKS & RECREATION - MADDUX YOUTH CENTER - 33 (P. 65)

PARKS & RECREATION - COMMUNITY SERVICE CENTER - 34 (P. 67)

PARKS & RECREATION - PARKS - 35 (P. 69)

PARKS & RECREATION - STREET TREES - 36 (P. 73)

PARKS & RECREATION - 9-HOLE GOLF COURSE - 37 (P. 75)

PARKS & RECREATION - DRYDEN PARK MUNICIPAL GOLF COURSE - 38 (P. 77)

PARKS & RECREATION - SENIOR CITIZENS CENTER - 39 (P. 81)

CITY HALL - 19 (P. 45)

PUBLIC WORKS - ENGINEERING & ADMINISTRATION - 41 (P. 83)

PUBLIC WORKS - BUILDING INSPECTION - 42 (P. 87)

PUBLIC WORKS - ELECTRICAL - 43 (P. 89)

PUBLIC WORKS - WATER - 50 (P. 91)

PUBLIC WORKS - STREETS - 51 (P. 93)

PUBLIC WORKS - SEWERS - 52 (P. 95)

PUBLIC WORKS - WATER QUALITY CONTROL - 53 (P. 99)

PUBLIC WORKS - GARDEN REFUSE - 54 (P. 103)

PUBLIC WORKS - AIRPORT - 46 (P. 127)

PUBLIC WORKS - SERVICE DIVISION - 48 (P. 131)

ADJOURNMENT - The meeting was adjourned at 5:50 P.M. to Thursday, May 22, 1969 at 4:15 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

The Council of the City of Modesto met in adjourned special session this date in the Council Chamber, City Hall, 801 11th Street, Modesto, California, to consider further the preliminary budget for fiscal year 1969-70, Mayor Davies presiding.

Present: Councilmen: Dixon, Mitchell, Robinson, Simon, Smith, and  
Mayor Davies (Councilman Smith arrived at 4:55 P.M.)  
Absent: Councilmen: Newton

The meeting was called to order at 4:20 P.M.

The following budgets were considered and given tentative approval:

PARKING & TRAFFIC - 52 (p. 107)

PARKING & TRAFFIC - 57 (Parking Fund - 209) (p. 123)

OFFICE SERVICES - 58 (p. 111)

MUSIC & PROMOTION - 61 (p. 113)

Oliver Deatsch, President of the Modesto Band, appeared before the Council to explain the supplemental request of \$300 for summer concerts. The budget was tentatively approved as presented and Mr. Deatsch informed that the supplemental request would be considered later. (Mitchell/Simon, majority - Dixon, no)

Councilman Dixon stated that the existing promotional film about Modesto was outdated and of little value. The staff was directed to check into this with the Chamber of Commerce. (C/Mgr to handle)

INSURANCE & RETIREMENT - 64 (p. 115)

MISCELLANEOUS UNCLASSIFIED - 65 (p. 117)

Charles Bird, Director of Finance, presented a comparative analysis of office expense under the new method of charging all normal office supplies to Account 301-65 rather than to the individual departments.

LIBRARY - 62 (p. 121)

Account 215 increased from \$9,540 to \$9,750. The total was increased from \$88,871 to \$89,081.

DOWNTOWN IMPROVEMENT DISTRICT - Fund 218 (p. 125)

BOND REDEMPTION AND INTEREST REQUIREMENTS (p. 129)

ADJOURNMENT - The meeting was adjourned at 5:35 P.M. to Tuesday, May 27, 1969 at 4:00 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

## AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 26, 1969 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
and Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

Invocation: ~~Reverend Larry Dunsany Memorial Baptist Church~~  
Reverend J. D. Haefele, Community Assembly of God Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 8, 9, 10, 11,  
Items 6 and 27 removed from consent. 12, 15, 16, 17, 19, 22, 23, 24,  
(Robinson/Smith, unan.) 25a, b, c, 26, ~~27~~, 30, 31, 32,  
33

(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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of May 15, 19 and 20, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Resignation of Stanley K. Pang from the Modesto Human Rights Commission.

(Resolution accepting with regret needed)

ACTION: Res. 69-442 adopted accepting resignation with regret.  
(Clerk to handle)

CONSENT

3. Resignation of Robert S. Boland from Board of Directors of Downtown Improvement District.

(Resolution accepting with regret needed)

ACTION: Res. 69-443 adopted accepting resignation with regret.  
(Clerk to handle)

CONSENT

5. Request of City Clerk for vacation June 25, 26 and 27, 1969.  
(Motion granting request needed)

ACTION: By motion request granted. (Clerk to handle)

~~CONSENT~~

6. Resolution from Emeryville opposing legislation to control the filling of San Francisco Bay.  
(Motion ordering filed needed)

ACTION: By motion (Mitchell/Robinson, unan.) resolution ordered filed and staff directed to present information on this subject as soon as the League staff has made a recommendation.  
(C/Mgr and C/Clerk to handle)

7. Request of Palo Alto Veterans Administration for contract with City to supply dogs for heart surgery research.

ACTION: By motion (Robinson/Mitchell, majority - Dixon, Simon and Smith, no) request as presented in letter from Veterans Administration, denied.

Thereupon Res. No. 69-443A was introduced (Simon/Smith) establishing a procedure whereby the Veterans Administration may obtain dogs from the City pound subject to certain conditions, to wit:

1. Any person wishing a pet destroyed locally and not sent to a research laboratory may sign a request to this effect and it will be honored.

2. Dogs shall be kept a minimum of seven (7) days before being transferred.

By motion (Robinson/Dixon, majority - Mitchell, Newton and Davies, no) the resolution was amended to provide for a 180-day trial basis and to make provisions for designated representatives of the City to be permitted to visit the Veterans Administration facility for inspection.

Res. No. 69-443A then was adopted by a majority vote (Mitchell, Newton and Davies voting no).

(C/Atty to handle)

8. Proposed resolution urging Division of Highways to construct Carpenter-Prescott overcrossing and grade separation at the earliest practicable date.

(Phil Humphreys will be present to offer further explanation)

ACTION: By motion (Newton/Dixon, unan.) referred to Planning Commission for study and report as soon as possible. (Planning to handle)

#### BIDS

#### CONSENT

9. Consider approval of plans and specifications and call for bids on the construction of Miller-Trask-Haddon subtrunk sewer.  
(The subtrunk is required to serve the new subdivisions of Brookview Estates, Riverside Estates, Riverside Heights, and Grantland Manor. The subtrunk will also provide sewers for the already developed area east of El Vista. Suggested bid opening June 10, 1969 at 10:00 a.m. Resolution approving plans, specifications and call for bids needed. Resolution approving appropriation transfer needed. Estimated cost \$76,000 (contract \$70,861; Engr. Insp. \$5,139).

ACTION: Res. 69-444 adopted approving plans and specifications and call for bids. (Clerk to handle) Res. 69-445 adopted approving appropriation transfer of \$76,000 from Account 60-212 (General Reserve) to Account 6590-52-212 (P/W: Sewers, Miller-Trask-Haddon Sub-Trunk Sewer) (Finance to handle)

#### CONSENT

10. Consider approval of plans and specifications and call for bids for installation of water lines for Grantland Manor.  
(The project is required to provide water to Grantland Manor on Riverside Drive. A portion of the project is a main line which will provide water service to three other proposed subdivisions in the area. The main line will temporarily connect to Del Este on Edgebrook Drive. Suggested bid opening June 10, 1969 at 10:10 a.m. (See comments for cost breakdown. Resolution approving plans, specifications and call for bids needed. Resolution approving appropriation transfer needed. Estimated cost \$21,200 (Labot \$6,450; materials, \$14,750)

ACTION: Res. 69-446 adopted approving plans and specifications and call for bids (Clerk to handle); Res. 69-447 adopted approving appropriation transfer of \$5,000 from Account 491-41-101 (Engineering & Administration - Service Credits) to Account 6804 (Water-Water Line Extension) (Finance to handle).

11. Approve plans, specifications and call for bids for improvement of Coffee Road from Briggsmore Ave. to Athens Ave. (Bid opening June 10, 1969 at 10:25 a.m. Coffee Road is part of the Select Street System and will be financed from State Gas Tax Funds. See memo distributed with agenda regarding street projects. Resolution approving plans, specifications and call for bids needed. Resolution approving appropriation transfer needed. Estimated cost \$70,650 (Contract \$62,800 - Engr. \$7,850).

ACTION: Res. 69-448 adopted approving plans and specifications and call for bids. (Clerk to handle)

Res. 69-449 adopted approving appropriation transfer of \$75,000 from Account 60-207 (General Reserve) to Account 6678-02-207 (P/W - Coffee Rd., Briggsmore to Athens). (Finance to handle)

#### CONSENT

12. Accept as complete Elrich Construction Company's contract for the improvement of Montclair Drive from Royalton Avenue to Tully Road. (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 notice of completion. Resolution accepting work as complete needed. Total cost of work done \$14,683.55. Funds budgeted in Account 6659-41-321, Montclair Drive Improvement)

ACTION: Res. 69-450 adopted accepting contract. (Clerk to handle)

#### HEARINGS

13. Hearing on annexation of Riverside Addition to Sewer District.

7:45 P.M.

ACTION: Res. 69-451 adopted (Simon/Smith, unan.) Riverside Addition annexed to Modesto Municipal Sewer District No. 1. (Clerk to handle)

14. Matters for the good of the community.  
(These may be presented by citizens in the audience)

7:50 P.M.

Frank Van Konynenburg, member of the Farm-City Advisory Committee; Dr. Merrill Alexander, member of the Planning Commission; and members of Boy Scout Troup #19; Bob Disney, Scoutmaster; were introduced.

Frank Andrews spoke on a variety of subjects.

By motion (Robinson/Simon, unan.) staff authorized to substitute rug flooring for new office building at airport for asphalt tile. (P/W to handle)

Clerk directed to make arrangements for Joint Council-Planning Commission dinner meeting June 5.

Staff to look into possibility of finding meeting and/or storage space for Civil Air Patrol. (C/M to handle)

#### ORDINANCES

#### CONSENT

15. Final adoption of Ordinance 963-C.S. (amendment to Section 15-3-9 of zoning map (Bomberger))

ACTION: By motion Ord. No. 963-C.S. adopted. (Clerk to handle)

CONSENT

16. Final adoption of Ordinance 964-C.S. (amendment to Section 8-3-9 of zoning map - Wolverine Building Service)

ACTION: By motion Ord. No. 964-C.S. adopted. (Clerk to handle)

CONSENT

17. Final adoption of Ordinance 965-C.S. (amendments to Title X of Modesto Municipal Code)

ACTION: By motion Ord. No. 965-C.S. adopted. (Clerk to handle)

OLD BUSINESS

18. Further consideration of acquisition of property for library site. (Executive session may be requested by staff)

The Council retired to executive session at 10:10 P.M. (Attorney/Client relationship) and returned at 10:35 P.M.

ACTION: Res. 69-452 adopted (Smith/Mitchell, unan.) approving agreement with Edward Schmitz et ux for acquisition of property for library.

Res. 69-453 adopted (Smith/Mitchell, unan.) approving agreement with John E. Gustafson (Lots 11 and 12, Block 121) for acquisition of property for library.

Res. 69-454 adopted (Smith/Mitchell, unan.) approving agreement with John E. Gustafson (Lots 15 and 16, Block 121) for acquisition of property for library.

Res. 69-455 adopted (Smith/Mitchell, unan.) approving agreement with Judith Gustafson for acquisition of property for library.

Res. 69-456 adopted (Smith/Mitchell, unan.) approving letter agreement with Stanislaus County Employees Association, lessee.

Res. 69-457 adopted (Smith/Mitchell, unan.) approving letter agreement with Walter G. Crow, lessee.

Res. 69-458 adopted authorizing condemnation proceedings against Frank J. Carney, et ux (Smith/Mitchell, unan.).

Res. 69-459 adopted (Smith/Mitchell, unan.) authorizing condemnation proceedings against Fannie Bartholomew, et ux.

(C/Atty to handle)

CONSENT

19. Consider amendment to agreement between City and Austin, Field and Frey for architectural services for the new central library building.

(This amendment would provide for prorate payment of the architectural fees if the agreement is concalled by City. This is desirable because the City has authorized the Architect to proceed before receipt of the federal grant agreement. Resolution authorizing execution of amendment to agreement needed)

ACTION: Res. 69-460 adopted approving amendment to agreement and authorizing City Manager to sign same. (Clerk to handle)

20. Further consideration of option to purchase sanitary landfill site.

ACTION: Res. 69-461 adopted (Robinson/Mitchell, majority - Dixon and Simon, no) approving amendment to option to allow City 90 days from May 26 to exercise option. (Clerk to handle)

Position of Neighborhood Center Director. Resolution needed)  
ACTION: Res. 69-462 adopted (Smith/Robinson, unan.) revising position classification plan. (Personnel to handle)

NEW BUSINESS

21. Youth in Government Day - Wednesday, May 28.  
(About 75 Key Club members - 25 from each of the three local high schools - will participate)

ACTION: Councilmen urged to attend if possible.

CONSENT

22. Consider letter agreement from Edward E. Mitchell of Orrick, Herrington, Rowley and Sutcliffe, to act as the City's bond counsel for Improvement District No. 14. (Sewer Improvements in Morada-Glen Aulen area)  
(This improvement district No. 14 was considered by the Council at its meeting of May 12, 1969 at which time it referred the matter to the City Attorney to obtain bond counsel. The letter agreement is similar to those which the City entered into with Mr. Mitchell for Improvement Districts 11, 12 and 13. Resolution authorizing agreement needed)

ACTION: Res. 69-463 adopted approving letter agreement (Clerk to handle)

CONSENT

23. A resolution determining that the public interest and convenience require that Prescott 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 annex it to the Modesto Municipal Sewer District. Suggested hearing date July 7, 1969 at 4:15 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 69-464 adopted setting hearing. (Clerk to handle)

CONSENT

24. Recommendation that Hotel-Motel Tax be increased from 4% to 5%.  
(Memos with agenda. Motion authorizing City Attorney to prepare the necessary ordinance needed)

ACTION: By motion City Attorney directed to prepare necessary ordinance.  
(C/Atty to handle)

CONSENT

25. Resolutions instructing the Superintendent of Streets to give notice requiring construction of curbs and gutters at the locations listed below.  
(Informal requests were sent over thirty days ago to the property owners to install curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of curbs and gutters. Resolutions setting hearing needed. Suggested hearing date June 9, 1969 at 7:50 P.M.)

CONSENT

- (a) Curb and gutter at 714 Third St., Lots 23 and 24, Block 10  
(Archie N. Bennett)  
(Resolution setting hearing needed)

ACTION: Res. 69-465 adopted setting hearing. (P/W to handle)

~~CONSENT~~  
(b) Curb and gutter at 115 Madera Avenue, Lots 11 and 12, Block 311.  
(Mary Mello)  
(Resolution setting hearing needed)

ACTION: Res. 69-466 adopted setting hearing. (P/W to handle)

CONSENT

(c) Curb and gutter at 201 Madera Avenue, Lots 1 and 2, Block 312  
(Ted L. Brown)  
(Resolution setting hearing needed)

ACTION: Res. 69-467 adopted setting hearing. (P/W to handle)

CONSENT

26. Report of Superintendent of Streets on the cost of installation of sidewalk, curb and gutter at 1100 Sycamore Ave., Lots 13, 14, and 15, Block 743. (George F. Damas)  
(Amount assessed, \$782.92. Report on amount assessed against the property will be distributed with the agenda for the hearing date. Resolution setting hearing date needed. Suggested date June 9, 1969 at 7:55 P.M. Funds budgeted in Account 5302-51-101, Curbs & Gutters, Special)

ACTION: Res. 69-468 adopted setting hearing. (P/W to handle)

~~CONSENT~~

27. Consider increasing revenue to operators of sanitary landfill.  
(Memos with agenda) Estimated cost approximately \$4,500 per year.  
(Resolution needed)

ACTION: Res. 69-469 adopted (Robinson/Simon, unan.) permitting Modesto Garbage Co. to retain all of the \$3.50 per load dumping fee for operation of sanitary landfill starting June 1, 1969. (Finance to handle)

28. Renewal of group medical insurance contract.  
(To renew group medical insurance policy for period extending through June 30, 1970. Resolution needed. Estimated cost \$36,312 (1969-70 fiscal year). Funds budgeted in Account 64-426, Group Health Insurance)

ACTION: Res. 69-470 adopted (Mitchell/Newton, unan.) approving renewal of contract. (Personnel to handle)

REPORTS

29. Report on letter from Max Hanney regarding use of property at Sutter and Robertson Road.  
(This matter was considered on May 5 at which time it was referred to staff for study and report. Report with agenda)

HELD FOR ONE WEEK.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

30. Recommend to the City Council amendments to Chapter 2 of Title X of the Modesto Municipal Code.  
(Off-street parking standards-space requirements and driveway widths)  
(On May 20, 1969 the Planning Commission adopted Resolution 69-67 recommending to the City Council amendments to Chapter 2 of Title X of the Municipal Code )off-street parking standards - space requirements and driveway widths. Resolution setting public hearing needed. Suggested date June 16, 1969 at 4:20 P.M.)

ACTION: Res. 69-471 adopted setting hearing. (Clerk to handle)

CONSENT

31. Recommend to the City Council an exception to Section 4-4.302(a)(8) of the Municipal Code to permit development of a 30-foot part-width street adjacent to Woodrow Avenue School in Aspen Manor Subdivision.  
(On May 20, 1969 the Planning Commission adopted Resolution 69-73 recommending to the City Council an exception to Section 4-4.302(a)(8) of the Municipal Code to permit development of a 30-foot part-width street adjacent to Woodrow Avenue School in Aspen Manor Subdivision. Resolution setting date for informal public hearing needed. Suggested date June 16, 1969 at 4:15 P.M.)

ACTION: Res. 69-472 adopted setting informal hearing. (Clerk to handle)

CONSENT

32. Consider a revision of the "Standard Specifications for Subdivision Improvements" to provide for a 100 foot right-of-way as a city standard for major streets.  
(On May 20, 1969 the Planning Commission adopted Resolution 69-68 recommending to the Council a revision of the "Standard Specifications for Subdivision Improvements" to provide for a 100 foot right-of-way as a city standard for major streets (Subdivision Regulations)  
(Resolution setting date for public hearing needed. Suggested hearing date June 16, 1969 at 4:25 P.M.)

ACTION: Res. 69-473 adopted setting hearing. (Clerk to handle)

CONSENT

33. A resolution annexing uninhabited territory to the City of Modesto known as Riverside No. 2 Addition.  
(The Planning Commission has reviewed and recommends annexation of uninhabited territory known as the Riverside No. 2 Addition to the City of Modesto, and the Local Agency Formation Commission has authorized the annexation without notice or public hearing. Resolution needed)

ACTION: Res. 69-474 adopted annexing Riverside No. 2 Addition to City of Modesto. (Clerk to handle)

APPROPRIATION TRANSFERS

34. Appropriation transfer of \$276 to cover balance of costs to construct two stairways at old fire station, Downey Street. (A low bid of \$1,470 was received from Cupp Construction Co. for construction of the stairways. \$1,200 previously appropriated. Appropriation transfer of \$276 needed for balance from General Reserve, General Fund)

ACTION: Res. 69-475 adopted approving appropriation transfer of \$276 from Account 60-101 (General Reserve) to Account 7901-61-101 (Music and Promotion - Coffee House Renovation).  
(Finance to handle)

MISCELLANEOUS

35. Legislative matters.

ACTION: By motion (Robinson/Smith, unan.) AB1400 (arbitration) opposed.  
(C/Mgr to handle)

36. Appointments

NONE.

37. Executive session with City's representatives in connection with consultations and discussions with employee organizations.

The Council retired to executive session at 11:25 P.M. with the announcement that they would not return to open session.

Adjournment at 11:25 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

Modesto City Council  
May 27, 1969

The Council of the City of Modesto met in adjourned special session this date in the Council Chamber, City Hall, 801 11th Street, Modesto, California, to consider further the preliminary budget for fiscal year 1969-70, Mayor Davies presiding.

Present: Councilmen: Dixon, Mitchell, Robinson, and Mayor Davies  
Absent: Councilmen: Newton, Simon, and Smith

The meeting convened at 4:15 P.M.

The Director of Finance announced that, as a result of an increase in cost for maintenance of I.B.M. Typewriters, the regular budget for this has been increased a total of \$131.00.

The following supplemental requests were reviewed and given tentative approval:

CITY HALL - (p. 44)

PUBLIC WORKS:

ENGINEERING & ADMINISTRATION - (p. 84)

ELECTRICAL - (p. 88)

WATER - (p. 90)

STREETS - (p. 92)

SEWERS - (p. 94 & 96)

WATER QUALITY CONTROL - (p. 98 & 100)

GARDEN REFUSE - (p. 102 & 104)

SERVICE DIVISION - (p. 130 & 132)

AIRPORT - (p. 126)

PLANNING - (p. 42)

FINANCE - (p. 36)

Rent of Equipment was reduced from \$736 to \$340 by the elimination of printing card punch (2).

ADJOURNMENT - The meeting was adjourned at 5:30 P.M. to Tuesday, June 3, 1969 at 4:00 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 2, 1969 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, and Smith  
Absent: Mayor Davies Vice Mayor Mitchell presided

Pledge of allegiance to the Flag  
Invocation: Reverend Robert Segerhammer, Emanuel Lutheran Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 6, 7, 8, 9, 10,  
Item 8 removed from consent. 11, 12, 13, 14, 15, 16, 17, 18,  
(Robinson/Simon, unan.) 38, 39, 40, 42, 43, 44, 46, 50, 51

(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 as 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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of May 22, 26, and 27, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

CONSENT

2. Request of the Salvation Army for permission to use Westside Park for Sunday evening services from June 15 through August 24, 1969.  
(Motion granting request needed)

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

3. Resignation of Robert Stewart as Chairman of the Modesto Citizens' Operation Crime Stop Committee.

(Mr. Stewart will continue as a member of the Committee)

ACTION: William Chiburis, new chairman, was introduced by Mr. Stewart. Res. 69-476 adopted (Simon/Smith, unan.) commending Robert Stewart for services as chairman. (Clerk to handle)

CONSENT

4. Resignation of Reverend R. Truman Northup as a member of the Mayor's Council on Youth Opportunity.

(Resolution accepting resignation with regret needed)

ACTION: Res. 69-477 adopted accepting resignation with regret.  
(Clerk to handle)

5. Request that City of Modesto become a member of the Comprehensive Health Planning Council of Stanislaus County.

ACTION: Referred to City Attorney for report on June 9. (C/Atty to handle)

CONSENT

6. Request of Modesto Civil Air Patrol for use of vacant garage behind the Downey Avenue fire station for storage.

(Motion authorizing City Attorney to prepare necessary documents needed)

ACTION: By motion City Attorney authorized to prepare documents required to grant request. (C/Atty to handle)

CONSENT

7. Resolution of commendation to City Officials and Department Heads from Youth in Government Day Council.

(Motion ordering resolution filed needed)

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

8. Recommendation from Library and Culture Commission that a contest be held to select a name for the new library.

(Motion authorizing Commission to conduct contest needed)

ACTION: By motion (Smith/Robinson, unan.) Library & Culture Commission authorized to conduct contest with Council to be kept informed and to have final choice. (Clerk to handle)

CONSENT

9. Consider approval of specifications and authorize call for bids to be opened June 17, 1969 at 2:00 P.M. for furnishing and installing a police radio communications system.  
 (Memorandum to Council 4/17/69. Resolution needed. Estimated cost \$55,000. Appropriation transfer request held over until bids are received and exact amount of money needed is known)  
ACTION: Res. 69-478 adopted approving specifications and bid call.  
 (Clerk to handle)

CONSENT

10. Consider award of contract to low bidder, Utility Body Company, to furnish a 52-foot aerial tower and body.  
 (Memo and tabulation with agenda. Resolution needed. Estimated cost \$14,328; funds budgeted in Account 5409-48-512, p. 67, Service Division Capital Outlay)  
ACTION: Res. 69-479 adopted awarding contract to Utility Body Company.  
 (Finance to handle)

CONSENT

11. Consider award to low bidder, Paramount Equipment Rental and Sales, Inc., Compton, Calif., to furnish one new street flusher.  
 (Bids were opened May 27, 1969 at 2:15 p.m. Tabulation with agenda. Resolution needed. Estimated cost \$4,250. Funds budgeted in Account 5416-48-512, p.67, Capital Outlay Service Division)  
ACTION: Res. 69-480 adopted awarding contract to Paramount Equipment Rental and Sales, Inc. (Finance to handle)

CONSENT

12. Consider award of contract to low bidder, Modesto Industrial Electrical Co., Modesto, to furnish annual supply of lamps beginning July 1, 1969.  
 (Memo and tabulation with agenda. Resolution needed. Estimated cost \$5,800; funds budgeted in Account 438-512, Revolving Fund. Not shown in budget book)  
ACTION: Res. 69-481 adopted awarding contract to Modesto Industrial Electrical Co. (Finance to handle)

CONSENT

13. Approve plans, specifications and call for bids for installation of improvements at Modesto Senior Citizens Center.  
 (Bid opening June 17, 1969 at 10:00 a.m. Resolution approving needed. Estimated cost \$8,500; funds budgeted in Account 6300-31-321, Sr. Citizens Center Landscaping)  
ACTION: Res. 69-482 adopted approving plans and specifications and call for bids. (P & R to handle)

CONSENT

14. Consider approval of plans, specifications and call for bids for installation of water lines in Coffee, Fairmont, Eldena and Crows Landing Roads.  
 (Suggested bid opening 6/17/69 at 10:10 A.M. The water lines are required to complete the planned strengthening of the water system for 1969. Resolution approving needed. Estimated cost \$35,500 (Materials, \$17,450; Labor, \$18,050); funds budgeted in Acct 6828-50-101, Strength System, Various Locations)  
ACTION: Res. 69-483 adopted approving plans and specifications and call for bids. (P/W to handle)

CONSENT

15. Consider award of bid for installation of subdivision type lighting modernization, Stage II.  
 (Bids were opened May 27th. Recommendation is made that low bid submitted by Modesto Industrial Electrical Co., Inc. which is 13.0% below the Engineer's Estimate, be awarded to them. Resolution needed. Estimated cost \$132,180.82; contract \$123,680.82; Engr. \$8,500). Funds budgeted in Account 6626-41-321, Modernize City Lighting Stage II)  
ACTION: Res. 69-484 adopted awarding contract to Modesto Industrial Electrical Co. (P/W to handle)

CONSENT

16. Consider acceptance of W. M. Lyles work in constructing sewers in Improvement District No. 13 and authorize the City Clerk to file notice of completion.  
(All work in connection with the sewer construction contract is completed and it is recommended by the Public Works Department that the work be accepted and the notice of completion filed so the district proceedings can progress. Resolution accepting work and authorizing Clerk to file notice of completion needed. Final cost \$29,787.63 (Contract \$26,480.34; incidentals \$3,307.29) Funds budgeted in Account 7901-212, Imp. Dist. No. 13)

ACTION: Res. 1092-S.P. adopted accepting work. (Clerk to handle)

CONSENT

17. Approve plans and specifications and call for bids for grading at Moose Park.  
(Bid opening June 17, 1969 at 10:20 A.M. Resolution approving plans and specifications and call for bids needed. Estimated cost \$18,500; funds budgeted in Account 6321-324, Moose Park Development, Stage 1)

ACTION: Res. 69-485 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

18. Approve plans and specifications and call for bids for grading at Sherwood Park.  
(Bid opening June 17, 1969 at 10:15 A.M. Resolution approving plans, specifications and call for bids needed. Estimated cost \$25,700. Funds budgeted in Account 6301-31-321, Sherwood Park, Stage 1)

ACTION: Res. 69-486 adopted approving plans and specifications and call for bids. (Clerk to handle)

HEARINGS

19. Hearing on amendment to Sec. 23-3-9 of zoning map.  
(to PR-2 and PR-3) (Ellis) 4:30 P.M.  
ACTION: Ord. No. 966-C.S. introduced (Smith/Simon, unan.)  
(Clerk to handle)
20. Hearing on amendment to Sec. 23-3-9 of zoning map.  
(to PPD) (Ellis) 4:35 P.M.  
ACTION: Res. 69-487 adopted (Smith/Simon, unan.) approving development plan.  
(Planning to handle)  
Ord. No. 967-C.S. introduced (Smith/Simon, unan.)
21. Hearing re curb and gutter requirement at 135 E. Granger  
Ave., a portion of Block 1237 (Reba H. Sargent) 4:45 P.M.  
ACTION: Res. 69-488 adopted (Smith/Robinson, unan.) ordering work done.  
(P/W to handle)
22. Hearing re curb and gutter requirement on Western Way,  
Lots 22 through 26, Block 336 (Onofred M. Sepulveda) 4:45 P.M.  
ACTION: Res. 69-489 adopted (Smith/Robinson, unan.) ordering work done.  
(P/W to handle)
23. Hearing re curb and gutter requirement on Parry Ave.  
at 2049 Miller Ave., Lot 24, Block 2225 (D. Hammons) 4:45 P.M.  
ACTION: Res. 69-490 adopted (Smith/Robinson, unan.) ordering work done.  
(P/W to handle)
24. Hearing re curb and gutter requirement on Parry Ave.,  
Lot 1, Block 2224 (Mrs. Ernest Bewley) 4:45 P.M.  
ACTION: Res. 69-491 adopted (Smith/Robinson, unan.) ordering work done.  
(P/W to handle)
25. Hearing re sidewalk requirement on E. Orangeburg and  
McHenry Ave. at 1340 McHenry Ave., portion of Block 1133 (Pep Modesto Corporation) 4:45 P.M.  
ACTION: Res. 69-492 adopted (Smith/Robinson, unan.) ordering work done.  
(P/W to handle)
26. Hearing re sidewalk requirement on Sierra Drive at 315  
Sixth St., Lots 5 through 11 and portion of Lot 29,  
Block W (F. Seigler) 4:45 P.M.  
ACTION: Res. 69-492A adopted (Smith/Robinson, unan.) ordering work done.  
(P/W to handle)
27. Hearing re curb and gutter requirement, Lots 28 and  
29, Block 311 (J. McClain) 4:45 P.M.  
ACTION: Res. 69-493 adopted (Smith/Robinson, unan.) ordering work done.  
(P/W to handle)

28. Hearing re curb, gutter and sidewalk requirement on Stoddard at 318 Magnolia Ave., Lots 1 and 2, Block 547 (Mrs. Joie Maze Bunker) 4:45 P.M.
- ACTION: Res. 69-494 adopted (Smith/Robinson, unan.) ordering work done. (P/W to handle)
29. Hearing re curb and gutter requirement on Merced Ave. at 142 Merced Ave., Lots 26 and 27, Block 311 (O.E.Tackett) 4:45 P.M.
- ACTION: Res. 69-495 adopted (Smith/Robinson, unan.) ordering work done. (P/W to handle)
30. Hearing re curb and gutter requirement at 209 Merced Ave., Lots 5 and 6, Block 309 (Joe Mineni, Jr.) 4:45 P.M.
- ACTION: Res. 69-496 adopted (Smith/Robinson, unan.) ordering work done. (P/W to handle)
31. Hearing re cost of installation of curb and gutter on Lucern at 601 El Cajon Ave., Lot 4, Block 607 (\$264.83 - Joe Nicolodi) 4:50 P.M.
- ACTION: Res. 69-497 adopted (Robinson/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)
32. Hearing re cost of installation of curb and gutter, Lots 2 and one-half of 3, Block 340. (\$133.52 - Mrs. M. S. Erwin) 4:50 P.M.
- ACTION: Res. 69-498 adopted (Robinson/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)
33. Hearing re cost of installation of curb and gutter, Lots 5 and 6, Block 340 (\$182.14 - B. C. Forster) 4:50 P.M.
- ACTION: Res. 69-499 adopted (Robinson/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)
34. Hearing re cost of installation of curb and gutter, Lots 19 and 20, Block 336 (\$299.99 - R. Ybarra, Jr.) 4:50 P.M.
- ACTION: Res. 69-500 adopted (Robinson/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)
35. Hearing re cost of installation of curb and gutter, Lots 23, 24 and 25, Block 312 (\$337.54 - Charles E. Erickson) 4:50 P.M.
- ACTION: Res. 69-501 adopted (Robinson/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

36. Hearing re cost of installation of curb and gutter at 704-706 Sierra and 102 Sunset Blvd., Lots 41 to 44, 4:50 P.M.  
Block 326 (\$457.40 - Edwin W. Ferrel)

ACTION: Res. 69-502 adopted (Robinson/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

37. Matters for the good of the community. 4:55 P.M.  
(These may be presented by citizens in the audience)

Following a series of questions by Councilman Dixon concerning construction of the office building at the airport the staff was directed to prepare a report on this project for presentation to the Council on June 9.  
(P/W to handle)

Councilman Newton inquired about the possibility of a traffic light at the Maze/Carpenter intersection. The Council was informed that a signal was planned for the intersection and would be installed before school starts in the fall.

Councilman Simon reported that he had received numerous calls concerning use of unclaimed dogs from the City Pound by the Veterans Administration. The staff was asked to report to the Council on the following: Complete procedure in handling dogs; what efforts are made to notify owners; cost of keeping animals; average number of dogs picked up on complaint and brought in voluntarily; hours pound is open for reclaiming of dogs. (Police to handle)

#### ORDINANCES

##### CONSENT

38. Amend municipal code to set parking rates on new lot on 11th between I and J Streets to change rate structure for 11th and G Street lot. (The new lot needs to be included on the Parking Meter Zoning Map and the rate of 10¢ per hour, 3-hour limit set as previously determined by the Council on 9/16/68. The obsolete meters on the 11th and G Street lot are being replaced by newer meters and the rate needs to be changed to 5¢ for 1 1/2 hours (30¢ all day) from the rate of 10¢ for the first two hours, 10¢ for the next two hours, and 10¢ for the next 5 hours (30¢ all day). Ordinance amending parking meter zoning map and ordinance amending Section 3-2.1504 of municipal code and resolution establishing new parking lot on 11th Street needed).

ACTION: Ord. No. 968-C.S. introduced amending parking meter zoning map; Ord. No. 969-C.S. introduced amending Sec. 3-2.1504 of Municipal Code. (Clerk to handle)

Res. 69-503 adopted establishing new parking lot on 11th Street.  
(P & T to handle)

##### CONSENT

39. Consider ordinance amending Sections 8-2.603 and 8-2.604 of Article 6 of Chapter 2 of Title VIII of the Modesto Municipal Code, relating to transient occupancy tax. (This matter was considered by the Council at its meeting of May 26, 1969 at which time by motion the City Attorney was directed to prepare the necessary ordinance to amend Sections 8-2.603 and 8-2.604 of the municipal code to increase the amount of tax from 4% to 5% and delete the reference to exemption of tax of any federal or State of California officer or employee on official business. Introduction of ordinance needed)

ACTION: Ord. No. 970-C.S. introduced amending Section 8-2.603 and 8-2.604 of Article 6 of Chapter 2 of Title VIII of Municipal Code.  
(Clerk to handle)

OLD BUSINESS

CONSENT

40. Supplemental group life insurance program.  
(Memo with agenda. Motion authorizing staff to proceed needed)

ACTION: By motion staff authorized to proceed. (Personnel to handle)

41. Further consideration of report on letter from Max Hanney regarding use of property at Sutter and Robertson Road.  
(This matter was considered May 5, at which time it was referred to staff for study and report. This report with agenda)

ACTION: By motion (Robinson/Simon, unan.) Mr. Hanney and his letter referred to Planning Commission. (Planning to handle)

NEW BUSINESS

CONSENT

42. 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 \$16,265.81 for expenditures by the City on community recreation for the fiscal year 1968-69. Resolution authorizing agreement needed)

ACTION: Res. 69-505 adopted approving agreement. (Clerk to handle)

CONSENT

43. Consider request for sewer service to property at 1328 East Orangeburg Ave. located on the South side of E. Orangeburg Ave. east of Coffee Road.  
(Owners Melvin Worley and Josie Lee Worley 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 must be extended to serve it. Resolution approving agreement needed)

ACTION: Res. 69-506 adopted approving agreement. (Clerk to handle)

CONSENT

44. A resolution approving final map of Westwood Manor #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. This subdivision is located west of Tully Road between Madrone and Briggsmore Avenues. It contains 5.467 acres. Resolution approving final map and authorizing execution of agreement needed)

ACTION: Res. 69-507 adopted approving final map. (Clerk to handle)

45. Approve preliminary master plan for Downey Park.  
(An oral report will be made at the meeting. Motion approving preliminary plans needed. Funds budgeted in Account 6290-31-321, Downey Park Stage 1/2, page 63).

ACTION: Further consideration delayed for one week for staff report.  
(C/Mgr to handle)

REPORTS

CONSENT

46. Report on status of parking lot leases and future capital requirements.  
(An an outgrowth of the discussion at the budget hearing, the Director of Parking and Traffic has prepared the above report. Motion accepting report) Motion only. Motion accepting report

ACTION: By motion report accepted. (Clerk to handle)

47. Report on walkway policy for subdivisions.

ACTION: By motion (Robinson/Smith, unan.) Planning Commission recommendations Nos. 1, 2, 5, and 6 approved in principle and staff directed to return Nos. 3 and 4 to Council for further consideration. (C/Mgr to handle)

REPORTS FROM THE PLANNING COMMISSION

48. Recommend amendment to Section 13-3-8 of the zoning map (McKeon Const. Co.)  
(Planning Commission Resolution No. 69-71 recommends an amendment to Section 13-3-8 of the zoning map as requested by McKeon Construction Co., to rezone from one-family residential zone, R-1, to planned development zone, P-D(63) for a 4-plex dwelling subdivision, property located on the west side of Prescott Road north of Peach Drive, extended. Resolution setting date for public hearing needed. Suggested date June 23, 1969 at 8:05 P.M.)

ACTION: Res. 69-508 adopted (Smith/Robinson, unan.) setting hearing. (Clerk to handle)

49. Consideration of proposed park dedication in the Rose Avenue neighborhood.  
(At its regular meeting of May 20, 1969 the Planning Commission considered a proposal of Wolverine Building Service of the possible dedication of park land in the Rose Avenue Neighborhood, and recommends this proposal to the City Council. Letter dated May 16, 1969 to members of Planning Commission from Wolverine Building Service with agenda. Approval of concept needed)

ACTION: By motion (Newton/Smith, unan.) concept as presented approved. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

50. Consider approval of appropriation transfer in amount of \$4,100 within the Airport Fund (230) to provide funds with which to re-roof Hangars Nos. 1 and 2.  
(The Airport Manager reports these roofs leak and are in need of repair. Total cost of the work is estimated to be \$4,100, and it is desirable to proceed with the work during the summer when the pressure on roofing companies is at a minimum and the best prices can be obtained. Resolution needed.)

ACTION: Res. 69-509 adopted approving appropriation transfer of \$4,100 from Account 6530-46-230 (Airport - Aircraft Hangar 60 x 60) to Account 224-46-230 (Airport - M & R, Buildings and Grounds). (Finance to handle)

CONSENT

51. Appropriation transfer of \$200,000.  
(To appropriate money for library projects for the balance of the 1968-69 fiscal year. Resolution approving appropriation transfer needed)

ACTION: Res. 69-510 adopted approving appropriation transfer of \$200,000 from Account 61-321 (Contingency Reserve) to Account 6063-41-321 (New Library Building/Site Acquisition). (Finance to handle)

MISCELLANEOUS

52. Legislative matters.

NONE.

53. Appointments.


NONE.

54. Executive session to consider salaries.

As the Mayor was absent it was decided to postpone the Executive Session until 4:00 P.M. on June 3, 1969.

Adjournment at 6:00 P.M. to 4:00 P.M. on June 3, 1969.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

Modesto City Council  
June 3, 1969

ADJOURNED REGULAR SESSION

The Council of the City of Modesto met in adjourned regular session this date in the Council Chamber, City Hall, 801 11th Street, Modesto, California, for the previously announced purpose of holding an executive session to discuss salaries, Mayor Davies presiding.


Present: Councilmen: Dixon, Mitchell, Robinson, Simon, Smith, and  
Mayor Davies  
Absent: Councilmen: Newton

The meeting was called to order at 4:10 P.M.

At 4:15 P.M. the Council retired to executive session to consider salaries. It was announced that the Council would not return to open session.

The meeting was adjourned at 4:15 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

Modesto City Council  
June 3, 1969

ADJOURNED SPECIAL MEETING

The Council of the City of Modesto met in adjourned special session this date in the Council Chamber, City Hall, 801 11th Street, Modesto, California, Mayor Davies presiding, beginning at 4:00 P.M.

Present: Councilmen: Dixon, Mitchell, Robinson, Simon, Smith, and  
Mayor Davies

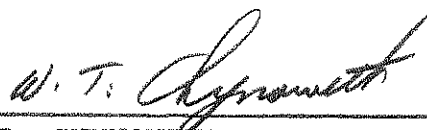
Absent: Councilmen: Newton

This meeting was held concurrently with an adjourned regular meeting of the Council which was held for the purpose of holding an executive session to consider salaries.

It was announced that there would be no deliberations on the budget as the entire time would be spent in executive session.

The meeting was adjourned at 4:15 P.M. to Thursday, June 5, 1969, at 4:00 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

Modesto City Council  
June 5, 1969

The Council of the City of Modesto met in adjourned special session this date at 4:05 P.M. in the Council Chamber, City Hall, 801 11th Street, Modesto, California, to consider further the preliminary budget for fiscal year 1969-70, Mayor Davies presiding.

Present: Councilmen: Dixon, Mitchell, Robinson, Simon, Smith, and Mayor Davies  
Absent: Councilmen: Newton

The following supplemental requests were reviewed and given tentative approval:

FIRE - 21 (p. 48)

PARKING & TRAFFIC - 56 (p. 106 & 108)

PARKING & TRAFFIC - PARKING FUND -(p. 122)

PARKS & RECREATION:

WESTSIDE NEIGHBORHOOD CENTER - 30 (p. 56)

RECREATION - 32 (p. 60 & 62)

In response to an inquiry from Councilman Dixon, the Director of Parks and Recreation informed the Council that attendance at the three swimming pools was so small on Sundays that keeping all of the pools open was not justified. After a discussion of the possibility of free swim days it was pointed out that there are nine small pools in which children can swim without charge.

MADDUX YOUTH CENTER - 33 (p. 64)

PARKS - 35 (p. 68 & 70)

STREET TREES - 36 (p. 72)

9-HOLE GOLF COURSE - 37 (p. 74)

DRYDEN PARK MUNICIPAL GOLF COURSE - 38 (p. 76 & 78)

Bob Nard, Director of the Modesto Elks Youth Baseball Program, requested an additional \$1,263 for an expansion of the program to provide additional teams consisting of boys who are too old for the Babe Ruth but are unable to make the American Legion teams. Action on this request was delayed until a staff recommendation has been made to Council.

POLICE - 22 (p. 52 & 53)

DISASTER & CIVIL DEFENSE - 26 (p. 54)

MUSIC & PROMOTION - 61 (p. 112)

\$300 was added to Account 445 (Modesto Band) for summer concerts.

INSURANCE & RETIREMENT - 64 (p. 114)

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CAPITAL IMPROVEMENT PROGRAM

A few items in the C.I.P. were discussed briefly but it was decided to postpone further discussion until June 10 when the department heads would be present.

ADJOURNMENT - The meeting was adjourned at 5:30 P.M. to Tuesday, June 10, 1969 at 4:00 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 9, 1969 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon,  
Smith, and Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend-Ray-Singer, -Foursquare-Gospel-Church  
Reverend Howard Clarke, Second Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 9, ~~10~~, 11,  
Items 4 and 10 removed from consent. 12, 20, 21, 23; 24, 25a, b,  
(Robinson/Simon, unan.) 26, 27a, b, c, d, e, 29, 31, 32

(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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of June 2, 3, (adjourned regular meeting) and 3 (adjourned special meeting).

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Recommendation from Board of Directors of Westside Center that the Westside Neighborhood Building be named "The King-Kennedy Memorial Center."

ACTION: By motion (Simon/Robinson, unan.) referred to Public Projects Committee for study and recommendation. (C/Mgr to handle)

CONSENT

3. Resolution from City of Indio urging legislation for national observance of daylight savings time on a year round basis.  
(Motion ordering filed needed)

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

~~CONSENT~~

4. Letter from Modesto Men's Golf Club urging sanitary landfill site that can be converted into a golf course.  
(Motion ordering filed needed)

ACTION: By motion (Robinson/Newton, unan.) letter ordered filed.  
(Clerk to handle)

CONSENT

5. Card of appreciation from Fay L. Quisenberry for City Council's resolution of commendation.  
(Motion ordering filed needed)

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

6. Invitation for members of City Council to ride in Fourth of July parade.

ACTION: Councilmen Dixon and Newton and Mayor Davies announced their intention to ride in the parade. (Clerk to handle)

7. Request of Downtown Improvement District for tree planting on "J" Street.

ACTION: By motion (Mitchell/Robinson, unan.) request approved. (P & R to handle)

8. Oral request by Modesto City Schools Inter-High Council for permission to make presentation to City Council.

ACTION: A large oil painting by Gene Miller was presented to the Council. It is to be hung in the new Library. (C/Mgr to handle)  
Res. 69-532 adopted (Mitchell/Newton, unan.) commending artist and Modesto City Schools Inter-Hi-Council. (Clerk to handle)

#### BIDS

#### CONSENT

9. Consider approval of plans and specifications and call for bids for installation of water lines in Brighton-Coffee-Orangeburg Avenues. (Suggested bid opening June 24, 1969 at 10:00 A.M. Water lines should be installed before Brighton Avenue and Coffee Road Improvement projects are constructed this summer. The Orangeburg portion will serve the Greenbrier Subdivision which the City has been serving with water purchased from Del Este Water Company. Resolution approving plans, specifications and call for bids needed. Estimated cost \$19,700 (labor \$7,700; materials \$12,000). Funds budgeted in Account 6804-50-101, Water Line Extensions 1969-70 budget)

ACTION: Res. 69-511 adopted approving plans and specifications and call for bids. (Clerk to handle)

#### ~~CONSENT~~

10. Consider award of bid to Jorgensen and Company to furnish a fire extinguishing system to be mounted on a city truck chassis. (Bids were received until 2:00 p.m. June 14, 1969. Memo with agenda. Resolution awarding bid needed. Estimated cost \$12,939. Funds budgeted in Account 5413-21-101, Airport Crash Truck. Not shown in budget book)

ACTION: Res. 69-512 adopted (Robinson/Smith, unan.) awarding bid to Jorgensen & Co. (Finance to handle)

#### CONSENT

11. Accept as complete B. J. Rommel's contract for the construction of Comfort Station and Terrace at Marshall Park. (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 City Clerk to file notice of completion. Resolution needed. Estimated cost, Contract, \$20,576; funds budgeted in Account 6274-31-321, Marshall Park Development)

ACTION: Res. 69-513 adopted accepting contract. (Clerk to handle)

CONSENT

12. Accept as complete Industrial Electrical Company's contract for the installation of water lines in Highland Manor No. 4 Subdivision. (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 City Clerk to file notice of completion. Resolution needed. Actual cost \$2,261.72. Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-514 adopted accepting contract. (Clerk to handle)

13. Accept as complete contract for the construction of a vehicular parking lot on the west side of 11th Street between I & J Streets and authorize City Clerk to file notice of completion and consider the need for painting the north wall of Smith Furniture building. (The work is ready for final acceptance. The contract price was \$21,188; The Art League was asked to decorate the north wall of the Smith Furniture building but declined the offer. Ample funds remain in the parking lot account to cover cost of painting. Resolution accepting contract as complete and motion directing the staff regarding the Smith wall needed. Funds budgeted in Account 6230-57-209, Parking Lot 28)

ACTION: Res. 69-515 adopted (Dixon/Smith, unan.) accepting contract subject to satisfactory installation of drinking fountain and directing recording of Notice of Completion when this has been done. (Clerk to handle)

By motion (Dixon/Smith, unan.) painting of wall rejected.  
(P & T to handle)

HEARINGS

14. Hearing on unclassified use permit (Doctors' Hospital) 7:45 P.M.

ACTION: By motion (Robinson/Mitchell, unan.) hearing continued to July 7, 1969 at 4:20 P.M. (Clerk to handle)

15. Hearing re curb and gutter requirement at 714 Third Street, Lots 23 and 24, Block 10 (Archie N. Bennett) 7:50 P.M.

ACTION: Res. 69-516 adopted (Mitchell/Smith, unan.) ordering work done. (P/W to handle)

16. Hearing re curb and gutter requirement at 115 Madera Avenue, Lots 11 and 12, Block 311 (Mrs. Mary Mello) 7:50 P.M.

ACTION: Res. 69-517 adopted (Mitchell/Smith, unan.) ordering work done. (P/W to handle)

17. Hearing re curb and gutter requirement on Madera at 201 Madera Avenue, Lots 1 and 2, Block 312 (Ted L. Brown) 7:50 P.M.

ACTION: Res. 69-518 adopted (Mitchell/Smith, unan.) ordering work done. (P/W to handle)

18. Hearing re cost of installation of sidewalk, curb and gutter at 1100 Sycamore Avenue, Lots 13, 14 and 15, Block 743 (\$782.92) (G. F. Damas) 7:55 P.M.

ACTION: Res. 69-519 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

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

ACTION: Res. 69-520 adopted (Robinson/Smith, unan.) approving agreement with Fannie Bartholomew, et ux for acquisition of real property for library site. (Clerk to handle)

ACTION: Res. 69-521 adopted (Robinson/Smith, unan.) authorizing dismissal of condemnation suit against Fannie Bartholomew, et ux. (C/Atty to handle)

No action taken concerning P.U.C. hearings on abandonment of Sacramento/Tracy train.

The dedication of the Westside Neighborhood Center was set for June 29, 1969 from 1:00 P.M. to 5:00 P.M.

Larry Carter, Farm-City Advisory Committee member; Pam Robinson, and Steve Burke were introduced.

Mayor Davies reported on efforts made by the Mayor's Council on Youth Opportunity to help in the employment of young people.

#### ORDINANCES

##### CONSENT

20. Final adoption of Ordinance No. 969-C.S. (parking meters)  
(Motion adopting needed)

ACTION: By motion Ord. No. 969-C.S. adopted. (Clerk to handle)

##### CONSENT

21. Final adoption of Ordinance 970-C.S. (transient occupancy tax)  
(Motion adopting needed)

ACTION: By motion Ord. No. 970-C.S. adopted. (Clerk to handle)

#### OLD BUSINESS

22. Further consideration of preliminary master plan for Downey Park.  
(Motion approving preliminary plans needed. Funds budgeted in Account 6290-31-321, Downey Park Stage 1/2, p. 63)

ACTION: By motion (Simon/Robinson, unan.) preliminary master plan approved. (P & R to handle)

#### NEW BUSINESS

##### CONSENT

23. Adoption of resolution acknowledging receipt of "Notice of Intention to Circulate Petition to Annex Territory Known as the East Coolidge Addition to the City of Modesto" and approving intention of proponents to circulate petitions.

(The notice has been published as required and it is now in order for the council to adopt this resolution.)

ACTION: Res. 69-522 adopted acknowledging receipt of "Notice" and approving intention to circulate petitions. (Clerk to handle)

CONSENT

24. Adoption of resolution acknowledging receipt of "Notice of Intention to Circulate Petition to Annex Territory Known as the Kazmir Court Addition to the City of Modesto" and approving intention of proponents to circulate petitions.  
(The notice has been published as required and it is now in order for the Council to adopt this resolution. Resolution needed)

ACTION: Res. 69-523 adopted acknowledging receipt of "Notice" and approving intention to circulate petitions. (Clerk to handle)

CONSENT

25. Resolutions determining that the public interest and convenience require that the following additions be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing:

(a) El Vista School Addition

ACTION: Res. 69-524 adopted setting July 28, 1969 at 7:45 P.M. as time for hearing on El Vista School Addition. (Clerk to handle)

(b) Montclair Addition.

(The subject areas have been annexed to the City of Modesto and it is now necessary to annex them to the Modesto Municipal Sewer District. Suggested hearing date: El Vista School Addition, July 28, 1969 at 7:45 P.M.; Montclair Addition, July 28, 1969 at 7:50 P.M. Resolutions setting hearings needed)

ACTION: Res. 69-525 adopted setting July 28, 1969 at 7:50 P.M. as time for hearing on Montclair Addition. (Clerk to handle)

CONSENT

26. Resolution approving certificate of City Treasurer and authorizing facsimile signature and seal on bonds and facsimile signature on coupons.  
(Improvement District No. 12 - Yosemite Ave. Street Lighting. Resolution needed)

ACTION: Res. 1093-S.P. adopted approving certificate/authorizing facsimile signature and seal on bonds and facsimile signature on coupons. (Finance to handle)

CONSENT

27. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over thirty days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolutions needed. Suggested hearing date June 23 at 8:10 P.M.)

CONSENT

(a) Sidewalk at 1210 McHenry Avenue, a portion of Block 1129, (Clarence Kay).  
(Resolution setting hearing needed)

ACTION: Res. 69-526 adopted setting hearing. (P/W to handle)

CONSENT

27. (b) Sidewalk on Oakdale Road at 832 Oakdale Road, a portion of Block 1404, MEA Land Company.  
(Resolution setting hearing needed)

ACTION: Res. 69-527 adopted setting hearing. (P/W to handle)

CONSENT

(c) Curb and gutter at 2047 Bellamy, Lot 13, Block 2229  
(Gordon Lee Ahart)  
(Resolution setting hearing needed)

ACTION: Res. 69-528 adopted setting hearing. (P/W to handle)

CONSENT

(d) Sidewalk on Fortuna Ave. at 337 Fortuna Ave., Lot 1, Block 2227, Kenneth L. Hickerson.  
(Resolution setting hearing needed)

ACTION: Res. 69-529 adopted setting hearing. (P/W to handle)

CONSENT

(e) Curb and gutter at 419 Pine Street, Lot 5, Block 4092  
(Benjamin West)  
(Resolution setting hearing needed)

ACTION: Res. 69-530 adopted setting hearing. (P/W to handle)

REPORTS

28. Report on Comprehensive Health Planning Council of Stanislaus County.  
(This item was considered by the City Council at its meeting of June 2, 1969 at which time it was referred to the City Attorney for a report. Resolution needed)

ACTION: By motion (Simon/Robinson, unan.) membership of City in Council approved and Mayor authorized to appoint a representative of the City and an alternate. (Clerk to handle)

CONSENT

29. Report on letter from E. E. Huggins enjoining the City of Modesto from issuing permits for buildings without street level access.  
(Motion accepting report and ordering filed, with a copy to Mr. Huggins)

ACTION: By motion report accepted and ordered filed. (Clerk to handle)

30. Report on new office building at Airport.

ACTION: Report received, discussed, and accepted.

CONSENT

31. Report on salary schedule for part time or temporary Parks and Recreation personnel.  
(Report with agenda. Unless the Council objects, the City Manager is authorized to implement the report)

ACTION: As there was no objection Manager is authorized to implement report. (C/Mgr to handle)

CONSENT

32. Presentation of financial statement for May 1969.  
(Copies of report with agenda. Motion accepting needed)

ACTION: By motion report accepted. (Clerk to handle)

REPORTS FROM THE PLANNING COMMISSION

33. Report on informal review of plans for the Carpenter Road grade separation over the Southern Pacific Company's railroad tracks, as referred to the Planning Commission by the Council.  
(Letter with agenda. Resolution needed)

ACTION: Res. 69-531 adopted (Robinson/Newton, unan.) urging freeway interchange at Prescott/Carpenter on Highway 99 with overpass of S.P. tracks as a feature. (Clerk to handle)

34. Report and recommendation on sign ordinance change regarding political signs.  
(Report and recommendation on sign ordinance change regarding political signs, by the Planning Commission. Letter with agenda. Motion referring to Public Projects Committee needed)

ACTION: By Order of the Mayor referred to Public Projects Committee.

APPROPRIATION TRANSFERS

NONE.

MISCELLANEOUS

35. Legislative matters.

ACTION: By motion (Mitchell/Dixon, unan.) SB1262 (Documentary Transfer Tax Act) supported. (C/Mgr to handle)

36. Appointments.

NONE.

37. Executive session to discuss salaries.

The Council retired to executive session at 10:15 P.M. to consider salaries with the announcement that it would not return to open session.

Adjournment at 10:15 P.M. to 6:00 P.M. on June 10, 1969 at the Mirror Room of the Hotel Covell for the purpose of holding a joint meeting with the Planning Commission.

ATTEST:

*W. T. Chynoweth*

W. T. CHYNOWETH, CITY CLERK

Modesto City Council  
June 10, 1969

The Council of the City of Modesto met in adjourned special session this date at 4:05 P.M. in the Council Chamber, City Hall, 801 11th Street, Modesto, California, to consider further the preliminary budget for fiscal year 1969-70, Mayor Davies presiding.

Present: Councilmen: Dixon, Mitchell, Robinson, Simon, Smith, and  
Mayor Davies  
Absent: Councilmen: Newton

The first item considered was the request for \$1,263 for the expansion of Modesto Elks Youth Baseball Program.

By motion (Robinson/Mitchell, unan.) Account 455 was added to Parks & Recreation - 32 (p. 61) and \$1,263 allocated to this account with the understanding that the \$360 granted for bats was allowed only because this is a new league and that no further allowance for bats would be approved.

The following Capital Improvement Program items were considered:

FIRE

PARKS & RECREATION

PUBLIC WORKS - ENGINEERING

AIRPORT:

Project 507 - Fund 230	Amount \$10,000	moved from 69-70 to 70-71
Project 509 - Fund 230	Amount \$15,000	moved from 69-70 to 70-71
Project 515 - Fund 230	Amount \$17,000	moved from 69-70 to 70-71
Project 529 - Fund 230	Amount \$28,000	moved from 69-70 to 70-71
Project 522 - Fund 230	Increased from \$50,000	to \$60,000
Project 522 - Fund 230	Amount \$55,000	dropped from 73-74

WATER

STREETS

STORM DRAINAGE

SEWERS & SEWAGE DISPOSAL

STREET LIGHTING

PARKING & TRAFFIC - Project 230, Fund 209 increased from \$15,000 to \$20,000

DOWNTOWN IMPROVEMENT DISTRICT


It was decided to hold the \$77,000 in Project 903 - Fund 218, 69-70 in reserve until recommendations have been made and considered by the Council.

LIBRARY

ADJOURNMENT

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

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

Modesto City Council  
June 10, 1969

The Council of the City of Modesto met in adjourned regular meeting this date at 6:00 P.M. in the Map Room of the Hotel Covell, for the purpose of holding a joint meeting with the members of the Planning Commission of the City of Modesto, Mayor Davies presiding.

Present: Councilmen: Dixon, Mitchell, Robinson, Simon, Smith, and  
Mayor Davies

Absent: Councilmen: Newton

Present: Commissioners: Alexander, Gagos, Marple, Muratore, Nicholson,  
Sutton, and Dunlap

Absent: Commissioners: None

Mayor Davies welcomed the members of the Planning Commission and expressed his appreciation for the dedication shown by them.

It was decided that the meeting would be an open discussion with anyone speaking on any pertinent matter.

Following are some of the points raised during the discussion:

The Planning Commission would like more advance information on various matters to assist them in their deliberations. The proposed sign ordinance was given as an example. As this is being considered by a Council sub-committee at this time no information is being furnished the Planning Commission on the status of the proposed ordinance.

It was suggested that perhaps minutes of sub-committee meetings could be prepared and distributed.

The importance of one body knowing the reasoning behind actions of the other body was stressed. It was pointed out that at times this was difficult to convey by writing and that a verbal presentation was needed.

The problems concerning Doctors' Hospital were discussed. It was pointed out that Doctors' Hospital came into a residential area whereas at Memorial Hospital in Ceres, the residential area came to the hospital.

The Director of Planning produced a compilation showing that the Council and Planning Commission disagreed very seldom.

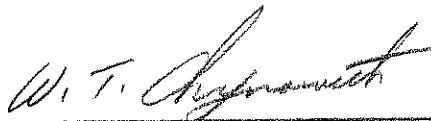
The point was made that the Council and the Planning Commission have different functions and use different criteria in arriving at decisions.

The suggestion was made that a Councilman could attend a Planning Commission meeting when controversial items were scheduled and that a Commissioner could attend Council meetings when it seemed advisable.

The possibility of Council and Planning Commission taking field trips together was brought up. This will be looked into and may be a part of the next joint meeting which will be in about three months.

The meeting adjourned at 9:30 P.M.

ATTEST:



W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 16, 1969 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
and Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend Robert Kitever (Greenwood Grace Brethren Church)  
Reverend Howard Clarke, Second Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9,  
Items 10, 11, 12 & 13 removed from consent. 10, 11, 12, 13, 14, 19, 20, 21,  
(Smith/Robinson, unan.) 22, 23a, b, c, d, e, 24, 25, 26,  
27, 28, 33, 34

(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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of June 5, 9, 10 (adjourned regular meeting) and 10 (Adjourned special meeting).

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

~~CONSENT~~

2. Request of Sears for permission to install sloping concrete ramp extending 51' from store exit into alley. (Motion granting request needed.)

ACTION: Res. 69-533 adopted (Mitchell/Newton, unan.) granting revocable encroachment with provision that evidence of insurance be furnished by applicant. (P/W to handle)

CONSENT

3. Request of residents on the block of Cheryl Lane for permission to pool fireworks for 4th of July block party. (Motion granting request needed)

ACTION: By motion request granted. (Fire to handle)

CONSENT

4. Request of residents in vicinity of Liberini Court to block off Court for community fireworks on July 4 and for loan of lighted barricades. (Motion granting request needed)

ACTION: By motion request granted. (Fire and P/W to handle)

BIDS

CONSENT

5. Consider award of bid for resurfacing of various city streets and Community Service and Senior Citizens Center parking lots. (Bid opening June 3, 1969 at 10:00 a.m. Memo with agenda. Resolution awarding bid needed. Estimated cost Various City Streets, \$23,186; Community Service Center \$3,240; Senior Citizens Center \$1,080. Funds budgeted in Account 321-51-101, Construction Materials; 6303-321, Community Service Center; 7902-321, Senior Citizens Center)

ACTION: Res. 69-534 adopted awarding bid to George Reed, Inc. (P/W to handle)

CONSENT

6. Accept as complete Wastewater Pumping and Treatment Works Enlargements, Sewerage Works Improvements Project Unit No. 1. (In February, 1969 Council accepted the major portion of this work, with the exception of Change Orders 10, 11 and 12. All work on these change orders has now been completed to the satisfaction of Public Works, Economic Development Administration, and Consulting Engineers Jenks and Adamson. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Memo with agenda. Resolution accepting work needed. Actual cost \$1,621,852.04; funds budgeted in Account 6553-405, Muni. Sewer District Improvements)

ACTION: Res. 69-535 adopted accepting work as complete. (Clerk to handle)

CONSENT

7. Accept as complete North Trunk Sewer, Sewerage Works Improvement Project Unit No. 7. (All work on this contract has been completed to the satisfaction of the Public Works Department, Economic Development Administration, and Consulting Sanitary Engineers Jenks and Adamson. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Memo with agenda. Resolution accepting work needed. Actual cost \$472,449.35. Funds budgeted in Account 6553-405, Muni. Sewer District Improvements)

ACTION: Res. 69-536 adopted accepting work as complete. (Clerk to handle)

CONSENT

8. Accept as complete John T. Minahan Company's contract for the furnishing of one desanding unit for Pump Station No. 33. (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 notice of completion. Resolution accepting work as complete and authorizing City Clerk to file notice of completion needed. Contract cost \$3,143.40; funds budgeted in Account 6803-50-101 (prior year), Water New Well, Pump Station #33, 1968-69 budget)

ACTION: Res. 69-537 adopted accepting work as complete. (Clerk to handle)

CONSENT

9. Consider acceptance of Evatt Building Materials' contract for construction of sub-trunk sewer, Woodrow to Standiford.  
(All work in connection with the contract has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order for the City Council to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work as complete and authorizing City Clerk to file notice of completion needed. Actual cost, contract, \$21,490.40; funds budgeted in Account 6561-52-212, Extend sub-trunk & perimeter Sewers, p. 60)

ACTION: Res. 69-538 adopted accepting work as complete. (Clerk to handle)

CONSENT

10. Consider award of bid for the improvement of Coffee Road from Briggsmore Avenue to Athens Avenue.  
(Bids were opened June 10th. The low bid submitted by The Flintkote Company, dba Standard Materials Company, which is 3.6% below the Engineer's Estimate is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$70,837 (Contract \$62,987 - Engr. \$7,850). Funds budgeted in Account 6678-2, Coffee Road - Briggsmore to Athens)

ACTION: Res. 69-539 adopted awarding bid to Standard Materials Co.  
(P/W to handle)

CONSENT

11. Approve plans and specifications and call for bids for the improvement of Woodrow Avenue from Tully Road to McHenry Avenue.  
(Bid opening July 1, 1969 at 10:00 a.m. Woodrow Avenue is part of the Select Street System and will be financed from State Gas Tax Funds. The County of Stanislaus has approved an agreement to share in the construction of this project. Resolution needed. Estimated cost \$86,600 (Contract \$77,000; Engr. \$9,600). Funds budgeted in Account 6681-6682-207, Woodrow Ave., McHenry to Tully Rd, 69-70 budget)

ACTION: Res. 69-540 adopted (Smith/Simon, unan.) approving agreement with Stanislaus County.

Res. 69-541 adopted (Smith/Simon, unan.) approving plans and specifications and call for bids.  
(Clerk to handle)

CONSENT

12. Recommendation that installation of water lines in Grantland Manor be performed by city forces.  
(Bids were opened June 10, 1969. The low bid submitted by Industrial Electrical is 36% above the Engineer's estimate. In the opinion of the City Manager, this work can be performed more economically by city forces. Therefore, it is recommended by the City Manager that the work be done accordingly. Resolution authorizing work by city forces needed. Estimated cost \$21,507 (Labor \$6,751; materials \$14,750). Funds budgeted in Account 6804-50-101, Water Line Extensions (1969-70 Budget).

ACTION: Res. 69-542 adopted (Smith/Simon, unan.) rejecting all bids and ordering work performed by City forces. (P/W to handle)

CONSENT

13. Consider award of bid for construction of subtrunk sewer in Trask-Miller-Haddon Avenues.  
(Bids were opened June 10th and the low bid of I & B Payne of Exeter which is 24% below the Engineer's Estimate is considered acceptable. After consultation with the City Attorney, we are requiring a letter of clarification from the low bidder and his subcontractor concerning a minor irregularity in the name of the subcontractor. Therefore, we recommend the City Council to waive the irregularity and award the low bid to them. Resolution awarding bid needed. Estimated cost \$60,000 (Contract \$53,538.33; Engr. & Insp. \$6,461.67)

ACTION: Res. 69-543 adopted (Smith/Simon, unan.) waiving minor irregularity in bid and awarding bid to I & B Payne. (P/W to handle)

CONSENT

14. Accept as complete Elrich Construction Company's contract for the construction of grading and drainage facilities at Davis Park.  
(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 notice of completion. Resolution accepting work as complete needed. Actual cost, contract, \$42,325.00; funds budgeted in Account 6315-324, Davis Park Development, p. 64)

ACTION: Res. 69-544 adopted accepting contract as complete. (Clerk to handle)

HEARINGS

15. Hearing on request for exception to Section 4-4.302 (a)(8) of Municipal Code (Aspen Manor) 4:15 P.M.

ACTION: By motion (Robinson/Mitchell, unan.) further consideration continued to July 7, 1969 to permit staff to contact Sylvan School in an attempt to work out a possible solution. (Planning to handle)

16. Hearing on amendments to Title X (off-street parking standards) 4:20 P.M.

ACTION: Ord. No. 971-C.S. introduced (Simon/Robinson, unan.) amending Sec. 10-2.1805 (a) of the Municipal Code. (Clerk to handle)

17. Hearing on amendments to "Standard Specifications for Subdivision Improvements." 4:25 P.M.

ACTION: Res. 69-545 adopted (Robinson/Mitchell, unan.) amending "Standard Specifications for Subdivision Standards" to provide for a 100-foot right of way for major streets. (Planning to handle)

18. Matters for the good of the community.  
(These may be presented by citizens in the audience) 4:30 P.M.

Ken Schach reported that cement blocks are being dumped into Dry Creek behind Crystal Pools and across from Thousand Oaks Park. This is not in the City limits. Staff directed to look into this and report to Council on June 23, 1969 if possible. (C/Mgr to handle)

Res. 69-546 adopted (Dixon/Mitchell, unan.) granting permission on temporary basis to Project FIND of Stanislaus National Council of Senior Citizens, Inc., to park two autos in 9th Street parking lot without charge and referring this request to Public Relations Committee for report. (P & T to handle)

ORDINANCES

CONSENT

19. Final adoption of Ord. 966-C.S. (amend Section Map 23-3-9, Ellis).

ACTION: By motion Ord. No. 966-C.S. adopted. (Clerk to handle)

CONSENT

20. Final adoption of Ord. 967-C.S. (amend Section Map 23-3-9, Ellis).

ACTION: By motion Ord. No. 967-C.S. adopted. (Clerk to handle)

CONSENT

21. Final adoption of Ord. 968-C.S. (amend parking meter zoning map).

ACTION: By motion Ord. No. 968-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

22. Consider approving closing sanitary landfill on Saturday July 5, 1969 at the request of Modesto Garbage Co.  
(Memo with agenda. Resolution approving request of Modesto Garbage Co. needed)

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

CONSENT

23. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over thirty days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolution setting hearings needed. Suggested date July 7, 1969 at 4:25 P.M.)

CONSENT

23. (a) Curb and gutter on 4th and J Streets at 927 - 4th Street and 312-314 J Street, Lots 1, 2 and 3, Block 8.  
(Leopold Prescott)  
(Resolution setting hearing needed)

ACTION: Res. 69-547 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Sidewalk at 2026 Joaquin Ave., portions of Lots 32 and 33, Block 6800 (Homer S. Looney)  
(Resolution setting hearing needed)

ACTION: Res. 69-548 adopted setting hearing. (P/W to handle)

CONSENT

- (c) Sidewalk on Joaquin Ave. at 701 Briggsmore Ave., Lot 50, Block 6800 (Mrs. Alice M. Cordon)  
(Resolution setting hearing needed)

ACTION: Res. 69-549 adopted setting hearing. (P/W to handle)

CONSENT

- (d) Sidewalk at 1913 Joaquin Ave., portions of Lots 16 and 17, Block 6713 (O. R. Heilesen)  
(Resolution setting hearing needed)

ACTION: Res. 69-550 adopted setting hearing. (P/W to handle)

CONSENT

- (e) Curb and gutter on Stoddard at 402 Elmwood Ave., Lots 14 and 15, Block 553 (Manuel M. Acosta)  
(Resolution setting hearing needed)

ACTION: Res. 69-551 adopted setting hearing. (P/W to handle)

CONSENT

24. Accept improvements in Lorenzen Park No. 4 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period.  
(Lorenzen Park No. 4 Subdivision is located north of Irene and south of Wylie. 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. 69-552 adopted accepting improvements. (Clerk to handle)

CONSENT

25. Consider approval of lease agreement with E & J Gallo Winery for hangar at City-County Airport.  
(This building becomes the property of the City on July 1, 1969. This lease agreement, which is similar to our other hangar lease agreements at the airport, would become effective July 1, and provides for a rental rate of \$126 per month. Resolution approving agreement needed)

ACTION: Res. 69-553 adopted approving agreement. (Clerk to handle)

CONSENT

26. Consider precise alignment of the street connection between Sunrise Avenue and Bodem Street at Block 593.  
(Memo with agenda. Motion referring to Planning Commission needed)

ACTION: By motion referred to Planning Commission for study and recommendation. (Planning to handle)

CONSENT

27. Consider inclusion of two additional areas in the proposed Sewer Improvement District No. 14.  
(On May 12, 1969 the council authorized the staff to proceed with the formation of Improvement District No. 14 which was to include three separate areas. King Arthur's Camelot and Northfield subdivisions have now asked to be included and have shown sufficient interest to merit consideration. Motion authorizing staff to include two areas in Improvement District No. 14 needed)

ACTION: By motion inclusion of additional areas authorized.  
(P/W to handle)

REPORTS

CONSENT

28. Report on proposed construction of antenna at the corner of Yosemite Boulevard and White Avenue, Empire, by American Transit Mix, Inc.  
(Report with agenda. Resolution opposing construction at this location needed)

ACTION: Res. 69-554 adopted opposing construction at this location.  
(Clerk to handle)

29. Report - Tuolumne River Regional Park Committee.  
(Oral report will be made at meeting)

ACTION: By motion (Mitchell/Robinson, unan.) staff directed to prepare necessary documents for application to State and Federal governments for matching funds for Tuolumne Regional Park land acquisition. (P & R to handle)

30. Report by Public Projects Committee regarding name for the Westside Neighborhood Center.  
(An oral report will be made at the council meeting. Motion approving recommendation needed)

ACTION: By motion (Robinson/Dixon, unan.) recommendation that Center be named King-Kennedy Memorial Center accepted. (P & R to handle)

31. Report by City Manager on meeting and conferring sessions with city employees.

ACTION: By motion (Smith/Robinson, unan.) memorandums of understanding with Modesto City Employees' Association and Modesto City Fire Fighters' Association approved and staff instructed to prepare and process the necessary documents to implement and put into effect the items agreed upon. (Personnel to handle)

By motion (Robinson/Smith, unan.) staff directed to prepare and process the necessary documents to implement and put into effect the following for the Police Department:

1. All sworn police personnel (except sergeants, lieutenants, and captain) a general increase of 6.3% which will result in a direct wage increase of 5%.
2. A general benefits increase to sergeants, lieutenants, and captain of 9.4% which will result in a direct wage increase of 7.5%.
3. Admission Day shall be a paid holiday for all City employees.

4. Time and one-half shall be recorded for work performed beyond the close of the normal work shift, whether it be eight hours or twenty-four hours; time and one-half shall be recorded for work performed after the initial two-hour period of a return to duty; and time and one-half shall be recorded for stand-by personnel after they have worked the one-hour minimum straight time presently provided.

All present rules, such as two hours straight time for return to duty, stand-by credit and method of determination if overtime earned shall be paid for or given as compensating time off, shall not be changed.

(Personnel to handle)

32. Oral report by Public Projects Committee regarding proposed sign ordinance.  
(This will be a report on the meetings which have been held to date)

ACTION: Councilman Mitchell reported on the meetings that have been held and the plans for future meetings.

#### REPORTS FROM THE PLANNING COMMISSION

##### CONSENT

33. Vacation and abandonment of the entire alley located in Block 6198. (Planning Commission Resolution No. 69-69 adopted May 20, 1969 recommends to the City Council the vacation and abandonment of the entire alley located in Block 6198. Resolution of intention to vacate and abandon and setting date for public hearing needed. Suggested date July 7, 1969 at 4:30 P.M.)

ACTION: Res. of Int. No. 315 (1094-S.P.) adopted setting hearing.  
(Clerk to handle)

##### CONSENT

34. Vacation and abandonment of the southerly 20 feet of Floyd Avenue between Katherine Avenue and the Tidewater Southern Railroad tracks, located in Block 6735.  
(Planning Commission Resolution No. 69-70 adopted May 20, 1969 recommends to the Council the vacation and abandonment of the southerly 20 feet of Floyd Avenue between Katherine Avenue and the Tidewater Southern Railroad Tracks, located in Block 6735. Resolution of Intention to vacate and abandon, and setting date for public hearing needed. Suggested date July 7, 1969 at 4:35 P.M.)

ACTION: Res. of Int. No. 316 (1095-S.P.) adopted setting hearing.  
(Clerk to handle)

#### APPROPRIATION TRANSFERS

None.

#### MISCELLANEOUS

35. Legislative matters.

None.

36. Appointments.

ACTION: By motion (Robinson/Simon, unan.) appointment of Councilman Dixon as a member of the Community Action Agency Governing Board to replace Councilman Mitchell, the appointment of Councilman Mitchell as his alternat on this Board; and the appointment of Councilman Dixon as a member of the Mayor's Council on Youth Opportunity to replace Councilman Simon were approved. (Clerk to handle)

Adjournment at 6:55 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 23, 1969 AT 7:30 P.M.

Roll Call Present: Dixon, Newton, Simon, Smith, and Mayor Davies  
Absent: Mitchell and Robinson  
(Councilman Simon arrived at 7:35 P.M.)

Pledge of allegiance to the Flag

Invocation: Reverend Harold Knowles, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 6, 7, 8, 9,  
Items 7 and 32 removed from consent. 10, 11, 12, 13, 14, 15, 16, 17,  
(Smith/Newton, unan. - Mitchell, Robinson, 30, ~~32~~, 33, 34, 38, 39, 40, 41a,  
and Simon, absent) b, c, d, e, 42, 43, 44, 45, 48,  
49, 50, 51, 52

(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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of June 16, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Resolution from City of Patterson concerning Carpenter-Prescott over-crossing and related highway routes.  
(Motion ordering filed needed)

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

CONSENT

3. Request by Mrs. E. L. Jackson that new library be named McHenry Library and that contest to choose name be cancelled.  
(Motion referring to Library and Culture Commission needed)

ACTION: By motion referred to Library and Culture Commission. (Clerk to handle)

CONSENT

4. Resignation of Reverend William Yaeger as Chairman and member of the Mayor's Council on Youth Opportunity.  
(Resolution accepting with regret needed)

ACTION: Res. 69-555 adopted accepting resignation with regret.  
(Clerk to handle)

BIDS

CONSENT

6. Consider award of bid for the installation of improvements at the Modesto Senior Citizens Center.  
(The low bid of \$10,811 was submitted by Bibens Nursery Company. It is recommended that the bid be awarded to Bibens Nursery Company. Resolution awarding bid and resolution approving appropriation transfer of \$3,000 needed. \$8,500 budgeted in Account 6300-31-321, Senior Citizens Landscaping)

ACTION: Res. 69-556 adopted awarding bid to Bibens Nursery Co. (P & R to handle.) Res. 69-557 adopted approving appropriation transfer of \$3,000 from Account 6305-31-321 to Account 6300-31-321. (Finance to handle)

~~CONSENT~~

7. Consider waiving formal bid procedure and authorize the purchase of dictation equipment from International Business Machines Corporation.  
(Memo with agenda. Resolution authorizing waiver of bid procedure and authorizing purchase of dictation equipment needed) Funds budgeted in Account No. 5405-22-101 and 5501-22-101, Capital Outlay, not in budget book.

ACTION: Res. 69-558 adopted (Smith/Dixon, unan. - Mitchell & Robinson absent) waiving formal bid procedure and authorizing purchase of dictation equipment from International Business Machines Corp. (Finance to handle)

CONSENT

8. Approve plans and specifications and call for bids for installation of electric system and lighting at Davis Park.  
(Bid opening July 15, 1969 at 10:00 A.M. Resolution approving plans, etc. needed. Estimated cost \$27,880; funds budgeted in Account 6315-324, Davis Park Development, States 1 and 2 (Page 64)

ACTION: Res. 69-559 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

9. Approve plans and specifications and call for bids for installation of restroom building, concrete block walls, concrete paving, bleachers and backstop at Davis Park.  
(Bid opening July 15, 1969 at 10:10 A.M. Resolution approving plans, etc., needed. Estimated cost \$46,800; funds budgeted in Account 6315-324, Davis Park Development, Stages 1 and 2 (Page 64) )

ACTION: Res. 69-560 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

10. Approve plans and specifications and call for bids for Unit No. 1 Dryden Golf Course Parking Lot Paving.  
(Unit No. 2 Del Webb Field Parking Lot paving. Bid opening July 8, 1969 at 10:00 A.M. This includes paving all the parking lot at Dryden Golf Course and a portion of the parking area at Del Webb Field, with approximately two inches of asphalt concrete. Resolution approving plans, etc. needed. Estimated cost: \$19,270 (Contract \$17,520 - Engr. \$1,750). Funds budgeted in Account 6250-31-321, Dryden Parking Lot, and 6350-31-321, Del Webb Parking Lot)

ACTION: Res. 69-561 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

11. Approve plans and specifications and call for bids for the improvement of Brighton Avenue from Wylie Drive to Coffee Road. (Bid opening July 8, 1969 at 10:10 A.M. Brighton Ave. is part of the select street system and will be financed from State gas tax funds. Mr. Price, property owner adjacent to this project, will reimburse the City of Modesto for the cost of improvements across the frontage of his property. Resolution approving plans, specifications and call for bids needed. Estimated cost \$56,700 (Contract \$49,300 - Engr. \$7,400). Funds budgeted in Account 6718-1-207, Brighton Avenue, Coffee to Wylie Drive)

ACTION: Res. 69-562 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

12. Consider award of bid for site preparation, grading and drainage at Moose Park. (Bids were opened June 17. The low bid submitted by Standard Materials Co., which is 48.0% below the Engineer's Estimate, is considered acceptable. Therefore it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Contract cost \$9,582; funds budgeted in Account 6321-324, Moose Park Development, Stage 1)

ACTION: Res. 69-563 adopted awarding bid to Standard Materials Co. (P/W to handle)

CONSENT

13. Consider award of bid for site preparation, grading and drainage at Sherwood Park. (Bids were opened June 17. The low bid submitted by B. G. Construction Co., which is 52% below the Engineer's Estimate, is considered acceptable. Therefore it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost, contract \$12,516. Funds budgeted in Account 6301-31-321, Sherwood Park Stage 1)

ACTION: Res. 69-564 adopted awarding bid to B. G. Construction Co. (P/W to handle)

CONSENT

14. Consider award of bid for installation of water lines in Coffee-Fairmont-Eldena-Crows Landing Roads. (Bids were opened June 17, and the low bid of Valley Construction Company which is 0.9% over the Engineer's Estimate is considered acceptable. Therefore it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$35,649 (Materials \$17,450; labor, \$18,199). Funds budgeted in Account 6828-50-101, Strengthen System Various Locations)

ACTION: Res. 69-565 adopted awarding bid to Valley Construction Co. (P/W to handle)

CONSENT

15. Consider acceptance of Industrial Electrical Co. work of constructing sanitary sewers and street in Improvement District No. 11 and authorizing Clerk to file notice of completion.  
(All work in connection with the contract is completed. It is recommended that the work be accepted and the notice of completion be filed so that the District proceedings can progress. Resolution accepting work needed. Final cost \$174,349.54 (Contract \$142,196.13; Incidentals \$32,153.41). Funds budgeted in Account 6589-52-212, Improvement District No. 11)

ACTION: Res. 1096-S.P. adopted accepting contract. (Clerk to handle)

CONSENT

16. Consider acceptance of W. M. Lyles contract for construction of subtrunk sewer - Woodrow to Rumble.  
(All work in connection with the contract has been completed to the satisfaction of the Public Works Department. Therefore it would be in order for the Council to accept the work as complete and authorize the City Clerk to file notice of completion. Resolution accepting work needed. Actual cost, contract, \$30,944.69. Funds budgeted in Account 6555-405, Northgate Subtrunk Sewers)

ACTION: Res. 69-566 adopted accepting contract. (Clerk to handle)

CONSENT

17. Call for bids for construction of traffic signals and street lighting: College at Granger, College at Stoddard, College at Briggsmore, and Tully at Bowen.  
(Funds for this project are in the 69-70 C.I.P. budget in accounts 6208, 6187, 6191, and 6213. The construction consists of removing existing light standards and luminaires, installing new traffic signals, luminaires, controllers and loop detectors. Estimated cost is \$35,500. Funds budgeted in above accounts - Traffic Signal Construction: College at Granger, College at Stoddard, College at Briggsmore, and Tully at Bowen)

ACTION: Res. 69-567 adopted approving plans and specifications and call for bids on July 22, 1969 at 2:00 P.M.

HEARINGS

18. Annexation of Scenic No. 2 Addition to Sewer District No. 1. 7:45 P.M.  
ACTION: Res. 69-568 adopted (Dixon/Simon, unan.) annexing area to Sewer District. (Clerk to handle)
19. Annexation of Rose Acres No. 4 Addition to Sewer District No. 1. 7:50 P.M.  
ACTION: Res. 69-569 adopted (Smith/Simon, unan.) annexing area to Sewer District. (Clerk to handle)
20. Hearing on annexation - Carpenter Addition to City of Modesto. 7:55 P.M.  
ACTION: Res. 69-570 adopted (Smith/Dixon, unan.) declaring majority protest not made.  
Ord. 972-C.S. adopted (Smith/Dixon, unan.) annexing area. (Clerk to handle)

HEARINGS (Cont'd)

21. Hearing on annexation of John Sutter School Addition to City of Modesto. 8:00 P.M.  
ACTION: Res. 69-571 adopted (Newton/Dixon, unan.) declaring majority protest not made.  
Ord. 973-C.S. adopted (Newton/Dixon, unan.) annexing area. (Clerk to handle)
22. Hearing on amendment to Section 13-3-8 of zoning map. (McKeon Construction Co.) 8:05 P.M.  
ACTION: Res. 69-572 adopted (Smith/Simon, unan.) approving development plan (Planning to handle);  
Ord. 974-C.S. introduced (Smith/Simon, unan.) amending Sec. 13-3-8 (Clerk to handle).
23. Hearing re sidewalk requirement at 1210 McHenry Ave., a portion of Block 1129 (Clarence Kay) 8:10 P.M.  
ACTION: Res. 69-573 adopted (Newton/Simon, unan.) ordering work done after six months. (P/W to handle)
24. Hearing re sidewalk requirement at 832 Oakdale Road, a portion of Block 1404 (MEA Land Company) 8:10 P.M.  
ACTION: Res. 69-574 adopted (Newton/Simon, unan.) ordering work done. (P/W to handle)
25. Hearing re curb and gutter requirement at 2047 Bellamy, Lot 13, Block 2229 (Gordon Lee Ahart) 8:10 P.M.  
ACTION: Res. 69-575 adopted (Newton/Simon, unan.) ordering work done. (P/W to handle)
26. Hearing re sidewalk requirement on Fortuna Avenue at 337 Fortuna Avenue, Lot 1, Block 2227 (Kenneth L. Hickerson) 8:10 P.M.  
ACTION: Res. 69-576 adopted (Newton/Simon, unan.) ordering work done. (P/W to handle)
27. Hearing re curb and gutter requirement 419 Pine Street, Lot 5, Block 4092 (Benjamin West) 8:10 P.M.  
ACTION: Res. 69-577 adopted (Newton/Simon, unan.) ordering work done. (P/W to handle)
28. Matters for the good of the community. (These may be presented by citizens in the audience) 8:15 P.M.  
ACTION: Res. 69-578 adopted (Smith/Simon, unan.) approving agreement for library construction grant and authorizing City Manager to sign same. (C/Mgr to handle)  
Res. 69-579 adopted (Dixon/Newton, unan.) rejecting all bids received for police radio system. (Finance to handle)  
Res. 69-580 adopted (Dixon/Newton, unan.) waiving formal bid procedure and authorizing Purchasing Officer to negotiate for police radio system. (Finance to handle)
- A request by Henry George for permission to have temporary storage for fruit which he plans to sell door to door was referred to staff. (Planning to handle)  
ACTION: By motion (Dixon/Smith, unan.) City Charter Review committee created. (Mayor to handle)

29. Request of Dr. Valentine to be heard concerning "In Lieu Payments." (parking spaces) 8:20 P.M.

ACTION: The staff was directed to ascertain whether or not the \$750 in lieu payment for parking spaces is enough. (P & T to handle)

#### OLD BUSINESS

##### CONSENT

30. Applications for State and Federal funds for Tuolumne River Regional Park land acquisition.  
(a) Authorization to file an application for U. S. Land and Water Conservation Funds.

ACTION: Res. 69-581 adopted authorizing application for \$85,374 of U. S. Land and Water Conservation Funds. (P & R to handle)

(b) Resolution approving application for State Park Bond Funds. (Estimated cost \$35,374; funds budgeted in Account 6329-321, Tuolumne Regional Park Land Acquisition)

ACTION: Res. 69-582 adopted authorizing application for \$50,000 of State Park Bond Funds. (P & R to handle)

31. Further consideration of diagonal parking on I Street. (The D.I.D. Executive Secretary has orally reported that the D.I.D. is no longer planning on an island in the middle of I Street from 9th to 12th Streets. If the Council agrees, work will proceed with making I Street two way with diagonal parking in those three blocks. Motion approving suggested plan needed)

ACTION: By motion (Smith/Newton, unan.) diagonal parking plan approved. (P & T to handle)

##### ~~CONSENT~~

32. A resolution determining that the public interest and convenience require that Riverside No. 2 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.  
(Riverside No. 2 Addition has been annexed to the City of Modesto and it is now necessary to annex it to the Modesto Municipal Sewer District. Suggested hearing date August 11, 1969 at 7:45 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 69-583 adopted (Smith/Dixon, unan. - Mitchell and Robinson absent) setting hearing. (Clerk to handle)

##### CONSENT

33. Resolution authorizing City Manager to execute renewal of contract for Examination Services with State Personnel Board at same price as is now in effect.  
(Renewal of city contract for examination services for period July 1, 1969 through June 30, 1972. Resolution needed. Funds budgeted in Account 235-17, Services, Professional and Others)

ACTION: Res. 69-584 adopted approving renewal of contract. (Personnel to handle)

NEW BUSINESS

CONSENT

34. Letter from Sheriff Kelsay asking for nine more "Police Only" parking spaces on 12th and H Streets at the jail corner. (This request has been reviewed by the Police Chief and Parking and Traffic Director and is recommended on a trial basis because of the increasing need for parking police, sheriff, and C.H.P. vehicles. The parking meters being removed gross \$69 per year each, average use. Five spaces are already so designated on the H Street side of the jail. Motion approving request needed)

ACTION: By motion request approved. (P & T to handle)

35. Executive session to consider salaries of Department Heads and Council Appointees.

ACTION: The Council retired to executive session at 7:40 P.M. and returned to open session at 9:15 P.M. By motion (Simon/Newton, unan.) department heads granted 5% salary increase with Chief of Police and Director of Personnel to receive an additional 2½%; by motion (Smith/Dixon, unan.) Council appointees granted salary increases as follows: City Manager - 5%; City Attorney - 7½%; and City Clerk - 7½%.

36. Consider recommendation of staff that special salary adjustments be made for the positions of janitor, telephone operator-receptionist, and Water Quality Control Superintendent. Memo with agenda. Resolution needed. Estimated cost \$1,861)

ACTION: By motion (Simon/Smith, unan.) janitor class granted additional 2½%; telephone operator-receptionist, and Water Quality Control Superintendent granted additional 5%.

- 36A. Resolutions fixing salaries for 1969-70.

ACTION: Res. 69-585 adopted (Smith/Newton, unan.) fixing salaries as established by previous motions (item 31 on June 16 and items 35 and 36 above. (Finance to handle)

37. Consider adoption of budget for the 1969-70 fiscal year. (A report has been prepared showing the adjustments to the preliminary budget, as amended by the City Council. Copies of report with agenda. Ordinance needed)

ACTION: Ord. No. 975-C.S. introduced and adopted (Newton/Dixon, unan.) adopting budget for 1969-70, incorporating amendments to report submitted by Director of Finance dated June 19, 1969, on file in office of City Clerk and labeled Official Copy. (Finance to handle)

CONSENT

38. Consider lease agreement between City and Joe V. Lorenzo. (A lease agreement has been prepared leasing to Joe V. Lorenzo 7.5 acres of almonds located adjacent to Robertson Road School. The lease commences June 23, 1969 and ends November 1, 1969. Rental is 20% of gross proceeds from the crop produced on this property. Resolution needed)

ACTION: Res. 69-586 adopted approving lease agreement. (Finance to handle)

CONSENT

39. Consider acceptance of offer by the Modesto Bee to print and publish legal advertising for City for one fiscal year commencing July 1, 1969.  
(Memo with agenda. Resolution needed. Estimated cost \$7,500; funds budgeted in Account 230-14-101, Advertising Legal and Other, p. 25)

ACTION: Res. 69-587 adopted approving letter agreement with Modesto Bee.  
(Clerk to handle)

CONSENT

40. A resolution approving final map of Greenbrier No. 3 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(a) of the Modesto Municipal Code.  
(The subdivision agreement has been signed and all fees paid. Greenbrier No. 3 Subdivision is located on the east side of Rose Avenue south of M.I.D. Lateral No. 3. It contains 10.12 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 69-588 adopted approving final map. (Clerk to handle)

CONSENT

41. Resolutions instructing Superintendent of Streets to give notice requiring construction of sidewalks at the locations listed below:  
(Informal requests were sent over thirty days ago to the property owners to install sidewalks. The work has not been done. Therefore it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks. Resolution needed. Suggested hearing date July 7, 1969 at 4:25 P.M.)

CONSENT

- (a) Sidewalk on Cataline Way at 601 Catalina Way, Lot 4, Block 6128-A. (Calvert A. Tanson)  
(Resolution setting hearing needed)

ACTION: Res. 69-589 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Sidewalk on Enslin Ave. at 519 Coronado Way, Lot 18, Block 6064 (Carrie M. Smith)  
(Resolution setting hearing needed)

ACTION: Res. 69-590 adopted setting hearing. (P/W to handle)

CONSENT

- (c) Sidewalk on Enslin Ave. at 518 Coronado Way, Lot 1 Block 6063 (Albert M. Keller)  
(Resolution setting hearing needed)

ACTION: Res. 69-591 adopted setting hearing. (P/W to handle)

CONSENT

- (d) Sidewalk at 1429 Roosevelt Drive, Lot 7 and 8, Block 6068.  
(Clarence F. Moore)  
(Resolution setting hearing needed)

ACTION: Res. 69-592 adopted setting hearing. (P/W to handle)

CONSENT

- (e) Sidewalk on Tonilane at 1610 Tonilane, Lot 12, Block 3086.  
(Eldon S. DeLay)  
(Resolution setting hearing needed)

ACTION: Res. 69-593 adopted setting hearing. (P/W to handle)

CONSENT

42. Agreement with Ribera and Sue, landscape architects.  
(The agreement provides that Ribera and Sue, Landscape Architects, will develop plans and specifications for Stage I development of Downey Park for a lump sum of \$5,740. Resolution approving agreement needed. Estimated cost \$5,740; funds budgeted in Account 6290-31-321, Downey Park Stages 1 and 2, Page 63)

ACTION: Res. 69-594 adopted approving agreement. (Clerk to handle)

CONSENT

43. Consider agreement between City and Harry F. MacDonald whereby City agrees to purchase property to be used for park purposes (Floyd Neighborhood Park No. 1)  
(Memo with agenda. Resolution approving agreement and resolution approving appropriation transfer of \$12,000 needed. Estimated cost \$30,250; \$20,000 budgeted in 1968-69 budget)

ACTION: Res. 69-595 adopted approving agreement. (Clerk to handle);  
Res. 69-596 adopted approving appropriation transfer of \$12,000 from Account 60-321 to Account 6282-31-321. (Finance to handle).

CONSENT

44. Resolution providing for notice of filing of assessment - Improvement District 13 (Sanitary Sewer east of Claremont and north of Rumble)  
(The hearing date is July 21, 1969 at 5:00 P.M. Resolution needed)

ACTION: Res. 1097-S.P. adopted setting date for hearing and providing for notice. (Clerk to handle)

CONSENT

45. Report on overtime parking.  
(Motion accepting needed)

ACTION: By motion report accepted.

46. Oral report on dumping into Dry-Creek.

ACTION: It was reported that the County has told the party responsible that he must obtain a permit and must remove the debris dumped into Dry Creek.

47. Report on time payments for mandatory sewer connections.

ACTION: By motion (Newton/Dixon, unan.) referred to staff for preparation of necessary documents to permit payment plan for sewer connections and subtrunk fees with provisions for \$10 handling charge and 6% interest. (C/Atty to handle)

REPORTS FROM PLANNING COMMISSION

CONSENT

48. Santa Rosa Addition - for referral to Planning Commission.  
(Proposed annexation, uninhabited)  
(Information with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 69-597 adopted referring to Planning Commission.  
(Planning to handle)

CONSENT

49. Proposed annexation, uninhabited, of North 99 No. 3 Addition - for referral to Planning Commission.  
(Information with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 69-598 adopted referring to Planning Commission.  
(Planning to handle)

CONSENT

50. Recommend to the City Council adoption of specific plan for the planned right of way of Brighton Avenue between Scenic Drive and Wylie Drive.  
(At its regular meeting of June 17, the Planning Commission considered the adoption of a specific plan for the planned right of way of Brighton Ave. between Scenic Drive and Wylie Drive and recommends this plan to the Council. Resolution setting date of hearing needed. Suggested date July 14, 1969 at 7:45 P.M.)

ACTION: Res. 69-599 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

51. Appropriation transfer of \$400 from General Reserve to Accounts 230-14 (\$150) and 235-14 (\$250).  
(Cost of legal advertising, printing of ordinances and resolutions, and printing of code pages exceeded the amount budgeted. Resolution approving appropriation transfer needed)

ACTION: Res. 69-600 adopted approving appropriation transfer of \$400 from Account 60 (General Reserve) to Account 230-14 (\$150) and Account 235-14 (\$250). (Finance to handle)

CONSENT

52. Appropriation transfer to C.I.P. accounts to cover unanticipated expenses for construction of traffic signals at 14th and K Streets and Tully and Coldwell.  
(Engineering, inspection, and interconnection work exceeded the appropriated amounts by \$520.26 at 14th and K and \$825.58 at Tully and Coldwell. It is recommended that these amounts be transferred from the Reserve to cover the unanticipated costs. Resolution needed)

ACTION: Res. 69-601 adopted approving appropriation transfer of \$1,347 from Account 60 (General Reserve) to Account 6194-56-321 (\$521) and Account 6174-56-321 (\$826). (Finance to handle)


MISCELLANEOUS

53. Legislative matters.  
None.

54. Appointments  
None.

Adjournment at 10:55 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

Modesto City Council  
July 1, 1969

The Council of the City of Modesto met in special session this date at 8:00 A.M., in the Broncho Room of Harry's Chuck Wagon, 16th and J Streets, Modesto, California, as provided by Section 2-1.02 of the Modesto Municipal Code, Mayor Davies presiding, to consider the request of the Stanislaus County Fourth of July Committee to hold a Fourth of July celebration in the City of Modesto.

Present: Councilmen: Dixon, Newton, Robinson, Smith, and Mayor Davies  
Absent: Councilmen: Mitchell and Simon

The Stanislaus County Fourth of July Committee requests:

1. Barricade I Street between 11th and 12th Streets from 9:30 A.M. through 3:30 P.M.
2. Use of the 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 2nd or 3rd.
3. Use of a public address system (to be furnished by our committee) at the reviewing stand.
4. Use of the City Ball Park the evening of July 4th for entertainment and fireworks. The city to supply a standby fire truck (along with the 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.

ACTION: Res. 69-602 adopted (Robinson/Smith, unan.) granting the requests subject to certain conditions. (C/Mgr to handle)

Adjournment at 8:05 A.M.

ATTEST:

*W. T. Chynoweth*  
W. T. CHYNOWETH, CITY CLERK

RECORD OF THE  
CITY COUNCIL

52

JULY - DEC.

1969

CITY OF MODESTO

MINUTES AND ACTION-AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 7, 1969 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Smith, and Mayor Davies  
Absent: Robinson and Simon

Pledge of allegiance to the Flag

Invocation: Reverend Ben Jennings, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 6, 8, 10, 11,  
Items 3, 39, 44, 45 & 46 removed from consent.  
(Smith/Mitchell, unan.)

	12, 13, 14, 31, 32, 35, 36, 38,
	<del>39</del> , 40, 41, 42, 43a, b, <del>44</del> , <del>45</del> ,
	<del>46</del> , 48, 50, 51, 53, 54, 55

(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 for the individual items).

CONSENT

1. Confirmation of canvass of ballots - El Terino Addition election held July 1, 1969.  
(Ballots for this election will be canvassed on July 7, 1969 by the City Clerk. Unofficial results are as follows: No. of registered voters in area - 243; No. of persons voting - 160. No. of yes votes - 106; No. of no votes - 54. Resolution confirming canvass and declaring results of election and ordinance annexing area needed)

ACTION: Res. 69-603 adopted confirming canvass of votes (yes - 106, no - 54) and declaring that election to annex El Terino Addition to City of Modesto carried.

Ord. No. 976-C.S. adopted annexing El Terino Addition to City of Modesto effective July 25, 1969. (Clerk to handle)

APPROVAL OF MINUTES

CONSENT

2. Minutes of June 23 and July 1, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

~~XXXXXX~~

3. Letter from Beautification Committee expressing thanks to the members of the Employees' Association who helped during Beautification Month. (Motion ordering letter filed needed)

ACTION: Letter ordered filed with commendation to employees and Beautification Committee. (Clerk to handle)

4. Request of Downtown Improvement District for free use of Tenth Street parking lot between K and L on west side of street from Monday, August 18, through Saturday, August 23, for International Petting Zoo.

ACTION: Res. 69-604 adopted (Dixon/Smith, unan.) granting request subject to furnishing of evidence of insurance. (P & T to handle)

5. Request of Sears for use of alley in back of store for sales area on Saturday, July 19.

ACTION: Res. 69-605 adopted (Smith/Newton, unan.) granting request subject to furnishing of evidence of insurance and also subject to Sears receiving approval by all other merchants in block. (P/W to handle)

CONSENT

6. Request by owners of Lombardi Waste Disposal Co. for permission to change name to Orange Line Sanitation Company. (Resolution granting request needed)

ACTION: Res. 69-606 adopted approving change of name of Lombardi Waste Disposal Co. to Orange Line Sanitation Co. (Clerk to handle)

7. Request of Doctors' Ambulance Co. for amendment to municipal code to permit persons over 18 years of age to drive a limited ambulance if otherwise qualified.

ACTION: By motion (Smith/Dixon, unan.) referred to staff for further study. (Police to handle)

BIDS

CONSENT

8. Consider award to Union Oil Co. to supply the City's needs of gasoline for one year ending June 30, 1970. Union Oil was the lowest bidder in a joint bid call with Stanislaus County. (Memo and tabulation with agenda. Resolution needed. Estimated cost \$50,350. Funds budgeted in account 330-48-512, Gas, oil, lubricants and other accounts, page 66)

ACTION: Res. 69-607 adopted awarding contract to Union Oil Co. (Finance to handle)

9. Consider award of contract to Motorola Communications and Electronics Company to furnish a complete police radio communications system. (Memo with agenda. Resolution awarding contract and resolution approving appropriation transfer of \$61,376 from General Reserve. Estimated cost \$61,376)

ACTION: Res. 69-608 adopted (Mitchell/Newton, unan.) awarding contract to Motorola Communications and Electronics Company;  
Res. 69-609 adopted (Mitchell/Newton, unan.) approving appropriation transfer of \$61,376 from General Reserve to Account 6001-22-101. (Finance to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for the installation of water lines in Greenbrier No. 3 and Rose Avenue. (Suggested bid opening July 22, 1969 at 10:00 A.M. Cost Estimates are: Construction cost - \$16,700; connection charge, \$3,791; net annual revenue, \$464. Resolution approving plans, etc. needed. Estimated cost \$16,700 (Materials \$9,600; labor \$7,100; funds budgeted in Account 6804-50-101, Water Line Extensions, 1969-70 budget)

ACTION: Res. 69-610 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

11. Approve plans, specifications and call for bids for asphalt concrete resurfacing of various city streets 1969, Unit No. 1 residential streets, Unit No. 2 select streets.  
(Bid opening July 22, 1969 at 10:10 A.M. Residential street resurfacing funds budgeted in Account No. 6657-41-321 and Select Streets resurfacing funds budgeted in Account 6660-207. Resolution approving plans, etc. needed. Estimated cost \$65,275 (contract \$63,375; Engineering \$1,900). Funds budgeted in Accounts 6657-41-321, Various Residential Street; Asphalt Concrete Overlay; Misc. Resurfacing, 6660-207)

ACTION: Res. 69-611 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

12. Consider award of bid for installation of water lines in Brighton-Coffee-Orangeburg Avenues.  
(Bids were opened June 24th and the low bid of Industrial Electrical Company which is 11% below the Engineer's Estimate is acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$18,833 (Materials \$12,000; Labor \$6,833). Funds budgeted in Account 6804-50-101, Water Line Extensions (1969-70 Budget)

ACTION: Res. 69-612 adopted awarding bid to Modesto Industrial Electrical Company, Inc., dba Industrial Electrical Company.  
(P/W to handle)

CONSENT

13. Accept as complete improvement of LaLoma from H St. to Yosemite Blvd.  
(All work in connection with the improvement of LaLoma Avenue from "H" Street to Yosemite Boulevard by Standard Materials Co. has been completed to the satisfaction of the Public Works Department. It would be in order to accept the work as completed and authorize the City Clerk to file notice of completion. Resolution accepting work as complete needed. Actual contract cost \$34,517.93; funds budgeted in Account 6655-1-207, LaLoma "H" St. to Yosemite Blvd.)

ACTION: Res. 69-613 adopted accepting contract as complete.  
(Clerk to handle)

CONSENT

14. Consider acceptance of Industrial Electrical's work for the modernization of electrical controls at Pump Stations 9, 10, and 16.  
(All work in connection with the modernization of electrical controls contract has been completed and it is recommended by the Public Works Department that the work be accepted and the notice of completion filed by the City Clerk. Resolution accepting work needed. Final cost \$7,646.50. Funds budgeted in Account 6842-50-101, Modernization of Electrical Controls at Pump Stations 9, 10 and 16)

ACTION: Res. 69-614 adopted accepting contract as complete.  
(Clerk to handle)

HEARINGS

16. Annexation of Prescott No. 2 Addition to Sewer District. 4:15 P.M.

ACTION: Res. 69-615 adopted (Mitchell/Smith, unan.) annexing area to Sewer District. (Clerk to handle)

17. Further hearing on unclassified use permit (Doctors' Hospital) 4:20 P.M.

(Letters from Doctors' Hospital and Dr. Gant with agenda)

ACTION: Res. 69-616 adopted (Newton/Dixon, unan.) granting request of Doctors' Hospital for building permit for four-story expansion subject to certain conditions. (P/W to handle)

18. Hearing re curb and gutter requirement on 4th and J Streets at 927 - 4th Street and 312-314 J Street, Lots 1, 2 and 3, Block 8 (Leopold Prescott) 4:25 P.M.

ACTION: Res. 69-617 adopted (Mitchell/Smith, unan.) ordering work done six months from now. (P/W to handle)

19. Hearing re sidewalk requirement at 2026 Joaquin Avenue, portions of Lots 32 and 33, Block 6800 (Homer S. Looney). 4:25 P.M.  
(This hearing can be dropped as work has been done)

DROPPED FROM AGENDA.

20. Hearing re sidewalk requirement on Joaquin Avenue at 701 Briggsmore Avenue, Lot 50, Block 6800 (Mrs. Alice M. Cordon) 4:25 P.M.  
(This hearing can be dropped as work has been started)

DROPPED FROM AGENDA.

21. Hearing re sidewalk requirement at 1913 Joaquin Avenue, portions of Lots 16 and 17, Block 6713 (O.R. Heilesen) 4:25 P.M.

ACTION: Res. 69-618 adopted (Mitchell/Smith, unan.) ordering work done. (P/W to handle)

22. Hearing re curb and gutter on Stoddard at 402 Elmwood Ave., Lots 14 and 15, Block 553 (Manuel M. Acosta) 4:25 P.M.

ACTION: Res. 69-619 adopted (Mitchell/Smith, unan.) ordering work done. (P/W to handle)

23. Hearing re sidewalk requirement on Catalina Way at 601 Catalina Way, Lot 4, Block 6128A (Calvert A. Tanson) 4:25 P.M.

ACTION: Res. 69-620 adopted (Mitchell/Smith, unan.) ordering work done. (P/W to handle)

24. Hearing re sidewalk requirement on Enslan Avenue at 519  
Coronado Way, Lot 18, Block 6064 (Carrie M. Smith). 4:25 P.M.

ACTION: Res. 69-621 adopted (Mitchell/Smith, unan.) ordering work done.  
(P/W to handle)

25. Hearing re sidewalk requirement on Enslan Ave. at 518  
Coronado Way, Lot 1, Block 6063 (Alberta M. Keller) 4:25 P.M.

ACTION: Res. 69-622 adopted (Mitchell/Smith, unan.) ordering work done  
one year from now. (P/W to handle)

26. Hearing re sidewalk requirement at 1429 Roosevelt Drive,  
Lots 7 and 8, Block 6068 (Clarence F. Moore) 4:25 P.M.

ACTION: By motion (Mitchell/Smith, unan.) hearing continued to  
July 14, 1969 at 7:50 P.M. (P/W to handle)

27. Hearing re sidewalk requirement on Tonilane at 1610  
Tonilane, Lot 12, Block 3086 (Eldon S. DeLay) 4:25 P.M.

ACTION: Res. 69-623 adopted (Mitchell/Smith, unan.) ordering work done.  
(P/W to handle)

28. Hearing on abandonment of alley in Block 6198 (Long's) 4:30 P.M.

ACTION: Res. 1098-S.P. adopted (Smith/Mitchell, unan.) abandoning alley.  
(Clerk to handle)

29. Hearing on abandonment of southerly 20 feet of Floyd Ave.  
between Katherine Ave. and Tidewater Southern tracks. 4:35 P.M.

ACTION: By motion (Mitchell/Newton, unan.) hearing continued to  
July 14, 1969 at 7:55 P.M. (Clerk to handle)

30. Matters for the good of the community.  
(These may be presented by citizens in the audience) 4:40 P.M.

Henry Martin stated that he had volunteered for appointment on a  
committee but had heard nothing from the Mayor. Mayor Davies explained  
that he had Mr. Martin in mind for appointment shortly.

Councilman Dixon commented on the fine work done by Officer Pedersen  
in connection with school traffic safety.

Possible I Street development was discussed.

Fire Chief Everett explained that in the event fire equipment was  
needed to assist the one station on the west side of Modesto and could not  
get there due to trains blocking the grade crossings mutual aid would be  
furnished by Burbank-Paradise or Woodland Ave. fire protection districts.

Cable-Com General of Modesto presented a report on its progress.

ACTION: Res. 69-624 adopted (Smith/Newton, unan.) awarding contract for  
improvement of Woodrow Avenue from Tully Rd. to McHenry Ave. to  
Lee White. (P/W to handle)

Staff directed to inform Council of bid price and final cost of  
contracts. (P/W to handle)

ORDINANCES

CONSENT

31. Final adoption of Ordinance 971-C.S. (Off-Street parking standards).  
(Motion adopting needed)

ACTION: By motion Ord. No. 971-C.S. adopted. (Clerk to handle)

CONSENT

32. An ordinance amending Sections 9-3.102, 9-3.103 and 9-3.109 of Article 1 of Chapter 3 of Title IX of the Modesto Municipal Code relating to the Electrical Code.  
(This ordinance would adopt by reference the Uniform Electrical Code, 1968 edition, and the National Electrical Code, 1968 edition. This is part of the periodic updating of the City's building codes as new editions are published and become available. Introduction of ordinance needed)

ACTION: Ord. No. 977-C.S. introduced by motion. (Clerk to handle)

OLD BUSINESS

33. Report by Modesto Community Foundation Committee.  
(An oral report will be made by Mr. Jack Jones, Committee Chairman. Motion accepting oral report needed)

ACTION: By motion (Mitchell/Dixon, unan.) report accepted and committee encouraged to obtain approval of banks and trust companies.

34. Further consideration of request for exception to Section 4-4.302(a) (8), Aspen Manor  
(From 6/16 meeting - report with agenda)

ACTION: By motion (Dixon/Smith, unan.) request denied.

CONSENT

35. Recommendation that \$1.00 per copy be authorized as the charge for the Modesto Special Census, 1968, a publication prepared by the Planning Department.  
(The Planning Department has prepared a brief summary and analysis of the special census that was taken in the City of Modesto last September, and recommends that \$1.00 per copy be charged for this publication. This would require special authorization by the Council for a reduced price for a publication of this nature. The city staff is authorized by a previous resolution of the Council to make a charge for materials which will be xeroxed. On the basis that this is a multilith report which will be used by developers, the Chamber of Commerce, and people interested in the economic growth of the community, we recommend that the charge of \$1.00 per copy be established. Resolution needed)

ACTION: Res. 69-625 adopted approving charge of \$1.00 per copy.  
(Planning to handle)

CONSENT

36. Resolution establishing bi-weekly payroll for employees of the City of Modesto.  
(At its meeting of February 10, 1969 the City Council approved, by motion, the request for bi-weekly pay checks. At that time the Council authorized preparation of a resolution to put the bi-weekly payroll into effect at such time as the work was completed to institute the proposed system. This new system would be effective July 1, 1969. Resolution needed)

ACTION: Res. 69-626 adopted establishing bi-weekly payroll.  
(Finance to handle)

37. Resolution authorizing Director of Public Works to issue encroachment permits for newspaper racks.  
(Memo of explanation with agenda. Resolution needed)

ACTION: By motion (Newton/Smith, unan.) held for one week.  
(C/A to handle)

CONSENT

38. Proposed expansion of parking lot on east side of 9th Street between J & K Streets.  
(A memo by the Parking and Traffic Director with agenda. The lot would be an expansion of the existing city lot and the proposal is for the City to develop the lot at a cost of about \$6,000 and be reimbursed for all expenses, including amortization, over 10 years. The net revenues would go to the landlords rent. Motion directing City Attorney to prepare a lease needed)

ACTION: By motion City Attorney directed to prepare lease for expansion of parking lot. (C/A to handle)

~~CONSENT~~

39. Agreement between City of Modesto and Adrian Wilson Associates and Lee/Kado, architects, for architectural, landscape architectural and engineering services re the design and construction of community center facilities. Resolution approving agreement needed. Estimated cost \$8,800 for first stage consisting of drawings, etc. Funds budgeted in Account 6544-31, Civic Area Plans)

ACTION: Res. 69-627 adopted (Mitchell/Dixon, unan.) approving agreement.  
(Clerk to handle)

CONSENT

40. Approval of application of Modesto Ambulance Company to operate a limited ambulance in the City of Modesto.  
(Report with agenda. Resolution approving application needed)

ACTION: Res. 69-628 adopted granting permit. (Finance to handle)

CONSENT

41. Approval of application of Doctors Ambulance Company to operate a limited ambulance in the City of Modesto.  
(Report with agenda. Resolution approving application needed)

ACTION: Res. 69-629 adopted granting permit. (Finance to handle)

CONSENT

42. Consider request for water service to property at 3113 McHenry Avenue, located about 600 feet south of Woodrow on west side of McHenry.

(The property owners have signed an agreement to annex when requested to do so by the City. Resolution approving agreement needed)

ACTION: Res. 69-630 adopted approving agreement with John C. and Camille Holzheimer. (P/W to handle)

CONSENT

43. A. Consider option to purchase Floyd Neighborhood Park No. 2.

ACTION: Res. 69-631 adopted approving option agreement with Bomberger Brothers, Inc., and Robert P. Bomberger. (C/Mgr to handle)

- B. Authorize application for open space grant for Floyd Neighborhood Park No. 2.

(Memo with agenda. Resolution authorizing City Manager to execute option agreement needed; resolution appropriating additional \$4,000 needed; resolution authorizing submission of open space grant application needed. Estimated cost \$59,000. \$55,000 budgeted in Account 6360-31-325, Floyd Park #2 Land Acquisition)

ACTION: Res. 69-632 adopted authorizing submission of open space grant application. (C/Mgr to handle) Res. 69-632A adopted approving appropriation transfer of \$4,000 from General Reserve (60) to Account 6360-31-321).

REPORTS

~~CONSENT~~

44. Delay in arrival of traffic signal controllers for G, H, & I Streets changeover.  
(The supplier of traffic signal equipment has notified the contractor for the G, H & I Streets changeover that the controllers necessary for the completion of the contract will not be delivered until 9/1/69. Completion date is presently 8/11/69. Ferrero Electric may ask for an extension in late July depending upon the arrival date of the controllers. Memo from Parking & Traffic Director with agenda. Motion accepting report needed)

ACTION: By motion (Smith/Newton, unan.) report accepted.

~~CONSENT~~

45. Report on in-lieu parking charge.  
(The retention of the \$750 per parking space charge in-lieu of providing off-street parking as part of building construction is recommended. A report by Director of Parking and Traffic with agenda. Motion accepting report needed)

ACTION: By motion (Smith/Mitchell, majority - Newton, no) staff directed to prepare ordinance increasing in lieu charge to \$1,500 per parking space. (C/A to handle)

~~CONSENT~~

46. Report that Director of Planning Russell C. Fey has submitted his resignation to the City Manager.  
(Copies of Mr. Fey's letter with agenda. Motion accepting report needed)

ACTION: By motion (Dixon/Smith, unan.) report accepted and City Attorney directed to prepare appropriate resolution for submission to Council. (C/A to handle)

47. Oral report by Councilman Robinson concerning meetings between the Council Auditorium Committee and the Committee from the Modesto Chamber of Commerce regarding the proposed community center.

ACTION: By motion (Smith/Mitchell, unan.) Mayor authorized to appoint Modesto Community Center Committee (this can be expanded);  
Mayor Davies then appointed the following members and announced that the initial meeting would be at 12:00 Noon on July 10 in City Hall:

Mensingher, Peggy (Mrs.) Chairman	Walton, Mary (Mrs.)
Mundschau, Kate (Miss)	Warner, Heidi (Mrs.)
Bienvenu, Robert	Rice, Andy
Brooks, Les	Whitgrove, Ray
Goren, Gerald	Witherspoon, Walt
Ladine, Ted	Worsham, Charles
McCain, Dave	

CONSENT

48. Report on requested exceptions to mandatory sewer connections.  
(See attached memo. Resolution granting exceptions needed)

ACTION: Res. 69-633 adopted granting exceptions to extend time to January 1, 1970 to: Hazel Davis, Mrs. Robert E. Foster, E. D. Blakely, and Charles E. Radford; and authorizing Public Works Department to take appropriate action in the future if circumstances warrant it concerning the four requests.  
(P/W to handle)

49. Oral report regarding decision in City of Ceres vs. City of Modesto case and sewer line south of the river.

ACTION: Report received.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

50. McHenry Addition - for referral to Planning Commission (proposed uninhabited annexation).  
(Information with agenda. Resolution referring to Planning Commission)

ACTION: Res. 69-634 adopted referring to Planning Commission.  
(Planning to handle)

CONSENT

51. Sylvan - Coffee #1 Addition - for referral to Planning Commission (proposed uninhabited annexation) (Information with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 69-635 adopted referring to Planning Commission. (Planning to handle)

52. Recommending denial of request to amend agreement of November 12, 1963 to allow an additional access opening onto the Briggsmore Northern Expressway, between the City of Modesto and H. Russell Briggs and others (Block 6816) (Pursuant to a referral from the City Council on May 12, the Planning Commission at its regular meeting of July 1 adopted Resolution 69-86 recommending denial of a request to amend agreement of November 12, 1963 to allow an additional access opening onto the Briggsmore Northern Expressway, between the City of Modesto and H. Russell Briggs and others)

ACTION: By motion (Mitchell/Smith, unan.) request denied. (Clerk to handle)

CONSENT

53. A resolution annexing uninhabited territory to the City of Modesto known as the Santa Rosa Addition. (The Planning Commission has reviewed and recommends annexation of uninhabited territory known as the Santa Rosa Addition to the City of Modesto, and the L.A.F. Commission has authorized the annexation without notice of public hearing. Resolution needed)

ACTION: Res. 69-636 adopted annexing Santa Rosa Addition to City. (Clerk to handle)

CONSENT

54. Recommend commencement of proceedings for the annexation to the City of uninhabited territory (North 99 No. 3 Addition) (On July 1, 1969 the Planning Commission adopted Resolution No. 69-89 recommending to the Council the commencement of proceedings for the annexation to the City of uninhabited territory (North 99 No. 3 Addition. Resolution setting date for public hearing needed. Suggested hearing date August 25, 1969 at 7:45 P.M.)

ACTION: Res. 69-637 adopted setting hearing. (Clerk to handle)

CONSENT

55. Consider recommendation of Planning Commission that State Division of Highways be advised of the necessity of an early decision regarding the redesign of the Prescott Interchange. (Letter dated July 2, 1969 from Planning Commission with agenda. Motion directing that letter be sent needed)

ACTION: By motion staff directed to request Division of Highways for early decision on redesign of Prescott Interchange. (Planning to handle)

APPROPRIATION TRANSFERS

None.

MISCELLANEOUS

56. Legislative matters.

None.

57. Appointments.

ACTION: Res. 69-638 adopted (Mitchell/Dixon, unan.) appointing Earl C. Egolf and Frank Cantele as members of the Board of Directors of Downtown Improvement District (AB-103 Advisory Board) to replace Jerry Bair (term ending 3/28/71) and Robert Boland (term ending 3/28/73) respectively. (Clerk to handle

Adjournment at 8:35 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 14, 1969 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, and Smith  
Absent: Mayor Davies  
Vice Mayor Mitchell presided.

Pledge of allegiance to the Flag  
Invocation: Reverend Herbert Rasske, Modesto Gospel Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 6, 7, 8, 9,  
Items 8, 9, and 17 removed from consent. 14, 15, ~~XX~~, 18, 19, 20, 21, 22,  
(Robinson/Smith, unan.) 23, 24, 27, 28, 29, 30

(Information concerning the consent items listed above has been forwarded to each councilman prior to this meeting for his study. Unless 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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of July 7, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Resignation of H. L. Fogle as a member of Personnel Commission.  
(Resolution accepting with regret needed)

ACTION: Res. 69-639 adopted accepting resignation with regret.  
(Clerk to handle)

3. Request of Central California Art League, Inc., for use of Graceada Park on August 31 for "Art in the Park Festival."

ACTION: By motion (Robinson/Newton, unan.) request granted.  
(P & R to handle)

CONSENT

4. Request for parking stickers for Allied Senior Citizens Club Convention to be held September 20.  
(Motion granting request needed)

ACTION: By motion request granted. (Police to handle)

BIDS

CONSENT

5. Consider waiving formal bidding procedure and authorize negotiation for purchase of microfilming equipment.  
(The 3M Company and Itek Corporation are the only suppliers of a camera-processor and reader-printer, respectively, which conform to the Public Works requirements of space and operation. Memo with agenda. Resolution waiving formal bid procedure and authorizing negotiation for purchase of needed microfilm equipment needed. Estimated cost \$12,700 (Camera \$8,400; reader-printer \$4,300). Funds budgeted in Account 6902-41-321, Microfilming Equipment)

ACTION: Res. 69-640 adopted waiving formal bid procedure and authorizing negotiations. (P/W to handle)

CONSENT

6. Approve plans and specifications and call for bids for the improvement of College Avenue from Orangeburg Avenue to Briggsmore Avenue. (Bid opening July 29, 1969 at 10:00 A.M. College Avenue is part of the Select Street System and will be financed from Gas Tax Funds. Resolution needed. Estimated cost \$38,400 (Contract \$33,400 - Engr. \$5,000). Funds budgeted in Account 6737-207, College, Orangeburg to Briggsmore)

ACTION: Res. 69-641 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

7. Consider acceptance of Thomas Construction Company's contract for Runway 29R extension. (All work in connection with this contract has been completed to the satisfaction of the Public Works Department and the FAA. Therefore, it is recommended that the work be approve and a notice of completion filed. Resolution accepting work needed. Final cost Contract, \$130,718.46; original contract \$136,061. Funds budgeted in Account 6527-46-230; Runway Extension South Airport Fund)

ACTION: Res. 69-642 adopted accepting contract. (Clerk to handle)

~~CONSENT~~

8. Consider award of bid for improvement of Brighton Avenue from Wylie Drive to Coffee Road. (Bids were opened July 8, 1969. The low bid submitted by B. G. Construction Company, which is 7.2% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost, Contract \$45,548.50, Engr. \$7,400. Funds budgeted in Account 6718-1-207, Brighton Avenue, Coffee to Wylie Drive)

ACTION: Res. 69-643 adopted (Robinson/Simon, unan.) awarding bid to B. G. Construction Co. (P/W to handle)

~~CONSENT~~

9. Consider award of bid for Unit No. 1 Dryden Golf Course parking lot paving and Unit No. 2 Del Webb Field parking lot paving. (Bids were opened July 8, 1969. The low bid submitted by George Reed, Inc., which is 21% over the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Contract, \$21,123.50; Engr. \$1,750). Funds budgeted in Account 6250-31-321, Dryden parking lot; 6350-31-321, Del Webb Field parking lot)

ACTION: Res. 69-644 adopted (Smith/Newton, unan.) awarding bid to George Reed, Inc. (P/W to handle)

Res. 69-645 adopted (Smith/Newton, unan.) approving appropriation transfer of \$20,800 from Account 60-321 (General Reserve) to Account 6250-31-321 (P & R - Dryden Parking Lot Paving) (\$13,000) and to Account 6350-31-321 (P & R - Del Webb Field Parking Lot Paving) (\$7,800). (Finance to handle)

HEARINGS

10. Hearing on specific plan for Brighton Avenue between Scenic and Wylie.

7:45 P.M.

ACTION: Ord. 978-C.S. introduced (Smith/Newton, unan.) adopting specific plan for Brighton Ave. between Scenic and Wylie. (Clerk to handle)

11. Continued hearing on sidewalk requirement at 1429 Roosevelt Drive, Lots 7 and 8, Block 6068 (Clarence Moore)  
(Continued from July 7th meeting)

7:50 P.M.

ACTION: By Order of the Chair further consideration delayed one week to enable staff to see if there is some way Mr. Moore can be assisted with his problem caused by his driveway having been installed at the wrong elevation. (P/W to handle)

12. Continued hearing on abandonment of portion of Floyd Avenue.  
(Continued from July 7th meeting)

7:55 P.M.

ACTION: By motion (Smith/Simon, unan.) abandonment denied.

13. Matters for the good of the community.

(These may be presented by citizens in the audience)

8:00 P.M.

Carter Harrison commented that conditions at UAL Terminal Building were very poor. He suggested a covered walkway from the parking area to the terminal. It was pointed out that present development plans were as extensive as is possible until Federal funds become available.

The staff was requested to report on the possibility of cycle paths.  
(Planning to handle)

The staff was requested to report on all garbage rates and the possibility of charging a flat rate in the manner that Lodi does. (P/W to handle)

P & R Dept. was directed to investigate a problem with the tennis court lights on the West Side.

John Kidd, Farm City Advisory Committee; and Mrs. Mary Kidd, Assistant City Clerk in Stockton, were introduced.

ORDINANCES

CONSENT

14. Final adoption of Ordinance 977-C.S. (electrical code).

ACTION: By motion Ord. 977-C.S. adopted. (Clerk to handle)

CONSENT

15. Consider amending Section 10-2.1804 of Article 18 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to in lieu payments.

(This amendment to the Municipal Code increases the in lieu payment for parking spaces from the sum of \$750 to \$1,500. This matter was considered by the Council at its meeting of July 7, 1969 as a result of a report from the Director of Parking and Traffic, and the staff was directed to prepare an ordinance to increase the in lieu payments. Introduction of Ordinance needed)

ACTION: By motion Ord. 979-C.S. introduced. (Clerk to handle)

OLD BUSINESS

CONSENT

17. Report on limited ambulance ordinance.  
(Motion introducing ordinance needed)

ACTION: Held for one week to determine why State Legislature has not taken similar steps. (C/Atty to handle)

CONSENT

18. Approval of Capital Improvement Program, 1970-71 to 1974-75  
(Resolution approving needed)

ACTION: Res. 69-646 adopted approving Capital Improvement Program, 1970-71 to 1974-75. (C/Mgr to handle)

CONSENT

19. Setting the tax rate for Modesto Municipal Sewer Improvement District No. 1.  
(Report with agenda. Resolution needed)

ACTION: Res. 69-647 adopted setting tax rate for Modesto Municipal Sewer Improvement District No. 1 at 10¢ per \$100 of assessed valuation. (Finance to handle)

CONSENT

20. Consider adoption of resolution providing for notice of filing of assessment - Improvement District No. 11. (Sanitary sewers for Sunrise Improvement District)(M11-22)  
(This resolution authorizes the City Clerk to give notice of the filing of said assessment and of a date to be fixed for hearing. The hearing date will be August 18, 1969 at 5:P.M. Resolution needed)

ACTION: Res. 1099-S.P. adopted setting date for hearing and providing for notice. (Clerk to handle)

CONSENT

21. Authorization for staff to negotiate an agreement for the preparation of a master plan for Mancini Park.  
(Memo with agenda. Motion authorizing staff needed)

ACTION: By motion staff authorized to negotiate agreement with Ribera & Sue. (P & R to handle)

CONSENT

22. Consider Personnel Commission recommendation to amend Personnel Rules 13.3 and 13.5.  
(Letter from Personnel Commission Chairman with agenda. Resolution amending rules needed)

ACTION: Res. 69-648 adopted amending Personnel Rules 13.3 and 13.5 to add Admission Day as a holiday for City employees and to provide that if an employee is injured on the job and sick leave expires additional sick leave may be granted upon recommendation of the City Manager and approval by the Council. (Personnel to handle)

CONSENT

23. Request by City Attorney for one day's vacation on July 18, 1969.  
(Motion authorizing needed)

ACTION: By motion request granted. (C/Atty to handle)

CONSENT

24. Consider creation of new positions in the city service: (a) amend the resolution establishing the Position Classification plan for the City of Modesto; (b) Amend resolution establishing salary schedule and fixing for compensation for positions in the city service. (Memos of explanation and job specifications attached. Resolutions (2) needed. Estimated cost \$6687; funds budgeted in Account 43-110, Regular Salaries and Wages)

ACTION: Res. 69-649 adopted amending Position Classification Plan to provide that class of Maintenance Mechanic be broken into Parks Maintenance Mechanic and Public Works Maintenance Mechanic.

Res. 69-650 adopted establishing class of Electrical Leadman (Range 24.5 - \$674-819) (Personnel to handle)

REPORTS

25. Progress report concerning downtown mall.  
(A report will be made at the meeting)

ACTION: It was announced that a report will be presented to the Council on August 4, 1969.

26. Insurance Report:

(a) Preliminary report on city fire and extended coverage insurance;

ACTION: By motion (Robinson/Dixon, unan.) 30-day extension of present policies authorized. (Finance to handle)

(b) Renewal of general comprehensive airport insurance and catastrophe liability insurance (umbrella).

(Memo with agenda. Motion accepting report and instructing staff needed)

ACTION: Res. 69-650A adopted (Robinson/Newton, unan.) authorizing general comprehensive airport insurance for one year with AIRSURANCE, USAIG. (Finance to handle)

Res. 69-651 adopted (Robinson/Newton, unan.) approving appropriation transfer of \$1,773 from General Reserve, Airport (230-60) to Public Liability Insurance, Airport (230-46-415) to provide additional funds for liability insurance premiums. (Finance to handle)

Councilman Simon disqualified himself for the following:

Res. 69-652 adopted (Robinson/Smith, unan. - Simon and Mayor Davies absent) authorizing renewal with Great American Insurance Company for catastrophe liability insurance (umbrella) for three years. (Finance to handle)

CONSENT

27. Report on P.U.C. decision on Woodland Avenue railroad crossing gates case.

(Gates have been ordered installed. The city will have to pay about \$7,000, which is one-fourth the cost, within six or seven months. Report by Director of Parking and Traffic with agenda. Motion accepting report needed. Funds to be requested later from Special Fund for Capital Outlays, 321. Costs are not known exactly at this time)

ACTION: By motion report accepted.

28. Report on golf course rates and recommended changes.  
(Memo with agenda. Resolution establishing rates for municipal golf courses needed)

ACTION: Res. 69-653 adopted (Dixon/Robinson, unan.) establishing rates for golf courses effective July 21, 1969, as follows:

MONTHLY UNLIMITED FAMILY TICKET (husband and wife)  
(Nov. through Jan.) - \$18.00; (Feb. through Oct.) - \$20.00  
MONTHLY UNLIMITED INDIVIDUAL TICKET  
(Nov. through Jan.) - \$13.00; (Feb. through Oct.) - \$15.00  
MONTHLY STUDENT TICKET - \$ 5.00  
WEEKDAYS, FOR 18 HOLES - \$ 2.25  
WEEKENDS AND HOLIDAYS - \$ 2.75  
WEEKDAYS FOR 9 HOLES - \$ 1.50 (Modesto Municipal 9-Hole Golf Course only)  
AFTER 3:00 P.M. ANY DAY (Nov. through Feb.) - \$1.50  
AFTER 4:00 P.M. ANY DAY (Mar. and Apr.) - \$1.50  
AFTER 5:00 P.M. ANY DAY (Pacific Daylight Savings Time) - \$1.50  
(P & R and Finance to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

29. Recommend to the council an addition to Article 15 of the Modesto Municipal Code (Landscaping Standards)  
(By Resolution 69-84, adopted July 1, 1969 the Planning Commission recommends an addition to Article 15 of the Modesto Municipal Code (Landscaping Standards). Resolution setting date and place for public hearing needed. Suggested date August 4, at 4:15 P.M.)

ACTION: Res. 69-654 adopted setting hearing for amendment to zoning regulations. (Clerk to handle)

CONSENT

30. Consider precise alignment of the street connection between Sunrise Avenue and Bodem Street at Block 593.  
(On June 16, 1969 this matter was referred by the City Council to the Planning Commission for study and recommendation. At its meeting of July 1, 1969 by Resolution 69-85, the Planning Commission recommended to the Council a precise plan for the connection of Sunrise Avenue to Bodem Street at Block 593. Resolution setting hearing needed. Suggested date August 11, 1969 at 7:50 P.M.)

ACTION: Res. 69-655 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

None.

MISCELLANEOUS

31. Legislative matters.

None.

32. Appointments.

None.

Adjournment at 9:00 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 21, 1969 AT 4:00 P.M.  
(Meeting to be adjourned to Tuesday, July 22, 1969)

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, and Smith  
Absent: Mayor Davies (Councilman Simon arrived at 4:10 P.M.)  
Vice Mayor Mitchell presided.

Pledge of allegiance to the Flag

Invocation: Reverend Burton Reed, College Avenue Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 8, 12, 16, 17, 18, 19, 21, 24, 25, 26  
Item 3 removed from consent. (Robinson/Newton, unan. - Simon and Mayor Davies 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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of July 14, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Letter from Assemblyman Berryhill congratulating the people of Modesto for the King-Kennedy Memorial Center.  
(Motion ordering filed needed)

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

~~CONSENT~~

3. Letter from Bill Lee, Director of Children's Program, expressing appreciation for co-sponsorship of program.  
(Motion ordering filed needed)

ACTION: By motion (Smith/Robinson, unan.) letter ordered filed.  
Clerk directed to poll Council on 7/24/69 as to attendance at final day program to be held at King-Kennedy Memorial Center on 7/25/69. (Clerk to handle)

4. Letter from Phil Humphries with proposed resolution concerning Prescott-Carpenter grade separation and interchange.

ACTION: By motion (Robinson/Smith, unan.) City Attorney directed to prepare resolution declaring intention of City of Modesto to participate financially in construction of railroad grade separation at Carpenter/Prescott interchange. (C/Atty to handle)

Staff directed to inform Division of Highways of intention of City. (P & T to handle)

BIDS

CONSENT

5. Consider approval of specifications and authorize call for bids to be opened August 6, 1969 at 2:00 P.M. for furnishing annual needs of rock, sand and gravel.  
(Resolution needed. Estimated cost \$22,500; funds budgeted in Account 321-51-101, Construction Material, p. 91, prel. budget)

ACTION: Res. 69-656 adopted approving specifications and bid call.  
(Clerk to handle)

CONSENT

6. Consider approval of specifications and authorize call for bids to be opened August 6, 1969 at 2:15 P.M. for furnishing annual needs of liquid asphalt.  
(Resolution needed. Estimated cost \$21,000; funds budgeted in Account 321-51-101, Construction Material, p. 91, prel. budget)

ACTION: Res. 69-657 adopted approving specifications and bid call.  
(Clerk to handle)

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened August 6, 1969 at 2:30 P.M. for furnishing annual needs of ready-mixed concrete.  
(Resolution needed. Estimated cost \$5,000; funds budgeted in Account 321-51-101, Construction Material, p. 91, prel. budget and other accounts)

ACTION: Res. 69-658 adopted approving specifications and bid call.  
(Clerk to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for the installation of water lines in Rose Terrace No. 2 Subdivision. Suggested bid opening July 31, 1969 at 9:00 A.M.)  
(Costs estimates are: Construction cost \$9,100; connection charge, \$4,800; net annual revenue, \$768. Resolution approving plans and specifications and bid call needed. Estimated cost \$9,100 (Materials: \$5,300; labor \$3,800). Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-659 adopted approving plans and specifications and bid call. (Clerk to handle)

9. Consider report on Airline Terminal Building Expansion, parking lot expansion, and aircraft parking apron expansion. Approve plans and specifications and call for bids for expansion of parking lot facilities, Airline Terminal.  
(Bid opening: August 5, 1969, 10:00 a.m. Preliminary cost estimate is \$14,000. Memo with agenda. Resolution approving plans, specifications and call for bids needed. Motion authorizing staff to negotiate for engineering services for design of the terminal building expansion needed. Motion authorizing staff to proceed with plans for the expansion of the aircraft apron. Motion authorizing staff to negotiate new lease agreements with the three airlines which will be occupying the expanded terminal building)

ACTION: Following an extensive discussion concerning this item a motion by Councilman Dixon to delay the proposed expansion for 90 days died for lack of a second. A motion (Smith/Simon) to hold this matter (all four parts) for two weeks to enable the City-County Liaison Committee to meet with any persons interested in this development and return to the Council with recommendations. This motion carried with Councilman Dixon voting no. (C/Mgr to handle)

10. Matters for the good of the community

4:15 P.M.

ACTION: By motion (Simon/Smith, unan.) Ord. 974-C.S. adopted.  
(Clerk to handle)

The success of the moon-flight was noted.

#### HEARINGS

11. Improvement District No. 13 Assessments hearing

5:00 P.M.

(NOTE: This will be continued to 5:00 P.M. on July 22, 1969)

ACTION: Res. No. 1100-S.P. adopted (Smith/Robinson, unan.) confirming proceedings and assessment. (Clerk to handle)

#### ORDINANCES

##### CONSENT

12. Final adoption of Ordinance 979-C.S. (In-lieu parking payments)

ACTION: By motion Ord. 979-C.S. adopted. (Clerk to handle)

#### OLD BUSINESS

13. Vote on motion (Robinson/Simon) to introduce an ordinance amending Chapter 2 of Title X of Municipal Code (R-3 height increase).  
(From 5/19/69)

ACTION: Following a discussion Ord. 980-C.S. was introduced with Councilman Dixon and Vice Mayor Mitchell voting no.  
(Clerk to handle)

14. Further consideration of sidewalk requirement at 1429 Roosevelt Drive, Lots 7 and 8, Block 6068 (Clarence Moore).  
(Carried over from 7/14/69 meeting. Oral report at meeting)

ACTION: Res. 69-660 adopted (Simon/Robinson, unan.) ordering work done.  
(P/W to handle)

By motion (Simon/Robinson, unan.) staff directed to make whatever changes are necessary within the public right of way to accommodate the change of grade of Mr. Moore's driveway at an approximate cost to the City of \$164.50. (P/W to handle)

15. Further consideration of resolution authorizing Director of Public Works to issue encroachment permits for newspaper racks.

ACTION: Res. 69-661 adopted (Robinson/Simon, unan.) authorizing Director of Public Works to issue encroachment permits for newspaper racks. (P/W to handle)

CONSENT

16. Consider authorization for purchase of microfilming equipment. (Memo with agenda. Costs: 3 M Camera-Processor, Model 2000-II - \$8,394.75; Itek Reader-Printer, Model F18.24 - \$4,250.75. Resolution authorizing purchase needed. Final negotiated cost \$12,645. Funds budgeted in Account 6902-41-321, Microfilming Equipment)

ACTION: Res. 69-662 adopted authorizing purchase of microfilming equipment. (Finance and Public Works to handle)

NEW BUSINESS

CONSENT

17. Request of City Attorney for vacation for period of August 11 through August 15, 1969, and period of September 2 through 5, 1969, and September 8, 1969. (Motion granting request needed)

ACTION: By motion request granted.

CONSENT

18. A resolution determining that the public interest and convenience require that Carpenter 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. Suggested hearing date September 8, 1969 at 7:45 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 69-663 adopted setting hearing. (Clerk to handle)

CONSENT

19. A resolution determining that the public interest and convenience require that John Sutter School Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming the 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. Suggested hearing date September 8, 1969 at 7:50 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 69-664 adopted setting hearing. (Clerk to handle)

20. Consider sewer lateral construction in the vicinity of the Prescott overpass.  
(Memo with agenda. Motion directing staff needed)

ACTION: By motion (Simon/Newton, unan.) staff directed to terminate sewer line 400 feet northwest of Clayton Ave. and to exclude the area which will not be served by the sewer line from Improvement District 14.  
(P/W to handle)

CONSENT

21. Consider amendment to the resolution establishing the Position Classification Plan for the City of Modesto.  
(memo with agenda, and amended alphabetical listing of classifications in Modesto city service. Resolution needed)

ACTION: Res. 69-665 adopted amending Position Classification Plan.  
(Personnel to handle)

REPORTS

22. Report on new office building - City-County Airport.  
(Memo with agenda)

ACTION: By motion (Newton/Dixon, unan.) staff directed to take steps to have the following installed at City expense: (1) hot water heater; (2) faucet that will stay turned on; (3) refrigerated drinking fountain; and (4) block wall to replace chain link fence. (P/W to handle)

23. Report by Public Projects Committee regarding sign ordinance.  
(A report will be made at the meeting)

Vice Mayor Mitchell reported that four meetings had been held and that no recommendation on amortization of costs would be made until all other facets were resolved.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

24. Recommend amendment to Section 20-3-9 of the zoning map (Knoles) (Planning Commission Resolution No. 69-90 recommends an amendment to Section 20-3-9 of the zoning map as requested by Rex Knoles, to rezone from One-family residential zone, R-1, to Two-family residential zone, R-2, to accommodate duplex development, property located on the south side of Granger Avenue between Enslin Avenue and the Tidewater Southern Railroad tracks. Resolution setting hearing needed. Suggested date August 11, 1969 at 7:55 P.M.)

ACTION: Res. 69-666 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

25. Consider request for appropriation transfer of \$2,700 from General Reserve for purchase and installation of safety systems on the ladders of three elevated water tanks.  
(Memo with agenda. Resolution approving transfer needed. Estimated cost \$2,700)

ACTION: Res. 69-667 adopted approving appropriation transfer of \$2,700 from Account 60-101 (General Fund, General Reserve) to Account 5303-50-101 (P/W - Water, Saf-T-Climb System).  
(Finance to handle)

CONSENT

26. Request for council resolution approving appropriation from the unappropriated fund balance of Park Fund to Account No. 6315-324, Davis Park Development.  
(The funds were originally budgeted in the 1968-69 fiscal year. However, the contracts were not awarded and the money could not be encumbered. These funds now appear in the unappropriated fund balance and are available for appropriation. This transaction will not affect the balance of the budget. Resolution approving appropriation from the unappropriated fund balance of Park Fund to Account No. 6315-324, Davis Park Development (\$74,750).)

ACTION: Res. 69-668 adopted approving ~~transfer of~~ transfer of \$74,750. (Finance to handle)

MISCELLANEOUS

27. Legislative matters.

None.

28. Appointments.

None.

Adjournment at 7:50 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 28, 1969 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, and Simon  
Absent: Smith and Mayor Davies

Vice Mayor Mitchell presided.

Pledge of allegiance to the Flag

Invocation: Reverend James Womack (Maze Boulevard Christian Church)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 8, 9,  
Item 2 removed from consent. 10, 11, 15, 17, 18, 19, 20,  
(Robinson/Simon, unan.) 23a, b, c, d, e, f, g, 25, 26

(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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of July 22, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

~~CONSENT~~

2. Letter from City of Ceres regarding selection of delegates to serve on Comprehensive Health Planning Council of Stanislaus County.  
(Motion ordering letter filed needed)

ACTION: By motion (Robinson/Newton, unan.) Clerk directed to inform Ceres Mayor that selection is satisfactory. (Clerk to handle)

CONSENT

3. Letter from Jensen and Pendergrass appealing decision of Planning Commission denying application for rezoning of property on northeast corner of Tully Road and Briggsmore Avenue.  
(Resolution setting hearing August 25, 1969 at 7:50 P.M. needed)

ACTION: Res. 69-669 adopted setting hearing. (Clerk to handle)

4. Request of Teresa S. Gant that City permit installation of curb, gutter and sidewalk at northeast corner of 9th and O Street at a date later than had been previously agreed upon.

ACTION: By motion (Mitchell/Robinson, unan.) staff directed to prepare amendment to agreement with Mrs. Gant to permit an extension of time until property is improved or a dangerous condition exists. (C/Atty to handle)

CONSENT

5. Letter from Modesto City Schools requesting cancellation of \$10.80 lien for weed control on six-foot strip of property adjoining the south line of Catherine Everett School.  
(Resolution granting request needed)

ACTION: Res. 69-670 adopted authorizing cancellation of obligation in the amount of \$10.80. (Finance to handle)

BIDS

CONSENT

6. Consider authorizing Purchasing Officer to call for bids for the sale of two wrecked vehicles.  
(Suggested bid opening date: August 19, 1969 at 2:00 P.M.  
Memo with agenda. Resolution needed)

ACTION: Res. 69-671 adopted authorizing Purchasing Officer to call for bids to be received on August 19, 1969 at 2:00 P.M.  
(Finance to handle)

CONSENT

7. Consider waiver of formal bid procedure and authorize Purchasing Officer to negotiate for informal bids on motor vehicles.  
(Memo with agenda. Resolution authorizing waiver of formal bid procedure and authorizing negotiation for purchase needed)

ACTION: Res. 69-672 adopted waiving formal bid procedure and authorizing negotiations. (Finance to handle)

CONSENT

8. Award contract for construction of traffic signals and street lighting at: College and Stoddard, Briggsmore, and Granger; Tully and Bowen.  
(White's Electric Service is low bidder at \$32,892. Memo from Director of Parking and Traffic with bid tabulation sent with agenda. Estimated cost \$35,500; funds budgeted in Accounts 6198, 6187, 6191 and 6213, Traffic Signal Construction at College & Stoddard, College & Briggsmore, College & Granger, and Tully & Bowen)

ACTION: Res. 69-673 adopted awarding contract to White's Electric Service. (P & T to handle)

CONSENT

9. Consider award of bid for asphaltic concrete resurfacing of various city streets, Unit No. 1 Residential and Unit No. 2 select streets.  
(Bids were opened on July 22, 1969. The low bid submitted by George Reed, Inc., which is 12.8% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$57,167.50 (Contract \$55,267.50/Engr. \$1,900). Funds budgeted in Accounts 6657-41-321, Various Residential Streets and 6660-207, Asphaltic Concrete Overlay Misc. Resurfacing)

ACTION: Res. 69-674 adopted awarding bid to George Reed, Inc.  
(P/W to handle)

CONSENT

10. Consider award of bid for construction of electrical system and lighting at Davis Park.  
(Bids were opened on July 15, 1969 and the low bid of Ferrero Electric, which is 14.7% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the contract be awarded to them. Resolution awarding bid needed. Estimated cost \$25,235 (Contract \$23,735; Inspection \$1,500). Funds budgeted in Account 6315-324, Davis Park Development)

ACTION: Res. 69-675 adopted awarding bid to Ferrero Electric.  
(P/W to handle)

CONSENT

11. Consider award of bid for the construction of restroom building, concrete block walls, concrete paving, bleachers and backstop at Davis Park.  
(Bids were opened on July 15, 1969. The low bid of \$52,995 was submitted by Brouwer Brothers of Ripon and was 13.2% over the Engineer's Estimate of \$46,800. The estimate for the work was prepared by the Landscape Architectural firm of Ribera and Sue in November 1968. Since that time there have been increases in the cost of both labor and material. All of the three bids received were within \$1,000. The staff has reviewed the bids and are satisfied that the low bid represents a reasonable cost for doing the work. We would recommend that the contract for the work at Davis Park be awarded to Brouwer Brothers of Ripon. Estimated cost \$55,495 (Contract \$52,995; Engr. \$2,500). Funds budgeted in Account 6315-324, Davis Park Development Stages 1 and 2)

ACTION: Res. 69-676 adopted awarding contract to Brouwer Brothers.  
(P/W to handle)

HEARINGS

12. Hearing, annexation of El Vista School Addition to Sewer District No. 1. 7:45 P.M.

ACTION: Res. 69-677 adopted (Robinson/Simon, unan.) annexing area to Sewer District. (Clerk to handle)

13. Hearing, annexation of Montclair Addition to Sewer District No. 1. 7:50 P.M.

ACTION: Res. 69-678 adopted (Dixon/Newton, unan.) annexing area to Sewer District. (Clerk to handle)

14. Matters for the good of the community. 7:55 P.M.  
(These may be presented by citizens in the audience)

Larry Carter, member of the Farm-City Committee was introduced.

The conduct of Council meeting was discussed and it was decided that all Councilmen would consider the points raised and have a further discussion when Mayor Davies has returned.

It was suggested that consideration be given to having a bulletin board to list all Council committee meetings.

Acting Mayor Mitchell announced that ten seats had been reserved for the Council to attend the County Fair on August 8, 1969.

Bill Lee reported that the Children's Summer Program had been successful and thanked the Council for participating.

#### ORDINANCES

##### CONSENT

15. Adoption of Ordinance 978-C.S. adopting specific plan for right of way of Brighton Avenue between Scenic Drive and Wylie Drive.  
(Motion adoption needed)

ACTION: By motion Ord. 978-C.S. adopted. (Clerk to handle)

16. Further consideration of ordinance amending Section 3-9.27 of Chapter 9 of Title III of the Modesto Municipal Code relating to limited ambulances.  
(This matter was considered by the Council at its meeting on July 14, 1969 and concerns changing the age for persons driving such ambulances from the age of 21 years to 18 years. Motion introducing ordinance needed)

ACTION: By motion (Newton/Dixon, unan.) Ord. 981-C.S. introduced.  
(Clerk to handle)

##### CONSENT

##### OLD BUSINESS

17. Resolution of Intention to participate financially in the cooperative construction of a railroad grade separation - Carpenter-Prescott Roads.

ACTION: Res. 69-679 adopted declaring intention of City of Modesto to participate financially in project. (P & T to handle)

NEW BUSINESS

CONSENT

18. Consider the revocation of a license to collect swill.  
(William J. Willett and Julius Emery)  
(Report with agenda. Resolution setting public hearing needed.  
Suggested hearing date August 11, 1969 at 8:00 P.M.)

ACTION: Res. 69-680 adopted setting hearing. (Clerk to handle)

CONSENT

19. Resolution of Intention to call special election for annexation of East Coolidge Addition to the City of Modesto.  
(A petition containing 124 valid signatures and requesting that the East Coolidge Addition be annexed to the City of Modesto has been filed with the City Clerk. This represents 68.8% of the registered voters. Resolution setting time and place for hearing protests needed. Suggested hearing date August 18, 1969 at 4:15 P.M.)

ACTION: Res. 69-681 adopted setting August 18, 1969 at 4:15 P.M. as time for hearing on protests. (Clerk to handle)

CONSENT

20. Approve lease agreements between the City and Walter Fountain dba Hawke Duster and Flying Service, and between the City and Roy B. and Dorene Hirschhorn, owners of Silvair Flying Service, for space in the new office building at the City-County Airport. (The term of the office leases is five years. Rental rates are: Hawke Dusters and Flying Service, \$70.00 per month; Silvair Flying Service, \$130 per month. Two resolutions approving lease agreements and authorizing City Manager to execute agreements on behalf of City needed)

ACTION: Res. 69-682 adopted approving lease agreement with Hawke Duster and Flying Service;

Res. 69-683 adopted approving lease agreement with Silvair Flying Service.  
(Clerk to handle)

21. Consider request of Sears Roebuck and Co. to lease part of City parking lot.  
(Sears has asked to lease 50 parking spaces on the 10th Street Lot K-L Streets for \$250 per month. The Sears' letter and a report by the Director of Parking and Traffic has been sent with agenda. Motion directing staff accepting or denying request needed)

ACTION: By motion (Robinson/Dixon, unan.) request denied with instructions to staff to inform Sears that an offer of \$7.50 per space would be favorably considered. (P & T to handle)

22. Consider request of Griswold & Wight to lease part of city parking lot.  
(Griswold and Wight want to lease 15 spaces on the same lot Sears is requesting a lease on 50 spaces. Their letter sent with agenda. Griswold & Wight is offering \$7.50 per space per month. The Director of Parking and Traffic recommends the Griswold & Wight offer be accepted. Motion directing staff needed)

ACTION: Res. 69-684 adopted (Simon/Robinson, unan.) leasing 15 parking spaces on 10th Street Lot, K - L Streets, to Griswold & Wight. (P & T to handle)

CONSENT

23. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below.  
(The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. The City Clerk will set the date for the hearing. Resolution setting date for hearing needed. Suggested date 8-11-69 at 8:10 P.M. Funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)

CONSENT

a. Sidewalk at 920 McHenry Ave., portion of Block 649 (H. E. Austin). (\$554.84)  
(Resolution needed)

ACTION: Res. 69-685 adopted setting hearing. (P/W to handle)

CONSENT

b. Curb and gutter, sidewalk at 303 Poplar Ave., Lots 11 and 12, Block 525 (\$748.34, Robert L. Betz)  
(Resolution needed)

ACTION: Res. 69-686 adopted setting hearing. (P/W to handle)

CONSENT

c. Sidewalk, curb and gutter at 1005 Woodrow Avenue, portion of Block 13119. (\$348.81 - Joseph A. Reis)  
(Resolution needed)

ACTION: Res. 69-687 adopted setting hearing. (P/W to handle)

CONSENT

d. Sidewalk, curb and gutter at 921 Woodrow Avenue, portion of Block 13124. (\$980.72 - Miss Lucille M. Rife)

ACTION: Res. 69-688 adopted setting hearing. (P/W to handle)

CONSENT

e. Sidewalk at 1560 McHenry Ave., portion of Block 1235. (\$353.20 - Rumbly Realty Company)

ACTION: Res. 69-689 adopted setting hearing. (P/W to handle)

CONSENT

- f. Sidewalk at 1032 Brady Ave., portion of Block 735.  
(\$214.00 - LeRoy Wach).  
(Resolution needed)

ACTION: Res. 69-690 adopted setting hearing. (P/W to handle)

CONSENT

- g. Curb and gutter at 1802 Sherwood Avenue, portion  
of Block 6808. (\$366.96) (Mrs. Frances Pansini)  
(Resolution needed)

ACTION: Res. 69-691 adopted setting hearing. (P/W to handle)

REPORTS

24. Report concerning garbage collection and rates.

ACTION: By motion (Newton/Dixon, unan.) staff directed to continue study and to look into commercial rates, twice-a-week pickups during summer months, hours of collection, and City operation of collection system. (P/W to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

25. Highway Village Addition (inhabited) annexation - referral to Planning Commission.  
(Annexation has been requested by residents of the Highway Village area located between Conant Avenue and 99 Highway. The area is approximately 75 acres in size and contains 291 single-family dwelling units, 18 multiple-family units, and one grocery store. It is bounded on the east by the city limits. Water service is provided by the Del Este Water Company. The area is within the Salida Fire District from which it will be withdrawn and in the Stanislaus Elementary School District, in which it will remain. If referred to the Planning Commission, the planning staff will gather additional information. Resolution referring to Planning Commission needed)

ACTION: Res. 69-692 adopted referring to Planning Commission.  
(Planning to handle)

CONSENT

26. Recommend the granting of an unclassified use permit to Doctors Hospital of Modesto, Inc., for revision of the hospital site plan including additional land area for additional parking facilities, located at the northwest corner of Florida and West Orangeburg Avenues.  
(By Resolution No. 69-92 adopted at its regular meeting on July 15, 1969 the Planning Commission recommends the granting of an unclassified use permit to Doctors Hospital of Modesto, Inc. for revision of the hospital site plan including additional land area for additional parking facilities. Resolution setting date for public hearing needed. Suggested date August 11, 1969 at 8:10 P.M.)

ACTION: Res. 69-693 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

None.

MISCELLANEOUS

27. Legislative matters.


None.

28 Appointments.

None.

Adjournment at 8:50 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 4, 1969 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, and Smith  
Absent: Mayor Davies (Newton arrived at 4:55 P.M.)  
Vice Mayor Mitchell presided.

Pledge of allegiance to the Flag

Invocation: Reverend ~~XX~~

Steve Sprunger, Director of Youth for Christ

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, K, 5, 6, 7, 8,  
Item 4 removed from agenda. 12, 13, 14, 15, 16, 17, 18,  
(Smith/Simon, unan. - Newton and Mayor Davies absent) 20, 21a, b, c, d, e, f, g, h,  
i, j, 26, 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 for the individual items).

APPROVAL OF MINUTES

CONSENT

- 1. Minutes of July 28, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

- 2. Petition from people adjacent to the Cavil Drain requesting that a small park be established on top of drain.  
(Motion referring to staff for report needed)

ACTION: By motion referred to staff for report. (P & R to handle)

BIDS

CONSENT

- 3. Accept as complete West Trunk Sewer, Sewerage Works Improvement Project Unit No. 5 (Stockton Construction Company)  
(All work on this contract has been completed to the satisfaction of the Public Works Department, Economic Development Administration, and Consulting Sanitary Engineers, Jenks and Adamson. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Memo with agenda. Resolution accepting work needed. Cost: \$694,363 (Original contract cost \$693,438, plus change order No. 1 \$925). Funds budgeted in Account 6553-405, Muni. Sewer District Improvements)

ACTION: Res. 69-694 adopted accepting contract. (Clerk to handle)

~~CONSENT~~

4. Consider approval of plans and specifications and call for bids on construction of Eicher Avenue subtrunk sewer. (The subtrunk will connect the proposed Prescott Estates and Fudenna development to the new west trunk sewer. Suggested bid opening August 19, 1969 at 10:10 A.M. Resolution approving plans, specifications and bid call needed. Estimated cost \$20,000 (contract \$17,615; Engr. & Contingency, \$2,385). Funds budgeted in Account 6561-52-212, Extend Subtrunk, Perimeter Sewers P. 68)

DROPPED FROM AGENDA.

CONSENT

5. Consider award of bid for the installation of water lines in Greenbrier No. 3 and Rose Avenue. (Bids were opened on July 22, 1969 and the low bid of Industrial Electrical Co., which is 13.8% over the Engineer's Estimate, is considered acceptable. It is recommended the bid be awarded to Industrial Electrical Co. Memo with agenda. Resolution awarding bid needed. Estimated cost \$17,708 (Materials \$9,600; labor, \$8,108). Funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 69-695 adopted awarding bid to Industrial Electrical Co. (P/W to handle)

CONSENT

6. Consider award of bid for installation of water lines in Rose Terrace No. 2 Subdivision. (Bids were opened July 31, 1969 and the low bid of Valley Construction Company, which is 5% below the Engineer's Estimate, is considered acceptable. It is recommended that the bid be awarded to Valley Construction Company. Resolution awarding bid needed. Estimated cost \$8,900 (Materials \$5,300; labor, \$3,600). Funds budgeted in Account 6804-50-101, Water Line Extension, p. 52)

ACTION: Res. 69-696 adopted awarding bid to Valley Construction Co. (P/W to handle)

CONSENT

7. Consider award of bid for improvement of College Avenue from Orangeburg to Briggsmore Avenue. (Bids were opened July 29, 1969. The low bid submitted by Standard Materials Company, which is .5% below the Engineer's Estimate, is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to Standard Materials Company. Resolution awarding bid needed. Estimated cost \$38,188.10 (Contract \$33,188.10; Engr. \$5,000). Funds budgeted in Account 6737-207, College-Orangeburg to Briggsmore)

ACTION: Res. 69-697 adopted awarding bid to Standard Materials Co. (P/W to handle)

CONSENT

8. Restroom building, concrete paving, terrace, utilities and miscellaneous construction at Sherwood Park.  
(Bid opening August 19, 1969 at 10:00 A.M. Resolution authorizing call for bids and approving plans and specifications needed. Estimated cost, Landscape Architects' estimate \$68,000. Funds budgeted in Account 6301-31-321, Sherwood Park Stage 1 and 1B, p. 73)

ACTION: Res. 69-698 adopted approving plans and specifications and bid call. (Clerk to handle)

HEARINGS

9. Hearing on addition to Title X of Modesto Municipal Code (landscaping standards). 4:15 P.M.

ACTION: Ord. 982-C.S. introduced (Smith/Robinson, unan. - Davies absent). (City Clerk to handle)

10. Further discussion re airport development - airline terminal building expansion, parking lot expansion, and aircraft parking apron expansion.  
(Carried over from 7/21/69 meeting)

ACTION: By motion (Smith/Robinson, unan.) debate on airline terminal expansion closed. By motion (Robinson/Dixon, unan.) Airport Liaison Committee authorized to appoint a citizens committee to study the long range plan, financing, etc., of a new airport terminal building and related facilities. By motion (Robinson/Dixon, unan.) staff directed to study what is necessary in way of expansion of present terminal building. (P/W to handle)

11. Matters for the good of the community. 4:35 P.M.  
(These may be presented by citizens in the audience)

Schyler Hafely recommended that consideration be given to changing the alignment of River Road at the Mancini property to eliminate a dangerous curve. The staff was directed to have the landscape architect look into this. (P & R to handle)

Councilman Dixon requested a report on drainage as soon as possible. It was pointed out that a comprehensive study would take a long time but that an interim report would be made. (P/W to handle)

ORDINANCES

CONSENT

12. Final adoption of Ordinance 980-C.S. (R-3 height increase)  
(Motion approving adoption needed)

ACTION: By motion Ord. 980-C.S. adopted (Clerk to handle).

CONSENT

13. Final adoption of Ordinance 981-C.S. (limited ambulances)  
(Motion approving adoption needed)

ACTION: By motion Ord. 981-C.S. adopted (Clerk to handle).

NEW BUSINESS

CONSENT

14. Consider approval of agreement for the operation of air cargo business at the City-County Airport.  
(Memorandum of explanation distribution with agenda. Resolution approving agreement needed)

ACTION: Res. 69-699 adopted approving agreement with Capital Air Cargo for an air cargo operation at Modesto City-County Airport.  
(Clerk to handle)

CONSENT

15. A resolution determining that the public interest and convenience require that Santa Rosa 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. Suggested hearing date September 22, 1969 at 7:45 P.M.  
(Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 69-700 adopted setting hearing. (Clerk to handle)

CONSENT

16. A resolution determin<sup>ing</sup> that the public interest and convenience require that El Terino 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. Suggested hearing date September 22, 1969 at 7:50 P.M.  
(Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 69-701 adopted setting hearing. (Clerk to handle)

CONSENT

17. Resolution of intention to call special election for annexation of Kazmir Court Addition to the City of Modesto.  
(A petition containing 55 valid signatures and requesting that the Kazmir Court Addition be annexed to the City of Modesto has been filed with the City Clerk. This represents 56.1% of the registered voters. Resolution setting time and place for hearing protests needed. Suggested hearing date August 25, 1969 at 7:55 P.M.)

ACTION: Res. 69-702 adopted setting protest hearing. (Clerk to handle)

CONSENT

18. Consider acquisition of Floyd Neighborhood Park No. 2.  
(On July 7, the City entered into a 30-day option agreement with Bomberger Brothers, Inc. to purchase Floyd Neighborhood Park No. 2 at a price of \$57,000. In order to exercise this agreement within the 30-day period, it is necessary that action be taken at this council meeting. Resolution exercising option needed. Funds budgeted in Account 6360-31, Floyd Park No. 2 land acquisition)

ACTION: Res. 69-703 adopted exercising option. (C/Atty to handle)

19. Consider request of Director of Parking & Traffic for permission to help City of Manteca with parking matters on his own time. (Permission is requested of the City Council to help Manteca with their parking program. Memo with agenda. Motion approving or denying request needed)

ACTION: By motion (Robinson/Smith, unan. - Newton and Mayor Davies absent) request granted. (P & T to handle)

CONSENT

20. Report of Superintendent of Streets on the cost of installation of sidewalk at 912 McHenry Avenue, portion of Block 649 (\$551.17 - Reginald S. Jeans). (The amount assessed against the property will be included in report distributed with the agenda for the hearing date. The City Clerk will set date for hearing. Resolution setting date for hearing needed. Suggested date August 18, 1969 at 4:20 P.M. Funds budgeted in Account 5302-51-101, Curbs and Gutters, Special)

ACTION: Res. 69-704 adopted setting hearing. (P/W to handle)

CONSENT

21. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below. (Informal requests were sent over 30 days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done. It is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Adoption of resolutions needed. Suggested hearing date August 18, 1969 at 4:25 P.M.)

CONSENT

- (a) Sidewalk on Enslin Avenue at 600 Bermuda Way, Lot 6, Block 6066 (Leslie L. Keim). (Resolution setting hearing needed)

ACTION: Res. 69-705 adopted setting hearing. (P/W to handle)

CONSENT

- (b) Sidewalk at 1030 Fourth Street, Lots 29, 30, 31 and 32, Block 18 (Silas W. Green) (Resolution setting hearing needed)

ACTION: Res. 69-706 adopted setting hearing. (P/W to handle)

CONSENT

- (c) Sidewalk at 616 Catalina Way, Lot 3 and a portion of Lot 4, Block 6126-A (Mrs. Donna Clark). (Resolution setting hearing needed)

ACTION: Res. 69-707 adopted setting hearing. (P/W to handle)

CONSENT

21. (d) Sidewalk at 612 Catalina Way, portions of Lots 4 and 5,  
Block 6126-A (Robert G. Durham)  
(Resolution setting hearing needed)

ACTION: Res. 69-708 adopted setting hearing. (P/W to handle)

CONSENT

(e) Sidewalk at 608 Catalina Way, portions of Lots 5 and 6,  
Block 6126-A (Dennis A. Hodges)  
(Resolution setting hearing needed)

ACTION: Res. 69-709 adopted setting hearing. (P/W to handle)

CONSENT

(f) Sidewalk on Catalina Way at 1525 Enslin Ave., portion of  
Lot 6, Block 6126-A (Mrs. Jane Wood Wren)  
(Resolution setting hearing needed)

ACTION: Res. 69-710 adopted setting hearing. (P/W to handle)

CONSENT

(g) Sidewalk, curb and gutter on Fairmont Ave. and sidewalk  
on Magnolia Ave. at 1001 Magnolia Ave., portion of Block 733  
(Dr. David J. New)  
(Resolution setting hearing needed)

ACTION: Res. 69-711 adopted setting hearing. (P/W to handle)

CONSENT

(h) Sidewalk at 1005 Magnolia Ave., Lots 32 to 35, inclusive,  
Block 733 (Clyde D. Boothe)  
(Resolution setting hearing needed)

ACTION: Res. 69-712 adopted setting hearing. (P/W to handle)

CONSENT

(i) Sidewalk at 1004 Magnolia Ave., portion of Block 732 (Mrs.  
Thelma O. Pugh)  
(Resolution setting hearing needed)

ACTION: Res. 69-713 adopted setting hearing. (P/W to handle)

CONSENT

(j) Sidewalk, curb and gutter on Fairmont Ave., at 935 Magnolia  
Ave., Lots 1, 2, and 3, Block 725 (Mrs. Florence C. McDermott)  
(Resolution setting hearing needed)

ACTION: Res. 69-714 adopted setting hearing. (P/W to handle)

22. Agreement with Ribera and Sue, landscape Architects.  
(Agreement with Ribera and Sue, landscape architects, to prepare a master plan for Frank and Ione Mancini Memorial Park. Memo with agenda. Resolution authorizing agreement needed. Estimated cost \$14,500. Funds budgeted in Account 6331-31, Mancini Park Dev. Stage I, p. 73)

ACTION: Res. 69-715 adopted (Smith/Robinson, unan. - Newton and Mayor Davies absent) approving agreement. (Clerk to handle)

23. Consider approval of a right of way contract and acceptance of a grant deed from McHenry Village Investment Company whereby City accepts donation of parcel of land necessary to improve Northern Boulevard.  
(Terms of the contract provide that City shall pay all title, transfer and escrow fees; pay grantors \$6,300 for damages within 30 days after acceptance of the right of way contract; and construct a cross street between Briggsmore Avenue and Northern Boulevard 790 feet easterly of the centerline of McHenry Avenue to permit ingress and egress from grantor's remaining property to Briggsmore Avenue. Resolution needed. Funds budgeted in Account 6714, Briggsmore, McHenry to Coffee, p. 66 of budget, Fund 207 (Gas Tax)

ACTION: Res. 69-716 adopted (Smith/Newton, unan. - Davies absent) approving right of way contract and acceptance of deed. (Clerk to handle)

#### REPORTS

24. Report on Downtown Mall.

The City Manager reported that he had a preliminary draft of the report from Stone & Youngberg and that the final report would be on the agenda for August 11, 1969.

25. Report by the Mayor that August 6, 1969 is the 85th Anniversary of the incorporation of the City of Modesto.

NO ACTION.

#### CONSENT

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

ACTION: By motion report accepted.

27. Report that preliminary plans for new library building are being submitted on August 5 to State for approval.

NO ACTION.

APPROPRIATION TRANSFERS

CONSENT

28. Authorize extra \$2,000 for McHenry traffic signals.  
(This is a state administered project that they underestimated.  
A memo by the Director of Parking and Traffic has been sent with  
the agenda and recommends approval of the extra expense.  
Resolution approving transfer from Account 60-321 (General Reserve  
to Account 6229-56-321 (P & T McHenry Progressive Signal System  
between Roseburg and Bowen)

ACTION: Res. 69-717 adopted approving appropriation transfer of \$2,000  
from Account 60-321 to Account 6229-56-321. (Finance to handle)

MISCELLANEOUS

29. Legislative matters.

AB325 (disclosure of assets by public officers) was discussed but no  
action taken. Copies of this bill have been ordered.

30. Appointments.

NONE.

Adjournment at 5:25 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 11, 1969 AT 7:30 P.M.

Roll call Present: Dixon, Mitchell, Newton, Robinson, Simon, Mayor Davies  
Absent: Smith

Pledge of allegiance to the Flag

Invocation: Reverend Alex Alamsha, First Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, ~~5~~, 6, 21, 23, 24,  
Item 5 dropped from agenda. 25a, b, c, d, ,e,f, g, h, i, 26,  
Item 33 removed from consent. 27, 28, 29, 30, 32, ~~33~~, 34, 35,  
(Mitchell/Dixon, unan. - Smith absent) 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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of August 4, 1969 meeting.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Letter from Downtown Improvement District concerning overtime parking in downtown area.

ACTION: By motion (Robinson/Mitchell, unan.) referred to staff for further study. (Police to handle)

BIDS

3. Further consideration of Airline Terminal Building Expansion, Parking Lot Expansion, and Air Craft Parking Apron Expansion.  
(Approve plans and specifications and call for bids for expansion of parking lot facilities, airline terminal. Memo with agenda. Bid opening August 26, 1969 at 10:10 A.M. Preliminary cost estimate \$14,000.  
Council action needed: Resolution approving plans, specifications and bid call for expansion of parking lot facilities. Resolution approving agreement with Ralph Morgan for engineering services for design and supervision of construction of terminal building expansion; motion authorizing staff to proceed with plans for the expansion of the aircraft parking apron; motion authorizing staff to negotiate new lease agreements with the three airlines which will be occupying the expanded terminal building)

ACTION: Res. 69-718 adopted (Robinson/Simon, maj. - Dixon & Newton, no - Smith absent) approving plans and specifications and bid call for expansion of parking lot facilities (Clerk to handle);  
Res. 69-719 adopted (Robinson/Simon, maj. - Dixon & Newton, no - Smith absent) approving agreement with Ralph Morgan (Clerk to handle);  
By motion (Robinson/Simon, maj. - Dixon & Newton, no - Smith absent) staff authorized to proceed with plans for expansion of aircraft parking apron (P/W to handle); (see next page)

3. (continued)

ACTION: By motion (Robinson/Simon, maj. - Dixon & Newton, no - Smith absent) staff authorized to negotiate new lease agreements with the three airlines (P/W to handle).

CONSENT

4. Accept as complete Emerald Construction Co., Inc. contract for the construction of office building and electrical work at the Modesto City-County Airport.  
(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 notice of completion. Resolution accept work as complete needed. Original amount of contract, \$29,970; actual cost of contract, \$30,592. Funds budgeted in Account 6513-46-230, New Office Building)

ACTION: Res. 69-720 adopted accepting contract. (Clerk to handle)

~~CONSENT~~

5. Consider accepting low bid of Klemm Trucking Company, Modesto, for the furnishing of our annual requirements of ready-mixed concrete for approximately 11 months ending June 30, 1970.  
(Tabulation with agenda. Resolution needed. Estimated cost \$5,200; Funds budgeted in Account 321-51-101, Construction Material and other accounts)

DROPPED FROM AGENDA

CONSENT

6. (a) Approve plans, specifications and call for bids for the improvement of Coffee Road from Chehalem Drive to East Orangeburg Avenue.  
(Resolution needed. Memo with agenda. Estimated cost \$46,750 (Contract \$40,650; Engr. \$6,100) Bid opening August 26, 1969 at 10:00 A.M.)

ACTION: Res. 69-722 adopted approving plans and specifications and call for bids. (Clerk to handle)

- (b) Approve City-County Cooperative agreement for the improvement of Coffee Road from Chehalem Drive to East Orangeburg Ave.  
(Resolution approving agreement needed)

ACTION: Res. 69-723 adopted approving cooperative agreement. (Clerk to handle)

- (c) Approve appropriation transfer for the construction of the above project.  
(Resolution approving appropriation transfer needed.)

ACTION: Res. 69-724 adopted approving appropriation transfer of \$50,000 from Account 6647-207 (Misc. right of way and improvements) to Account 6679-207 (Improvement of Coffee Rd., Chehalem Drive to E. Orangeburg Ave.). (Finance to handle)

HEARINGS

7. Riverside No. 2 Addition annexation to Sewer District No. 1. 7:45 P.M.  
ACTION: Res. 69-725 adopted (Simon/Robinson, unan. - Smith absent)  
annexing Riverside No. 2 Addition to Sewer District No. 1.  
(Clerk to handle)
8. Hearing on precise alignment of street connection between  
Sunrise and Bodem. Smith absent 7:50 P.M.  
ACTION: Res. 69-726 adopted (Robinson/Mitchell, unan.) adopting precise  
plan. (Clerk to handle)
9. Amendment to Section 20-3-9 of zoning map (Knoles) 7:55 P.M.  
ACTION: Ord. 983-C.S. introduced (Robinson/Newton, unan. - Smith absent)  
amending Sec. 20-3-9 of zoning map. (Clerk to handle)
10. Hearing on revocation of swill license granted William  
Willet & Julius Emery. 8:00 P.M.  
ACTION: By motion (Dixon/Simon, unan. - Smith absent) action delayed for  
two weeks to permit further study by staff with emphasis on the  
possibility of a more equitable fee schedule. (C/Mgr to handle)
11. Hearing re cost of installation of sidewalk at 920 McHenry  
Avenue, portion of Block 649. (H. E. Austin - \$554.84) 8:10 P.M.  
HELD FOR ONE WEEK TO PERMIT STUDY OF DRAINAGE AT THIS LOCATION.  
(P/W to handle)
12. Hearing re cost of installation of curb and gutter and  
sidewalk at 303 Poplar Ave., Lots 11 and 12, Block 525,  
(Robert L. Betz - \$748.34) 8:10 P.M.  
ACTION: Res. 69-727 adopted (Simon/Robinson, unan. - Smith absent) confirm-  
ing report, assessing costs and directing method of collection.  
(Finance to handle)
13. Hearing re cost of installation of sidewalk, curb and  
gutter at 1005 Woodrow Avenue, portion of Block 13119  
(Joseph A. Reis - \$348.81) 8:10 P.M.  
ACTION: Res. 69-728 adopted (Simon/Robinson, unan. - Smith absent) confirm-  
ing report, assessing costs and directing method of collection.  
(Finance to handle)
14. Hearing re cost of installation of sidewalk, curb and  
gutter at 921 Woodrow Avenue, portion of Block 13124  
(Miss Lucille M. Rife - \$980.72) 8:10 P.M.  
ACTION: Res. 69-729 adopted (Simon/Robinson, unan. - Smith absent) confirm-  
ing report, assessing costs and directing method of collection.  
(Finance to handle)

15. Hearing re cost of installation of sidewalk at 1560 McHenry Avenue, portion of Block 1235 (Rumley Realty Company - \$353.20)

8:10 P.M.

ACTION: Res. 69-730 adopted (Simon/Robinson, unan. - Smith absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

16. Hearing re cost of installation of sidewalk at 1032 Brady Avenue, portion of Block 735 (LeRoy Wach - \$214.00)

8:10 P.M.

ACTION: Res. 69-731 adopted (Simon/Robinson, unan. - Smith absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

17. Hearing re cost of installation of curb and gutter at 1802 Sherwood Avenue, portion of Block 6808 (Mrs. Frances Pansini - \$366.96)

8:10 P.M.

ACTION: Res. 69-732 adopted (Simon/Robinson, unan. - Smith absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

18. Hearing on unclassified use permit - Doctors' Hospital.

8:10 P.M.

ACTION: Res. 69-733 adopted (Mitchell/Simon, unan. - Smith absent) granting revision to unclassified use permit concerning parking. (Planning to handle)

19. Request of Special Citizens' Committee for discussion on citizens' involvement in City Departments.

8:20 P.M.

ACTION: Following a lengthy discussion, Mayor Davies appointed Councilmen Dixon and Robinson (with Mitchell and Newton as alternates) to work with the staff in meeting with interested persons to form a Citizens' Involvement Committee. (C/Mgr to handle)

20. Matters for the good of the community

8:25 P.M.

(These may be presented by citizens in the audience)

ACTION: By motion (Mitchell/Simon, unan.) Mayor authorized to urge Gov. Reagan to sign SB360 (C/Mgr to handle).

Staff requested to thank County Fair Board for its hospitality (Clerk to handle).

#### ORDINANCES

#### CONSENT

21. Final adoption of Ordinance 982-C.S. (landscaping standards). (Motion approving adoption needed)

ACTION: By motion Ord. 982-C.S. adopted (Clerk to handle).

#### NEW BUSINESS

22. Modesto Library - consideration of book-drop location, and ceiling of lower level area. (Memo with agenda)

ACTION: By motion (Robinson/Dixon, unan.) staff authorized to include book-drop without conveyor in plans. (C/Mgr to handle)

By motion (Robinson/Mitchell, unan.) staff authorized to include complete ceiling in lower level. (C/Mgr to handle)

CONSENT

23. Request by Councilman Mitchell for permission to attend the annual Town Affiliation Association Conference, September 15-17, 1969, in Washington, D.C.

(Motion granting permission needed. Resolution approving appropriation transfer needed. Estimated cost \$400)

ACTION: By motion request granted.

Res. 69-734 adopted approving appropriation transfer of \$400 from Account 60-101 (General Reserve) to Account 207-7-101 (City Council, Conference Expense). (Finance to handle)

CONSENT

24. Request by City Manager for permission to attend the annual International City Managerment Association conference in New York City, October 12-16, 1969.

(Motion approving needed. Estimated cost \$400; funds budgeted in Account 207-8, Conference Expense, p. 28 of final budget)

ACTION: By motion request granted. (C/Mgr to handle)

CONSENT

25. Resolutions instruction the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.

(Informal requests were sent over thirty days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolution needed. Suggested hearing date August 25, 1969 at 8:05 P.M.)

CONSENT

(a) Sidewalk on Bowen Avenue at 904 Bowen Ave., Lot 26, Block 6718, (James E. Hudson)  
(Resolution setting hearing needed)

ACTION: Res. 69-735 adopted setting hearing. (P/W to handle)

CONSENT

(b) Sidewalk at 800 Bowen Ave., Lot 31, Block 6718, (Lorena Runyan).  
(Resolution setting hearing needed)

ACTION: Res. 69-736 adopted setting hearing. (P/W to handle)

CONSENT

(c) Sidewalk at 1008 Phelps Ave., Lot 19, Block 6718 (William Leavitt)  
(Resolution setting hearing needed)

ACTION: Res. 69-737 adopted setting hearing. (P/W to handle)

CONSENT

25. (d) Sidewalk at 1020 Phelps Ave., Lot 11, Block 6716 (Miss Maggie Veneman).  
(Resolution setting hearing needed)

ACTION: Res. 69-738 adopted setting hearing. (P/W to handle)

CONSENT

(e) Sidewalk on Phelps Avenue at 2016 Wildewood Avenue, Lot 18, Block 6715 (Mrs. Dorothy Nomann)  
(Resolution setting hearing needed)

ACTION: Res. 69-739 adopted setting hearing. (P/W to handle)

CONSENT

(f) Sidewalk on W. Fairmont Ave. at 930 Carolyn Avenue, Lot 1, Block 722 (Henry Richina)  
(Resolution setting hearing needed)

ACTION: Res. 69-740 adopted setting hearing. (P/W to handle)

CONSENT

(g) Sidewalk on Mensinger Avenue at 519 Mensinger Ave., Lot 4, Block 740 (Paul E. Warda, Jr.)  
(Resolution setting hearing needed)

ACTION: Res. 69-741 adopted setting hearing. (P/W to handle)

CONSENT

(h) Sidewalk on Carolyn Avenue at 1030 Brady Avenue, portion of Block 735 (Orville Stiff)  
(Resolution setting hearing needed)

ACTION: Res. 69-742 adopted setting hearing. (P/W to handle)

CONSENT

(i) Sidewalk, curb and gutter on West Fairmont Avenue at 510 West Fairmont Ave., portion of Lot 1-A, Block 720 (Miss Dorothy Penfield)  
(Resolution setting hearing needed)

ACTION: Res. 69-743 adopted setting hearing.

CONSENT

26. A resolution approving the final map of Northgate No. 6 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. Northgate No. 6 Subdivision is located north of Leveland Lane between McHenry Avenue and the Tidewater Southern Railroad. It contains 8.757 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 69-744 adopted approving final map. (Clerk to handle)

CONSENT

27. Consider declaring equipment and material obsolete and surplus to the City and authorizing Purchasing Officer to sell said equipment and materials to the highest bidder. A report of the final dispositions will be made to the Council when the transactions are completed. (List of equipment and material on file with the City Clerk. Memo with agenda. Resolution needed)

ACTION: Res. 69-745 adopted declaring equipment and material surplus to City and authorizing Purchasing Officer to sell to highest bidder. (Finance to handle)

CONSENT

28. Resolution commending Russell C. Fey for his outstanding and dedicated services to the City of Modesto. (Resolution needed)

ACTION: Res. 69-746 adopted commending Russell C. Fey. (Clerk to handle)

CONSENT

29. Consider acceptance of two sewer easement contracts from William J. Podesto and Antoinette M. Podesto for sewer line extension - Unit No. 6. (Parcels 6-1-A and 6-1-B) (These two easements grant the City the right to construct, operate and maintain sewer pipelines and appurtenances necessary for its Unit No. 6, and also provides the right to inspect, alter, repair and reconstruct said pipelines and appurtenances. The City is paying \$6.76 for Parcel 6-1-A, which is the appraised value, and \$3,000 for Parcel 6-1-B. This is higher than the appraisal, the additional amount being paid is for a greater amount of damages than had been anticipated in the appraisal. Funds budgeted in Account 6553-405, Municipal Sewer District)

ACTION: Res. 69-747 adopted approving sewer easement contract (Parcel 6-1-A).

Res. 69-748 adopted approving sewer easement contract (Parcel 6-1-B).

(Clerk to handle)

CONSENT

30. Consider agreement with Harry H. Baker, Sr. and Edith Marie Baker whereby City will acquire property necessary for Unit 3 of its sewer expansion project.  
(The terms of the agreement provide that City shall pay all escrow, recording and title insurance fees incurred, except grantors shall pay the documentary transfer tax and any reconveyance fees required. City is to pay grantors \$5,744 upon the close of escrow. The grantors agree to make any necessary application for a lot split in accordance with the procedures of Stanislaus County with the City to pay the costs therefor. Memo with agenda. Resolution needed)

ACTION: Res. 69-749 adopted approving agreement. (C/Atty to handle)

REPORTS

31. Presentation of report by Stone & Youngberg on "Financing Tenth Street Mall Development."  
(Motion accepting report needed)

IT WAS DIRECTED THAT THIS MATTER BE PLACED ON THE AGENDA FOR AUGUST 18.  
(Clerk to handle)

CONSENT

32. Submission of annual summary reports of activities of all city departments for fiscal year 1968-69.  
(It is recommended by the City Manager that these reports be accepted as the 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.

- 32A. Report that Modesto Insurance Agents Association has requested delay of one week in filing fire insurance report.  
(Present coverage is continuing. No action needed)

NO ACTION.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

33. Recommend amendment to Section 30-3-9 of the zoning map (Leslie Sherman Cass - Housing for the Elderly)  
(By Resolution No. 69-93 adopted August 5, 1969 the Planning Commission recommends an amendment to Section 30-3-9 of the zoning map as requested by Leslie Sherman Cass, to rezone from One-Family Residential Zone, R-1, and Two-Family Residential Zone, R-2, to Planned Development Zone, P-D, to accommodate housing for the elderly, property located on the west side of Franklin Street between Locust St. and Maze Boulevard. Resolution setting date for hearing needed. Suggested date August 25, 1969 at 8:00 P.M.)

ACTION: Res. 69-750 adopted (Newton/Mitchell, unan.) setting hearing.  
(Clerk to handle) Smith absent

CONSENT

34. Recommend commencement of proceedings for the annexation to the City of Inhabited Territory - Highway Village Addition.  
(On August 5, 1969 the Planning Commission adopted Resolution No. 69-96, recommending to the Council the commencement of proceedings for the annexation to the City of inhabited territory (Highway Village Addition). Resolution consenting to commencement of proceedings to annex needed)

ACTION: Res. 69-751 adopted consenting to commencement of proceedings.  
(Planning to handle)

CONSENT

35. Recommend commencement of proceedings for the annexation to the City of uninhabited territory (McHenry Addition).  
(On August 5, 1969 the Planning Commission adopted Resolution 69-97 recommending to the Council the commencement of proceedings for the annexation to the City of uninhabited territory (McHenry Addition). Resolution setting date for hearing needed. Suggested date September 22, 1969 at 7:55 P.M.)

ACTION: Res. 69-752 adopted setting hearing. (Clerk to handle)

CONSENT

36. Recommend commencement of proceedings for the annexation to the City of uninhabited territory (Sylvan-Coffee No. 1 Addition).  
(On August 5, 1969 the Planning Commission adopted Resolution 69-98 recommending to the Council the commencement of proceedings for the annexation to the City of uninhabited territory (Sylvan-Coffee No. 1 Addition). Resolution setting public hearing needed. Suggested date September 22, 1969 at 8:00 P.M.)

ACTION: Res. 69-753 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

37. Transfer \$2,150 from General Reserve to Account 321-56-101.  
(This amount was in the preliminary budget for purchase of ceramic and reflective buttons for marking center lines. It was accidentally left out of final budget. Resolution needed)

ACTION: Res. 69-754 adopted approving appropriation transfer.  
(Finance to handle)

MISCELLANEOUS

38. Legislative matters.  
NONE.

39. Appointments.  
NONE.

40. Executive session to consider Planning Director vacancy.  
See item 41, below.

41. Executive session to consider acquisition of property for Sutter School park site.

The Council retired to executive session at 12:15 A.M. with the announcement that it would not reconvene in open session.

Adjournment at 12:15 A.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 18, 1969 AT 4:00 P.M.

Roll Call Present: Mitchell, Newton, Robinson, Simon, and Mayor Davies  
Absent: Dixon and Smith

Pledge of allegiance to the Flag

Invocation: Reverend Donald Weston, St. John's Chapel of the Valley

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1,2, 3, 4, 5, 6, 7, 24,  
(Mitchell/Newton, unan - Dixon and 25, 26, 27, 28, 30, 31, 32, 33  
Smith 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 for the individual items).

APPROVAL OF MINUTES

CONSENT

1. Minutes of August 11, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Letter from E. F. Huggins concerning construction of Maze Building and Lowry-Martin building.  
(Motion ordering letter filed needed)

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

CONSENT

3. Proposal of Modesto City Schools concerning annexation of Fred C. Beyer High School site to City and construction of street and gutter improvements.  
(Motion directing staff to prepare agreement needed)

ACTION: By motion staff directed to prepare agreement with Modesto City Schools to provide the following:

1. Dedication by School District of 30' right of way for the widening of Sylvan Ave.
2. Installation of curbs and gutters along Sylvan Ave. by School District.
3. Payment by School District to City of actual cost of oil and chip seal pavement between existing pavement and curb and gutter line.
4. Development by the City, at some time in the future, of Sylvan Ave. to a 100' curb to curb width.

(C/Atty to handle)

Page 1 8/18/69

BIDS

CONSENT

4. Accept as complete Industrial Electrical Company's contract for the installation of water lines in Tradewinds No. 3 Subdivision. (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 needed. Actual cost \$2,352; labor, \$802.10; materials, \$1,550. Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-754 adopted accepting contract. (Clerk to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for the installation of water lines in Northgate No. 6 Subdivision. (Suggested bid opening September 2, 1969 at 10:00 A.M. Estimated costs: Construction \$7,300; connection charge, \$3,172.50; Net revenue, \$553.50. Resolution approving plans, specifications and call for bids needed. Estimated cost, material, \$4,500; labor, \$2,800. Funds budgeted in Account 6804-50-101, Water Line Extension p. 52)

ACTION: Res. 69-755 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

6. Accept as complete Albert M. Biehl's contract for Marshall Park improvements. (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 notice of completion. Resolution accepting work needed. Original contract cost, \$29,402; final contract cost, \$29,620. Funds budgeted in Account 6274-31-321, Marshall Park Improvement, 68-69 budget)

ACTION: Res. 69-756 adopted accepting contract. (Clerk to handle)

CONSENT

7. Consider accepting low bid of George Reed, Inc., for furnishing City's annual requirements of liquid and emulsified asphalt for approximately 11 months ending June 30, 1970. (Memo with agenda. Resolution needed. Estimated cost \$22,500; funds budgeted in Account 321-51-101, Construction Material, p. 53)

ACTION: Res. 69-757 adopted awarding contract to George Reed, Inc. (Finance to handle)

HEARINGS

8. Hearing on East Coolidge Addition to City of Modesto. 4:15 P.M.

ACTION: Res. 69-758 adopted (Robinson/Newton, unan. - Dixon & Smith absent declaring no majority protest made;  
Res. 69-759 adopted (Robinson/Newton, unan. - Dixon & Smith absent fixing October 28, 1969 as date of election.  
(Clerk to handle)

9. Hearing on cost of installation of sidewalk at 912 McHenry, Block 649 (Jeans) 4:20 P.M.

ACTION: By Order of the Chair hearing continued to August 25, 1969 at 8:10 P.M. (Clerk to handle)

10. Sidewalk requirement on Enslin Avenue at 600 Bermuda Way,  
Lot 6, Block 6066 (Leslie L. Keim) 4:25 P.M.  
ACTION: Res. 69-760 adopted (Newton/Robinson, unan. - Dixon & Smith  
absent) ordering work done with one year delay. (P/W to handle)
11. Sidewalk requirement at 1030 Fourth St., Lots 29, 30, 31  
and 32, Block 18 (Silas W. Green) 4:25 P.M.  
ACTION: Res. 69-761 adopted (Newton/Robinson, unan. - Dixon & Smith  
absent) ordering work done. (P/W to handle)
12. Sidewalk requirement at 616 Catalina Way, Lot 3 and a  
portion of Lot 4, Block 6126-A (Mrs. Donna Clark) 4:25 P.M.  
ACTION: Res. 69-762 adopted (Newton/Robinson, unan. - Dixon & Smith  
absent) ordering work done. (P/W to handle)
13. Sidewalk requirement at 612 Catalina Way, portions of  
Lots 4 and 5, Block 6126-A (Robert G. Durham) 4:25 P.M.  
ACTION: Res. 69-763 adopted (Newton/Robinson, unan. - Dixon & Smith  
absent) ordering work done. (P/W to handle)
14. Sidewalk requirement at 608 Catalina Way, portions of  
Lots 5 and 6, Block 6126-A (Dennis A. Hodges) 4:25 P.M.  
ACTION: Res. 69-764 adopted (Newton/Robinson, unan. - Dixon & Smith  
absent) ordering work done. (P/W to handle)
15. Sidewalk requirement on Catalina Way at 1525 Enslin Ave.,  
portion of Lot 6, Block 6126-A (Mrs. Jane Wood Wren) 4:25 P.M.  
ACTION: Res. 69-765 adopted (Newton/Robinson, unan. - Dixon & Smith  
absent) ordering work done. (P/W to handle)
16. Sidewalk, curb and gutter requirement on Fairmont Ave.  
and sidewalk requirement on Magnolia Avenue at 1001  
Magnolia Ave., portion of Block 733 (Dr. David J. New) 4:25 P.M.  
ACTION: Res. 69-766 adopted (Newton/Robinson, unan. - Dixon & Smith  
absent) ordering work done. (P/W to handle)
17. Sidewalk requirement at 1005 Magnolia Ave., Lots 32 and  
35, inclusive, Block 733 (Clyde D. Boothe) 4:25 P.M.  
ACTION: Res. 69-767 adopted (Newton/Robinson, unan. - Dixon & Smith  
absent) ordering work done. (P/W to handle)

18. Sidewalk requirement at 1004 Magnolia Ave., portion of Block 732 (Mrs. Thelma O. Pugh) 4:25 P.M.

ACTION: Res. 69-768 adopted (Newton/Robinson, unan. - Dixon & Smith absent) ordering work done. (P/W to handle)

19. Sidewalk, curb and gutter requirement on Fairmont Ave., at 935 Magnolia Ave., Lots 1, 2 and 3, Block 725. (Mrs. Florence C. McDermott) 4:25 P.M.

ACTION: Res. 69-769 adopted (Newton/Robinson, unan. - Dixon & Smith absent) ordering work done. (P/W to handle)

20. Matters for the good of the community. 4:30 P.M.  
(These may be presented by citizens in the audience)

Art Wylie suggested that a form of taxpayer's bond be used to guarantee installation of sidewalk and/or curb and gutter. Following a discussion it was decided to continue in the present manner.

21. Hearing on assessment for Improvement District No. 11. 5:00 P.M.

ACTION: Res. 1101-S.P. adopted (Robinson/Simon, unan. - Dixon & Smith absent) confirming proceedings and assessment. (Clerk to handle)

#### ORDINANCES

22. Consider adoption of ordinance setting tax rate for the 1969-70 fiscal year.  
(A report on 1969-70 city assessed values and tax rates will accompany the agenda. Motion adopting ordinance needed)

ACTION: Ord. 984-C.S. adopted (Robinson/Newton, unan. - Dixon & Smith absent) fixing tax rate. (Clerk to handle)

23. Further consideration of report on "Financing Tenth Street Mall Development."  
(Continued from meeting of August 11)

ACTION: Res. 69-770 adopted (Mitchell/Robinson, unan. - Dixon & Smith absent) approving letter agreement with Orrick, Herrington, Rowley & Sutcliffe for legal services in connection with Mall development. (Clerk to handle)

NEW BUSINESS

CONSENT

24. Motion designating Councilman William R. Mitchell as an official voting delegate of the City of Modesto during the Town Affiliation Association Conference in Washington, D.C. September 15-17, 1969. (Councilman Mitchell's attendance at this conference was approved at the August 11 council meeting. Motion needed)

ACTION: By motion Councilman Mitchell designated as official voting delegate of City of Modesto during Town Affiliation Association Conference. (C/Mgr to handle)

CONSENT

25. Resolution requesting consent of Board of Supervisors of the County of Stanislaus (a) to formation of improvement district No. 14 as assessment district under Improvement Act of 1911; (b) to work described in proposed resolution of intention, and (c) to assumption of jurisdiction thereover by City; and requesting approval of said proposed resolution of intention by said Board of Supervisors. Resolution needed)

ACTION: Res. 1102-S.P. adopted requesting consent of Board of Supervisors. (Clerk to handle)

CONSENT

26. Request by George Gagos, Owner of the California Building at the northwest corner of 10th and Eye, for permission to encroach approximately 7½ inches into the public right of way. (Request from Mr. Gagos with agenda. Resolution setting date for public hearing needed. Suggested date September 2, 1969 at 4:15 P.M.)

ACTION: Res. 69-771 adopted setting hearing. (Clerk to handle)

CONSENT

27. A resolution approving final map of Bel Air Subdivision No. 5 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. Bel Air No. 5 Subdivision is located east of Tully Road north of Rumble Road. It contains 1.21 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 69-772 adopted approving final map. (Clerk to handle)

CONSENT

28. A resolution approving final map of Aspen Manor No. 1 Subdivision of the City of Modesto and authorizing 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. Aspen Manor No. 1 is located east of Tully Road between Woodrow Avenue and Rumble Road. It contains 1.92 acres. Resolution approving final map and authorizing execution of agreement by City needed)

ACTION: Res. 69-773 adopted approving final map. (Clerk to handle)

29. Consider recommendation that the Council authorize the staff to prepare an ordinance establishing a Board of Appeals relative to garbage rates. (Memo with agenda. Motion authorizing preparation of ordinance needed)

ACTION: By motion (Newton/Mitchell, unan. - Dixon & Smith absent) staff authorized to prepare ordinance establishing Board of Appeals. (C/Atty to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

30. Sylvan-Coffee #2 Addition - for referral to Planning Commission, proposed annexation (uninhabited) (Information with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 69-774 adopted referring Sylvan-Coffee No. 2 Addition to Planning Commission. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

31. Consider request for appropriation transfer of \$18,000 for use in making curb and gutter repairs. (Memo with agenda. Resolution approving transfer needed)

ACTION: Res. 69-775 adopted approving appropriation transfer of \$18,000 from General Reserve to Account 321-51-101 (P/W Streets - Construction materials). (Finance to handle)

CONSENT

32. Appropriation transfer of \$500 to be used for expense of recruiting a planning director. (Resolution approving transfer needed)

ACTION: Res. 69-776 adopted approving appropriation transfer of \$500 from Account 60-101 (General Reserve) to Account 208-17-101 (Personnel - Business Expense). (Finance to handle)

CONSENT

33. Transfer \$1,000 from General Fund to Account 321-41-6621.  
(This amount was in the prior year's budget to pay the bond  
counsel for Improvement District No. 12. It was not encum-  
bered in last year's budget, so it must be reappropriated  
this year. Resolution reappropriating funds needed)

ACTION: Res. 69-777 adopted approving appropriation transfer of  
\$1,000 from Account 60-321 (General Reserve) to Account  
6621-41-321 (E & A - Lighting Improvement Dist. No. 12.)  
(Finance to handle)

MISCELLANEOUS

34. Legislative matters.

NONE.

35. Appointments.

NONE.

Adjournment at 5:05 P.M.

ATTEST:



W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 25, 1969, AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, and Mayor Davies  
Absent: Robinson

Pledge of allegiance to the Flag

Invocation: Reverend John W. Hunter, Church of the Brethren

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 6, 7, 8, 9,  
Items 36a & 43 removed from agenda; 25, 29, ~~30~~, 31, ~~32~~, 33, 34, 35  
Items 6, 30 & 32 removed from consent. 36a, b, c; 38, ~~43~~, 44, 45  
(Mitchell/Simon, unan. - Robinson 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 for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of August 18, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Advance registration announcement concerning 46th Annual Congress of Cities, December 1 - 4, 1969, in San Diego. (No action needed at this time)

NO ACTION.

3. Request of Attorney Thomas Lacey for approval of amendments to agreement between City of Modesto and Monroe Taylor.

ACTION: By motion (Simon/Newton, unan. - Robinson absent) staff directed to prepare amendment to provide paid holidays and vacation time in the same manner as other City employees. (C/Atty to handle)

BIDS

CONSENT

4. Consider acceptance of sole bid to purchase two (2) wrecked City vehicles and authorize sale to California Auto and Truck Parts, Modesto, California, for a total amount of \$596.00. The offer is considered acceptable by the staff. (Resolution needed)

ACTION: Res. 69-778 adopted authorizing sale of two wrecked vehicles to California Auto and Truck Parts. (Finance to handle)

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CONSENT

5. Consider approval of specifications and authorize call for bids to be opened September 10, 1969, at 2:00 P.M. for furnishing annual requirements of water meters. Estimated cost: \$19,000. Funds budgeted in Account No. 438-512, Revolving Fund (not shown in budget book). Resolution approving specifications and call for bids needed.

ACTION: Res. 69-779 adopted approving specifications and bid call.  
(Clerk to handle)

~~CONSENT~~

6. Consider award of bid for the Construction of Restroom Building, Terrace, Concrete Paving, Utilities and Miscellaneous Construction at Sherwood Park. (Bids were opened on August 19, 1969. The low bid submitted by B. J. Rommel, which is 22.5% below the Landscape Architect's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to him.) Resolution awarding bid needed. Contract \$52,662.00 Funds budgeted in Account No. 6301-31-321, Sherwood Park Stage 1 and 1B, p. 73.

ACTION: Res. 69-780 adopted (Smith/Simon, unan. - Robinson absent) awarding bid to B. J. Rommel. (P/W to handle)

CONSENT

7. Consider accepting low bid of Klemm Trucking Company, Modesto, for the furnishing of our annual requirements of Ready-Mixed Concrete for approximately 11 months ending June 30, 1970. Tabulation with agenda. Resolution awarding bid needed. (Funds budgeted in Account No. 321-51-101, Construction Material and other accounts, page 53.) Estimated cost: \$5,200.00.

ACTION: Res. 69-781 adopted awarding bid to Klemm Trucking Co.  
(Finance to handle)

CONSENT

8. Accept as complete Standard Materials Co., contract for the Improvement of Coffee Road from Briggsmore Avenue to Athens. All work on the 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 the City Clerk to file a Notice of Completion needed. (Original contract amount: \$62,987.00; Final Contract amount: \$59,737.70. Funds budgeted in Account 6678-207, Coffee Road-Briggsmore to Athens)

ACTION: Res. 69-782 adopted accepting contract. (Clerk to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids on construction of Eicher Avenue subtrunk sewer. The subtrunk will connect the proposed Prescott Estates and Fudenna development to the new west trunk sewer. Suggested bid opening date: September 16, 1969 at 10:00 A.M. Resolutions approving plans and specifications and calling for bids, and appropriating funds needed. (Estimated cost: \$20,000 (Contract: \$17,615; Engr. & Contingency: \$2,385) Funds budgeted in Account No. 6562-212, Extend Subtrunk, Perimeter Sewers, p. 68.

ACTION: Res. 69-783 adopted approving plans and specifications and bid call. (Clerk to handle)

Res. 69-784 adopted approving appropriation transfer of \$20,000 from Account 60-212 (General Reserve) to Account 6562-212. (Finance to handle)

HEARINGS

10. Hearing on N. 99 No. 3 Addition to City of Modesto 7:45 P.M.

ACTION: Res. 69-785 adopted (Mitchell/Smith, unan. - Robinson absent) declaring no majority protest made;

Ord. 985-C.S. adopted (Mitchell/Smith, unan. - Robinson absent) annexing area. (Clerk to handle)

11. Hearing on appeal from Planning Commission action in denying the rezoning of the NE corner of Tully/Briggsmore intersection

7:50 P.M.

ACTION: Res. 69-786 adopted (Mitchell/Smith, unan. - Robinson absent) denying appeal. (Clerk to handle)

12. Hearing on Kazmir Court Addition to City of Modesto

7:55 P.M.

ACTION: Res. 69-787 adopted (Newton/Smith, unan. - Robinson absent) declaring no majority protest made;

Res. 69-788 adopted (Newton/Smith, unan. - Robinson absent) setting November 4, 1969 as day for special election.

(Clerk to handle)

13. Hearing on Amendment to Sec. 30-3-9 (Cass)

8:00 P.M.

ACTION: Ord. 986-C.S. introduced (Dixon/Simon, unan. - Robinson absent) amending Sec. 30-3-9. (Clerk to handle)

Staff directed to study possibility of having requirement of bond to insure maintenance put into development plan. (C/Atty to handle)

14. Sidewalk requirement at 904 Bowen Ave., Lot 26, Block 6718 (James E. Hudson)

8:05 P.M.

ACTION: Res. 69-789 adopted (Simon/Newton, unan. - Robinson absent) ordering work done. (P/W to handle)

15. Sidewalk requirement at 800 Bowen Ave., Lot 31, Block 6718 (Lorena Runyan)

8:05 P.M.

ACTION: Res. 69-790 adopted (Simon/Newton, unan. - Robinson absent) ordering work done. (P/W to handle)

16. Sidewalk requirement at 1008 Phelps Ave., Lot 19, Block 6718 (William Leavitt)

8:05 P.M.

ACTION: Res. 69-791 adopted (Simon/Newton, unan. - Robinson absent) ordering work done. (P/W to handle)

17. Sidewalk requirement at 1020 Phelps Ave., Lot 11, Block 6716 (Miss Maggie Veneman) 8:05 P.M.  
ACTION: Res. 69-792 adopted (Simon/Newton, unan. - Robinson absent) ordering work done. (P/W to handle)
18. Sidewalk requirement on Phelps Avenue at 2016 Wildewood Avenue, Lot 18, Block 6715 (Mrs. Dorothy Nomann) 8:05 P.M.  
ACTION: Res. 69-793 adopted (Simon/Newton, unan. - Robinson absent) ordering work done. (P/W to handle)
19. Sidewalk requirement on W. Fairmont Ave. at 930 Carolyn Ave., Lot 1, Block 722 (Henry Richina) 8:05 P.M.  
ACTION: Res. 69-794 adopted (Simon/Newton, unan. - Robinson absent) ordering work done with four months' delay. (P/W to handle)
20. Sidewalk requirement at 519 Mensinger Ave., Lot 4, Block 740 (Paul E. Warda, Jr.) 8:05 P.M.  
ACTION: Res. 67-795 adopted (Simon/Newton, unan. - Robinson absent) ordering work done. (P/W to handle)
21. Sidewalk requirement on Carolyn Avenue at 1030 Brady Avenue, portion of Block 735 (Orville Stiff) 8:05 P.M.  
ACTION: Res. 69-796 adopted (Simon/Newton, unan. - Robinson absent) ordering work done. (P/W to handle)
22. Sidewalk, curb and gutter requirement at 510 West Fairmont Ave., portion of Lot 1-A, Block 720 (Miss Dorothy Penfield) 8:05 P.M.  
ACTION: Res. 69-797 adopted (Simon/Newton, unan. - Robinson absent) ordering work done. (P/W to handle)
23. Continued hearing on cost of installation of sidewalk at 912 McHenry, Block 649 (Jeans) (from 8/18/69) 8:10 P.M.  
ACTION: Res. 69-798 adopted (Simon/Smith, unan. - Robinson absent) confirming report, assessing costs and directing method of collection. (Finance to handle)
24. Matters for the good of the community (These may be presented by citizens in the audience) 8:15 P.M.  
 The rash of fires which were started in the downtown area early Saturday morning was discussed. The Police, Fire, and Public Works Departments were commended by Mayor Davies.  
 By motion (Dixon/Smith, unan. - Robinson absent) staff authorized to offer \$50 reward for information leading to arrest and conviction of any responsible for these fires. (Police to handle)  
 It was announced that the Downtown Improvement District was offering a \$50 reward for this information.  
 Res. 69-799 adopted (Simon/Smith, unan. - Robinson absent) commending all who helped during the emergency. (C/Atty to handle)

Res. 69-800 adopted (Smith/Simon, unan. - Robinson absent) setting September 2, 1969 at 4:20 P.M. as time for hearing on revocation of license granted to Patrick John Lens for dances at the California Ballroom. (Clerk to handle)

Councilman Dixon reported on meetings with the Citizens' Involvement Committee. He stated that Winnie Stowers is acting as Chairman of the Citizens' Group and the next meeting would be on September 2, 1969.

#### ORDINANCES

##### CONSENT

25. Final adoption of Ord. No. 983-C.S. (Amending Sec. 20-3-9 of zoning map - Knoles) Motion adopting ordinance needed.

ACTION: By motion Ord. 983-C.S. adopted. (Clerk to handle)

26. An Ordinance Amending Sections 5-6.02, 5-6.04, 5-6.05, 5-6.07, 5-6.10 and 5-6.13 of Chapter 6 of Title V of the Modesto Municipal Code Relating to Sewer Charges. A copy of the ordinance and a memo of explanation is being sent with the agenda. Introduction of ordinance needed.

ACTION: Ord. 987-C.S. introduced (Smith/Newton, unan. - Robinson absent). (Clerk to handle)

#### OLD BUSINESS

27. Further consideration of cost of installation of sidewalk at 920 McHenry Ave. (H. E. Austin) (On August 11 staff was directed to study drainage problem at this location and report to Council. Report with agenda.)

ACTION: Res. 69-801 adopted (Mitchell/Newton, unan. - Robinson absent) confirming report, assessing costs and directing method of collection. (Finance to handle)

28. Further consideration of revocation of swill license granted Willett & Emery (from August 11).

ACTION: Res. 69-802 adopted (Smith/Simon, maj. - Dixon, no - Robinson absent) revoking license if fees are not paid within seven (7) days. (Finance to handle)

Staff to make further study of swill license fees and to ask for opinions of merchants who are affected. (C/Mgr to handle)

#### NEW BUSINESS

##### CONSENT

29. Accept improvements in Coleman Acres No. 1 subdivision and authorize City Clerk to file Notice of Completion and release bond upon expiration of the statutory lien period. (Coleman Acres No. 1 subdivision is located west of Coffee Road between Rumble Road and Sylvan Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid.) Resolution accepting improvements and authorizing City Clerk to file Notice of Completion and release bond upon expiration of the statutory lien period needed.

ACTION: Res. 69-803 adopted accepting improvements in Coleman Acres No. 1 subdivision. (Clerk to handle)

~~CONSENT~~

30. Consider approving assignments of lease agreements between the City of Modesto and Walter Fountain dba Hawke Duster and Flying Service, an individual, to Walter Fountain and Darold Jolliff dba Hawke Flying Service, a partnership. (Memorandum of explanation distributed with agenda.) Three resolutions needed: 1. Resolution approving assignment of lease agreement for Hangar No. 2 and Tie-Down Area. 2. Resolution approving assignment of lease agreement for west one-half of Hangar No. 1. 3. Resolution approving assignment of lease agreement for Office B in Office Bldg. #1.

ACTION: Hold for staff report on September 8, 1969 after 8:00 P.M. hearing on application for new gasoline concession at airport. (Clerk to handle)

Report to include reason for delay in notifying City of new partnership. (P/W to handle)

CONSENT

31. Request of City Clerk for vacation September 15 to 19, inclusive. Motion granting request needed.

ACTION: By motion request granted. (Clerk to handle)

~~CONSENT~~

32. Consider holding an informal hearing on an application by Philip R. Hendley to operate a new gasoline concession at the Modesto City-County Airport. (Memorandum of explanation with agenda.) Resolution setting date and time for an informal hearing needed. (Suggested hearing date: September 8, 1969, at 7:55 P.M.)

ACTION: Res. 69-804 adopted (Simon/Smith, unan. - Robinson absent) setting hearing. (Clerk to handle)

CONSENT

33. Consider setting a public hearing concerning the unfilled basements in Block 55. (A memo is being distributed with the agenda.) Resolution setting date and time of hearing needed. Suggested hearing date: September 8, 1969, at 8:00 P.M.

ACTION: Res. 69-805 adopted setting hearing. (Clerk to handle)

CONSENT

- 34.1. Consider approval of sublease by Roy B. and Dorene Hirschhorn of office and storage space in the east one-half of Hangar No. 1 to Jack B. Scanlon dba Aviation Electronics. 2. Consider approval of application of Jack B. Scanlon for permit to operate a radio repair facility for general aviation, including sales and service of avionics equipment at the Modesto City-County Airport. (Memo of explanation with agenda.) Two resolutions needed: 1. Resolution approving request of Roy B. and Dorene Hirschhorn to sublet office and storage space in the east one-half of Hangar No. 1 to Jack B. Scanlon dba Aviation Electronics; 2. Resolution approving application of J. B. Scanlon for permit to operate a radio repair facility for general aviation, including sales and service of avionics equipment at City-County Airport.

ACTION: Res. 69-806 adopted approving sublease by Roy B. and Dorene Hirschhorn of office and storage space in east one-half of Hangar #1 to Jack B. Scanlon. (Clerk to handle)

Res. 69-807 adopted approving application of J. B. Scanlon to operate radio repair facility at airport. (P/W to handle)

CONSENT

35. A resolution approving the final map of Prescott Estates Sub-division 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. Prescott Road (Estates) Subdivision is located on the west side of Prescott Estates between Andrew Avenue and Rumble Road. It contains 20.18 acres.) Resolution approving final map and authorizing execution of agreement by City needed.

ACTION: Res. 69-808 adopted approving final map of Prescott Estates subdivision. (Clerk to handle)

CONSENT

36. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below. (Informal requests were sent over 30 days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters.) Resolutions setting hearings needed. Suggested hearing date: September 8, 1969 at 8:05 P.M.

a. Curb and gutter on Enslin Ave. at 1351 Enslin Ave., Lot 26, Block 6007 (Manuel J. Santos, Jr.)

DROPPED FROM AGENDA.

b. Sidewalk on Brady Ave. at 1124 Brady Ave., portion of Block 741 (Odell E. Scott)

ACTION: Res. 69-809 adopted setting hearing. (P/W to handle)

c. Sidewalk on Brady Ave. at 431 Mensinger Ave., Lot 5, Block 741 (Bela A. Koos)

ACTION: Res. 69-810 adopted setting hearing. (P/W to handle)

37. Consider purchase of park. (Memo with agenda) Resolutions authorizing execution of the purchase agreement and transferring \$32,000 from the CIP General Reserve to Special Fund for Capital Outlay, 6325-31, Sutter Neighborhood Park Land Acquisition, needed.

ACTION: By motion (Simon/Dixon, unan. - Robinson absent) action delayed for one week to permit further study by staff. Study to include life expectancy of park. (C/Mgr to handle)

CONSENT

38. Consider the adoption of the following resolutions regarding Improvement District No. 14:

- (a) (M14-1) Resolution of preliminary determination relative to 1931 Act and fixing time and place of hearing thereon.

ACTION: Res. 1103-S.P. adopted. (Clerk to handle)

- (b) (M14-2) Resolution directing Engineer to prepare plans, specifications and cost estimate.

ACTION: Res. 1104-S.P. adopted. (P/W to handle)

- (c) (M14-3) Resolution approving contract documents and specifications, map, plans and profiles and cost estimate.

ACTION: Res. 1105-S.P. adopted. (P/W to handle)

- (d) (M14-4) Resolution of Intention.

ACTION: Res. of Intention 317 (1106-S.P.) adopted - Hearing October 6, 1969 at 5:00 P.M. (Clerk to handle)

- (e) (M14-5) Resolution designating newspaper for publication of notices.

ACTION: Res. 1107-S.P. adopted - Modesto Bee. (Clerk to handle)

- (f) (M14-6) Resolution fixing compensation for attorneys.

ACTION: Res. 1108-S.P. adopted. (Finance to handle)

NOTE: Improvement District No. 14 includes the following areas: Morada, Glen Aulen, Camelot, Northfield, North 9th and a portion of Block 12403.

39. Request from Community Action Commission to hold Peoples Auction Fair at West Side Park. (Copy of request with agenda.) Motion directing staff needed. (Estimated cost: none)

ACTION: By motion (Simon/Dixon, unan. - Robinson absent) request granted. (P & R to handle)

REPORTS

40. Report (verbal) from Farm-City Advisory Committee on consumer-producer interest in Pesticides, by John deBoer.

Mr. deBoer reported that there is no scientific evidence that DDT is killing wildlife. He further reported that no DDT is being used in Stanislaus County at this time and that no one needs to fear food poisoning by locally grown fruits and vegetables.

41. Santa Fe Railroad request for 5 to 10 per cent fare increase. (A report by the Director of Parking and Traffic has been sent with the agenda.) No action needed unless Council wants staff to take action.

NO ACTION.

42. Report on Prescott-Carpenter overpasses at S.P.R.R. and Highway 99. (Written report will be presented at the meeting. The meeting with Assemblyman Berryhill occurred too late for a written report to be sent with the agenda.) No action needed - information only.

MAYOR TO WRITE LETTER OF APPRECIATION.

CONSENT

43. El Vista Addition #3 - for referral to Planning Commission Proposed Annexation (Uninhabited) (Information with agenda.) Resolution referring to Planning Commission needed.

DROPPED FROM AGENDA.

CONSENT

44. Recommend amendment to Uninhabited Annexation Procedure. (At the regular meeting of the Planning Commission on August 19, 1969, by Resolution 69-106, the Commission recommends to the Council that the Uninhabited Annexation Procedure be amended to eliminate the automatic referral by the Council of uninhabited annexation proposals to the Planning Commission.) Motion approving needed.

ACTION: By motion automatic referral of uninhabited annexations to Planning Commission eliminated. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

45. To appropriate money for mall development as follows:  
Bond Counsel \$14,000  
Preliminary Engineering 1,000

Resolution approving appropriation transfer from Account 60-101 (General Reserve) to Account 406-65-101 (Misc. Unclass. - Downtown Mall Development) -- \$15,000.

ACTION: Res. 69-811 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

46. Legislative matters.  
(a) Proposed resolution opposing H.R.13270, 91st Congress (Tax exempt status of Municipal securities).  
NO ACTION.

47. Appointments - The Mayor announced that Henry J. Martin had been appointed to the Mayor's Council on Youth Opportunity to replace R. Truman Northup for a term ending October 31, 1970.

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, SEPTEMBER 2, 1969, AT 4:00 P.M.

Roll Call Present: Dixon, Newton, Simon, Smith, and Mayor Davies  
Absent: Mitchell and Robinson

Pledge of allegiance to the Flag

Invocation: Rev. Ronald Hurst, Maze Boulevard Christian Church

1. Presentation by American Automobile Association of Pedestrian Safety Award.

ACTION: Award presented to Mayor Davies by Charles Monahman.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 9,  
Item 10 removed from consent. ~~10~~, 15, 17, 18, 21, 22, 23,  
(Simon/Smith, unan. - Mitchell & Robinson 26, 28  
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 for the individual items.)

APPROVAL OF MINUTES

CONSENT

2. Minutes of August 25, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

3. Request from Division of Highways for resolution proclaiming September 21 - 27, 1969 as National Highway Week. (Adoption of suggested resolution needed)

ACTION: Res. 69-812 adopted proclaiming September 21 - 27, 1969 as National Highway Week. (Clerk to handle)

CONSENT

4. Consider acceptance of lowest responsible bidders to furnish rock, sand, and gravel for approximately 11 months ending June 30, 1970 in whatever quantities that may be needed. (Adoption of 5 resolutions needed)

(1) Charles D. Warner & Son - Aggregate Base Material & Drain Rock

ACTION: Res. 69-813 adopted awarding bid to Charles D. Warner & Son.  
(Finance to handle)

(2) M. J. Ruddy & Son - Crushed Rock Screenings

ACTION: Res. 69-814 adopted awarding bid to M. J. Ruddy & Son.  
(Finance to handle)

(3) Putnam Sand & Gravel - Concrete Mix Aggregate

ACTION: Res. 69-815 adopted awarding bid to Putnam Sand & Gravel.  
(Finance to handle)

4. continued

(4) Standard Materials - Fill Sand

ACTION: Res. 69-816 adopted awarding bid to Standard Materials.  
(Finance to handle)

(5) American Transit Mix - White Plaster Sand

ACTION: Res. 69-817 adopted awarding bid to American Transit Mix.  
(Finance to handle)

Estimated cost for rock, sand, and gravel for approximately 11 months:  
\$20,655. Funds budgeted in Account No. 438-512, Revolving Fund  
(Not shown in Budget Book).

CONSENT

5. Consider approval of specification and authorize call for bids to be opened September 16, 1969 at 2:00 P.M. for furnishing water pipe for a one year period commencing October 1, 1969. (Estimated cost: \$90,000. Funds budgeted in Account No. 438-512, Revolving Fund; not shown in Budget Book. Ultimately used in water lines and charged to 321-50-101 and 6804-50-101; see Page 52.) Resolution needed.

ACTION: Res. 69-818 adopted approving specifications and call for bids.  
(Clerk to handle)

CONSENT

6. Consider approval of Plans and Specifications and calling for bids for installation of water lines in Prescott Estates. Suggested bid opening: September 16, 1969 at 10:10 A.M.

Estimated Costs:

Construction	\$14,450.00
Connection Charge	8,510.50
Net Revenue	2,486.00

Estimated cost: \$14,450.00 (Materials \$8,650; Labor \$5,800)  
Funds budgeted in Account No. 6804-50-101, Water Line Extension.  
Resolution approving plans and specs and calling for bids needed.

ACTION: Res. 69-819 adopted approving plans and specifications and call for bids. (Clerk to handle)

CONSENT

7. Accept as complete Lee White's contract for the Improvement of Woodrow Avenue from Tully Road to McHenry Avenue. (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.) Estimated cost: Original Contract amount: \$76,224.00; Final Contract Amount: \$76,543.43. Funds budgeted in Account No. 6681-207, Woodrow Ave. - McHenry to Tully Rd. 69-70 Budget. Resolution needed accepting the work as complete and authorizing the City Clerk to file a Notice of Completion.

ACTION: Res. 69-820 adopted accepting contract. (Clerk to handle)

CONSENT

8. Consider award of bid for Airport Terminal parking facilities. (Bids were opened August 26, 1969, and the low bid of Standard Materials, Inc., which is 13.9% below the engineer's estimate, is considered acceptable. Therefore, it is recommended the bid be awarded to them. (Estimated cost: \$10,800 (Contract \$9,279; Engr. & Insp. & Contingency \$1,521. Funds budgeted in Account No. 6522-46-230, Terminal Facilities Expansion, P. 71) Resolution awarding bid needed.

ACTION: Res. 69-821 adopted awarding bid to Standard Materials, Inc. (P/W to handle)

CONSENT

9. Consider award of bid for the Improvement of Coffee Road from Chehalem Avenue to E. Orangeburg Avenue. (Bids were opened on August 26, 1969. The low bid submitted by George Reed, Inc., which is .9% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Estimated cost: \$46,817.90 (Contract \$40,717.90 - Engr. \$6,100) Funds budgeted in Account No. 6679-207, Coffee-Chehalem to E. Orangeburg) Resolution awarding bid needed.

ACTION: Res. 69-822 adopted awarding bid to George Reed, Inc. (P/W to handle)

~~CONSENT~~

10. Consider awards to low bidders for motor vehicles. (Three resolutions needed for awards; two resolutions needed appropriating necessary money) Memo with agenda. Estimated cost: \$13,218.00

AWARDS

(1) Frontier Dodge pickups (3) \$6,896.

ACTION: Res. 69-823 adopted (Simon/Smith - unan. - Mitchell & Robinson absent) awarding bid to Frontier Dodge. (Finance to handle)

(2) Dow-Hammond truck chassis (1) \$3,329.

ACTION: Res. 69-824 adopted (Simon/Smith, unan. - Mitchell & Robinson absent) awarding bid to Dow-Hammond. (Finance to handle)

(3) Griswold & Wight 4-dr sedan (1) \$2,993.

ACTION: Res. 69-825 adopted (Simon/Smith, unan. - Mitchell & Robinson absent) awarding bid to Griswold & Wight. (Finance to handle)

APPROPRIATION TRANSFERS - Capital Outlay, Page 36 and Page 79

(1) From Account No. 60-48-512 (Service, Reserve Appropriation) \$700.00  
to Account No. 5430-48-512 (Service, 1/2 Ton Pickup (P. & R.)) \$250.00;  
and Account No. 5431-48-512 (Service 1/2 Ton Pickup (P/W)) \$200.00;  
and Account No. 5432-48-512 (Service 1/2 Ton Pickup (P/W)) \$250.00.

ACTION: Res. 69-826 adopted (Simon/Smith, unan. - Mitchell & Robinson absent) approving appropriation transfer. (Finance to handle)

(2) From Account No. 60-512 (Service, Reserve Appropriation) \$3,045.00  
to Account No. 5435-48-512 (Service, Police Sedan) \$3,045.00

ACTION: Res. 69-827 adopted (Simon/Smith, unan. - Mitchell & Robinson absent) approving appropriation transfer. (Finance to handle)

Staff requested to make report on negotiations with Empire Fire District for furnishing fire protection at City-County Airport. (C/Mgr to handle)

HEARINGS

11. Hearing on request of George Gagos for permission to have California Building encroach into public right of way 4:15 P.M.

ACTION: Res. 69-828 adopted (Simon/Newton, unan. - Mitchell & Robinson absent) granting encroachment permit. (Clerk to handle)

12. Hearing on revocation of license granted Patrick John Lenz for dances at the California Ballroom 4:20 P.M.

ACTION: Res. 69-829 adopted (Dixon/Smith, maj. - Newton, no - Mitchell & Robinson absent) revoking license with the understanding that others can obtain a license if qualified.

The Mayor then appointed Councilmen Dixon, Newton, and Simon; the City Manager; the Police Chief and member of the Police Dept. selected by the Chief; to act as a Committee to meet with a six-man committee representing the young people to attempt to solve various problems. (C/Mgr to handle)

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

Carl Cathy commented that the American Automobile Association Safety Award was a sham as pedestrians are not safe in cross-walks. Councilman Simon suggested that perhaps the Modesto Bee could give some publicity to this and make the drivers more conscious of the pedestrians' safety.

ORDINANCES

14. Final adoption of Ord. 987-C.S. (Sewer Charges) Motion adopting ordinance needed.

ACTION: By motion (Simon/Dixon, unan.) Ord. 987-C.S. adopted. (Clerk to handle)

OLD BUSINESS

CONSENT

15. Consider lease agreement between the Modesto Council of Churches and the Civil Air Patrol Squadron 50, Modesto. (This agreement provides that the Civil Air Patrol is permitted to sublease the garage located behind the Downey Avenue Fire Station on a month-to-month tenancy commencing on the 16th day of June, 1969. This matter was considered previously by the City Council at its meeting of June 2, 1969, when the Civil Air Patrol requested permission to sublease the garage, at which time the staff was directed to secure an agreement from the Modesto Council of Churches to the Civil Air Patrol. Under the terms of the agreement between the city and the Council of Churches the premises or any part thereof, could not be subleased without prior written consent of the City.) Adoption of resolution approving agreement needed.

ACTION: Res. 69-830 adopted approving lease agreement. (Clerk to handle)

16. Further consideration of proposed neighborhood park - Orangeburg Ave. between Ford and Sarah.

ACTION: Res. 69-831 adopted (Dixon/Simon, maj. - Smith, no - Mitchell and Robinson absent) authorizing execution of purchase agreement with Miss Leona A. Keimig. (Clerk to handle)

Res. 69-832 adopted (Dixon/Simon, maj. - Smith, no - Mitchell and Robinson absent) approving appropriation transfer of \$32,000 from Account 60-321 to Account 6325-31-321. (Finance to handle)

CONSENT

17. Amendment to agreement between City and Monroe Taylor pursuant to which Mr. Taylor provides various services in the Westside Neighborhood Center as Supervisor of Social Services. (The agreement is being amended to add provisions relating to holidays and vacation. All other terms and conditions of the original agreement dated May 12, 1969, are to remain in full force and effect.) Resolution approving amendment to agreement needed.

ACTION: Res. 69-833 adopted approving amendment to agreement. (Clerk to handle)

NEW BUSINESS

CONSENT

18. Consider authorization of public auction to be conducted Saturday, September 20, 1969, to sell certain surplus property of the City and unclaimed and confiscated personal property held by the Police Department longer than six months as required by Section 2-7.06 of the Modesto Municipal Code. Lists of material to be sold - entitled Exhibit A and B - on file with City Clerk. Estimated Cost: \$125.00 (auctioneer fees). Funds budgeted in Account No. 235-15-101, Services, prof. & other, Page 32. Resolution authorizing public auction needed.

ACTION: Res. 69-834 adopted authorizing public auction. (Finance to handle)

19. Consider matter of carpeting new Modesto library. (A decision is needed as to whether or not carpeting is to be placed under book stacks. (Memo with agenda.) Motion directing staff needed.

HELD TO A LATER DATE. (C/Mgr to handle)

20. Adoption of Resolution of Intention to Establish a Pedestrian Mall on Tenth Street. (The hearing on the formation of the mall will be held on December 15, 1969.) Adoption of Resolution of Intention needed.

HELD FOR ONE WEEK.

CONSENT

21. Consider acquisition of a partial lot adjacent to Downey Park. (Memo with agenda.) Estimated cost: \$800; Account No. 6290-31, Downey Park Stages I and II. Resolution approving purchase needed.

ACTION: Res. 69-835 adopted approving purchase from Joe Wylie. (C/Mgr to handle)

22. Authorize City Manager to sign agreement with Stanislaus County and Modesto City Schools regarding flashing signal at El Vista School. (The agreement provides that the City will pay electrical operating costs and provide ordinary maintenance. The installation costs are being paid by the County and City Schools because the installation was begun before the school and street were annexed by the City.) Estimated cost: \$390; funds budgeted in Account No. 210-43-101, Utilities. Resolution authorizing City Manager to sign agreement needed.

ACTION: Res. 69-836 adopted authorizing C/Mgr to sign agreement. (Clerk to handle)

CONSENT

23. Consider request for sewer service to property at 1307 Coffee Road located on the west side of Coffee Road between Gloria Way and E. Orangeburg Avenue (owners: Dodd C. King and Ulden R. King, husband and wife). The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. Resolution approving agreement needed.

ACTION: Res. 69-837 adopted approving agreement. (P/W to handle)

REPORTS

24. Report from Chief of Police concerning crime statistics nationwide and for City of Modesto. (Report sent to Councilmen 8/27/69).

ACTION: Report accepted and Police Department commended.

25. Report on twice-a-week mandatory garbage collection. (Memo with agenda. Motion directing staff needed.)

ACTION: By motion (Smith/Dixon, ayan.) study to continue and progress report to be made to Council in January, 1970. (C/Mgr to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

26. A Resolution annexing uninhabited territory to the City of Modesto known as the El Vista Addition #3. (The Local Agency Formation Commission has authorized this annexation without notice or public hearing.) Resolution annexing needed.

ACTION: Res. 69-838 adopted annexing area to City of Modesto. (Clerk to handle)

CONSENT

APPROPRIATION TRANSFERS

28. Appropriation transfer of \$550 from Account 60-321, General Reserve, to Account 6399-32-321, Senior Citizens Center, to install new entrance doors and panic hardware in order to meet provisions of State Fire Code. Resolution approving transfer needed.

ACTION: Res. 69-839 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

Appointments

NONE

Adjournment at 7:45 P.M.

ATTEST:

*W. T. Chynoweth*  
W. T. CHYNOWETH, CITY CLERK

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MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 8, 1969 AT 7:30 P.M.

Roll Call Present: Dixon, Newton, Simon, Smith, and Mayor Davies  
Absent: Mitchell and Robinson

Pledge of allegiance to the Flag

Invocation: Reverend Robert Kliewer, Greenwood Grace Brethren Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 17,  
(Smith/Newton, unan. - Mitchell and Robinson absent) 18, 19, 20, 22, 23, 24, 26

(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 for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of September 2, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Request of Yahi Bowman of Modesto for discussion concerning use of lower end of Legion Park.

ACTION: By motion (Smith/Simon, unan.) staff directed to work out details whereby Yahi Bowman will be permitted to use portion of Legion Park for archery meets subject to certain conditions.  
(P & R to handle)

BIDS

CONSENT

3. Consider award of bid for installation of water lines in Northgate No. 6. (Bids were opened September 2, 1969, and the low bid of Valley Construction, which is 1.8% above the engineer's estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them.)  
Resolution awarding bid needed. (Estimated cost: \$7,272 (Materials \$4,500; Labor \$2,772) Funds budgeted in Account No. 6804-50-101, Water Line Extension, P. 52)

ACTION: Res. 69-840 adopted awarding bid to Valley Construction.  
(P/W to handle)

CONSENT

4. Accept as complete Standard Materials Company contract for Site Preparation, Grading and Drainage at Moose Park. (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 the City Clerk to file a Notice of Completion needed. (Original amount of contract: \$9,582; Final amount of contract: \$9,651.11; Funds budgeted in Account No. 6321-324, Moose Park Development, Stage 1)

ACTION: Res. 69-841 adopted accepting contract. (Clerk to handle)

CONSENT

5. Accept as complete George Reed, Inc. contract for Asphalt Concrete Resurfacing, various City Streets and Senior Citizens and Community Service Center Parking Lots. (All work on this contract has been completed to the satisfaction of the Public Works and Parks and Recreation Departments. 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 the City Clerk to file a Notice of Completion needed. (Actual cost: \$29,060.61; original contract price \$27,506. Funds budgeted in Account Nos. 321-51 (1968-69 & 1969-70) \$24,811.26 Construction Materials 6303-321 (1968-69) \$ 3,169.35 Community Service Center 7902-321 (1968-69) \$ 1,080.00 Senior Citizens Center)

ACTION: Res. 69-842 adopted accepting contract. (Clerk to handle)

CONSENT

6. Installation of automatic sprinkler system and landscaping at Davis Community Park. Approval of plans and specifications and call for bids on September 23, 1969 at 10:00 A.M. Resolution needed. (Estimated cost: \$24,000; Funds budgeted in Account No. 6315-324, Davis Park, Stage II, Page 75. Appropriation transfer to be requested later from Fund No. 95-324, Park Fund Reserve. Awaiting bid returns to determine actual costs before transfer.)

ACTION: Res. 69-843 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

7. Installation of automatic sprinkler system and landscaping at Sherwood Park. Approval of plans and specifications and call for bids on September 23, 1969 at 10:10 A.M. Resolution needed. (Estimated cost: \$34,000; Funds budgeted in Account No. 6301-31-321, Sherwood Park, Stage I & IB, Page 73. Appropriation transfer to be requested later from Fund No. 60-321, General Reserve, Special Fund for Capital Outlay. Awaiting bid returns to determine actual cost before transfer.)

ACTION: Res. 69-844 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

8. Accept as complete George Reed, Inc., contract for Unit No. 1 Dryden Golf Course Parking Lot Paving and Unit No. 2 Del Webb Field Parking Lot Paving. (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 the City Clerk to file a Notice of Completion needed. (Estimated cost: Original contract amount: \$21,123.50; final contract amount: \$16,431.79. Funds budgeted in accounts as follows: 6250-31-321, Dryden Parking Lot \$10,273.92 6350-31-321, Del Webb Field Parking Lot 6,157.87)

ACTION: Res. 69-845 adopted accepting contract. (Clerk to handle)

HEARINGS

9. Annexation of Carpenter Addition to Modesto Municipal Sewer District No. 1 7:45 P.M.

ACTION: Res. 69-846 adopted (Simon/Newton, unan. - Mitchell & Robinson absent) annexing area. (Clerk to handle)

10. Annexation of John Sutter School Addition to Modesto Municipal Sewer District No. 1 7:50 P.M.

ACTION: Res. 69-847 adopted (Simon/Smith, unan. - Mitchell & Robinson absent) annexing area. (Clerk to handle)

11. Informal hearing on application for new gas concession operation at Modesto City-County Airport 7:55 P.M.

ACTION: Res. 69-848 adopted (Smith/Dixon, unan. - Mitchell & Robinson absent) new gas concession granted to Philip R. Hendley. (P/W to handle)

12. Public hearing re: unfilled basements in Block 55 8:00 P.M.

ACTION: By motion (Simon/Smith, unan.) staff directed to maintain the status quo until such time as the Council or staff wishes to consider this matter again.

Staff directed to make a report on the safety of the present fences around the unfilled basements. (P/W to handle)

13. Sidewalk requirement on Brady Ave. at 1124 Brady Ave., portion of Block 741 (Odell E. Scott) 8:05 P.M.

ACTION: Res. 69-849 adopted (Newton/Smith, unan. - Mitchell & Robinson absent) ordering work done. (P/W to handle)

14. Sidewalk requirement on Brady Ave. at 431 Mensinger Ave., Lot 5, Block 741 (Bela A. Koos) 8:05 P.M.

ACTION: Res. 69-850 adopted (Newton/Smith, unan. - Mitchell & Robinson absent) ordering work done. (Sidewalk permitted to be 6" narrower than normal.) (P/W to handle)

15. Matters for the good of the community  
(These may be presented by citizens in the audience)

8:10 P.M.

Dr. Fernando Vasquez, Director of Our Mother and Child Hospital and Fernando Abello Lobo, Manager of the Hospital presented a plaque from Barranquilla, Colombia to Mayor Davies in appreciation of the medical aid furnished. Mayor Davies then presented a Town Affiliation Charter to Dr. Vasquez.

It was announced that the taxpayer's suit "Lacey vs. City of Modesto" had been decided in favor of the City.

The City Manager announced that William S. Nichols had been selected as the new Director of Planning and would start work on October 6.

#### OLD BUSINESS

16. Consider approving assignments of lease agreements between the City of Modesto and Walter Fountain dba Hawke Duster and Flying Service, an individual, to Walter Fountain and Darold Jolliff dba Hawke Flying Service, a partnership. (This matter was continued from August 25 to permit staff to make a report.) Three resolutions needed:

- (1) Resolution approving assignment of lease agreement for Hangar No. 2 and Tie-Down Area.
- (2) Resolution approving assignment of lease agreement for west one-half of Hangar No. 1.
- (3) Resolution approving assignment of lease agreement for Office B in Office Building No. 1.

The above matters were continued for two weeks to receive a report from the City Attorney on the assignability of the lease agreements.  
(C/Atty to handle)

#### NEW BUSINESS

##### CONSENT

17. Adoption of Resolution of Intention to Establish a Pedestrial Mall on Tenth Street. (The hearing on the formation of the mall will be held on December 15, 1969.) Adoption of Resolution of Intention needed.

ACTION: Res. of Intention No. 318 (1109-S.P.) adopted.  
(Clerk to handle)

18. A Resolution Amending Resolution No. 67-53 Entitled "A Resolution Establishing Flat-Rate Charges for Water Service to Modesto City Schools and Rescinding Resolutions Nos. 60-162, 63-151, and 65-518" (The Modesto City Board of Education has authorized the transfer of students at the Lincoln School to other schools. This resolution is needed in order to amend the previous resolution by deleting Lincoln School from the list of schools that have a flat rate water service.) Resolution needed.

ACTION: Res. 69-851 adopted establishing new list of schools that have a flat rate water service. (Finance to handle)

CONSENT

19. A resolution approving the final map of Hagstrom Park No. 1 Sub-division 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. Hagstrom Park No. 1 Subdivision is located on the east side of Rose Avenue between Fairfax Avenue and M.I.D. Lateral No. 3. It contains 8.356 acres.) Resolution approving final map and authorizing execution of agreement by City Manager needed.

ACTION: Res. 69-852 adopted approving final map. (Clerk to handle)

CONSENT

20. Consider granting an easement to Modesto Irrigation District. (The easement is needed to construct primary electrical service to Davis Park facilities. The M.I.D. is providing the service adjacent to the restroom buildings and is obtaining a similar easement from Modesto City Schools along the west boundary of the park.) Resolution granting easement needed.

ACTION: Res. 69-853 adopted granting easement. (Clerk to handle)

21. Renewal of City of Modesto Basic Insurance Coverage. (Memo with agenda.) Resolution approving continuation of our present policy either with replacement or depreciated value fire and extended coverage needed. (Funds budgeted in Account Nos. 413-64-101, Fire Insurance; and 415-64-101, Public Liability Insurance.)

Councilman Simon disqualified himself as to voting on this item due to his connection with an insurance adjuster's office.

ACTION: Res. 69-854 adopted (Smith/Newton, unan. - Mitchell & Robinson absent) approving continuation with replacement value coverage. (Finance to handle)

Res. 69-854A adopted (Smith/Newton, unan. - Mitchell & Robinson absent) approving appropriation transfer of \$2,806 from Account 60-101 (General Fund - General Reserve) to Account 413-64-101 (Insurance & Retirement, Fire Insurance) to provide funds to cover the increased cost of Replacement value fire and extended coverage insurance. (Finance to handle)

CONSENT

22. Consider approval of documents and agreements relating to the improvement of Briggsmore-Northern Expressway between McHenry Avenue and Claus Road. (Memo to be distributed with agenda.) Estimated cost: \$316,113.47; Funds budgeted in Account No. 6714-207, Briggsmore - McHenry to Coffee. Seven resolutions needed. (see next page)

CONSENT

22., continued

Seven resolutions needed:

- (1) Authorize execution of the City-County Cooperative Agreement, Briggsmore-Northern Expressway.

ACTION: Res. 69-855 adopted approving agreement. (Clerk to handle)

- (2) Authorize execution of the City-County-State of California Maintenance Agreement.

ACTION: Res. 69-856 adopted approving agreement. (Clerk to handle)

- (3) Authorize execution of the City-County-Modesto Irrigation District Agreement.

ACTION: Res. 69-857 adopted approving agreement. (Clerk to handle)

- (4) Authorize condemnation proceedings be initiated for required right-of-way; a portion of Lot 7, Block 1291 (152 Norwegian Avenue).

ACTION: Res. 69-858 adopted authorizing condemnation proceedings against Dr. V. E. Maino. (C/Atty to handle)

- (5) Authorize condemnation proceedings be initiated for required right-of-way; a portion of Lot 5, Block 1290 (200 Norwegian Avenue).

ACTION: Res. 69-859 adopted authorizing condemnation proceedings against the Racquet Club. (C/Atty to handle)

- (6) Authorize execution of the Right-Of-Way Certificate to the State of California.

ACTION: Res. 69-860 adopted authorizing execution of right-of-way certificate. (Clerk to handle)

- (7) Approve an appropriation transfer in the amount of \$1,000.

ACTION: Res. 69-861 adopted approving appropriation transfer of \$1,000 from Account 6655-207 to Account 6714-207. (Finance to handle)

REPORTS

CONSENT

23. Notice that California railroads are requesting a 5% fare increase on intrastate trips. (A report by the Director of Parking and Traffic has been sent with the agenda.) No action needed. Information only.

NO ACTION.

CONSENT

24. H and G Streets changeover scheduled for Sunday, September 28 and Sunday, October 5 respectively. (Due to the traffic signal controller company being on strike, the City Electrical Department will install three temporary controllers as an interim measure which will allow the changeover of G & H Streets to be accomplished on the above dates. The City Electrical Department will install the temporary controllers and remove them when the new controllers arrive for a maximum cost of \$200. A memo from the Director of Parking and Traffic with agenda. Funds budgeted in Account No. 6211-56-321, Downtown Modernization.

NO ACTION.

25. Report on Drainage - 1969. (Report with agenda.) Motion directing staff needed.

Staff directed to continue to work on drainage study. (P/W to handle)

CONSENT

26. Appropriation Transfer of \$1,095 from the General Reserve to Account 208-18-101, Planning Department, for costs in connection with hiring a Planning Director. Resolution approving appropriation transfer needed.

ACTION: Res. 69-862 adopted approving appropriation transfer of \$1,095 from Account 60-101 to Account 208-18-101. (Finance to handle)

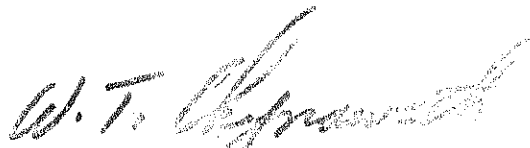
MISCELLANEOUS

27. Appointments.

NONE.

Adjournment at 9:40 P.M.

ATTEST:



W. T. CHYNOWETH, CITY CLERK

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## AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 15, 1969 AT 4:00 P.M.

Roll Call Present: Councilmen Newton, Simon, Smith, Mayor Davies.  
Councilman Dixon arrived at 4:07 P.M.

Absent: Councilmen Mitchell, Robinson

Pledge of allegiance to the Flag

Invocation: Reverend Glen Moore, Free Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 5, 6, 7, &, 10, ~~XX~~, 12,  
Items 8, 11 & 18 removed from consent. 13, 14, 15, 16, 17a, b, c, d, e,  
(Smith/Simon, unan. - Dixon, Mitchell ~~XX~~, 19, 20, 21  
and Robinson 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 for the individual items.)

1. Presentation of suggestion awards.

(a) \$10 award to Lauraine Kreamer for Suggestion No. 231 that a sign be put on the Council Chambers informing the public what meeting is taking place and directing them to the outside entrance.

(b) \$15 award to Harold Laws for Suggestion No. 233 that a storage box be utilized to carry emergency equipment in the police cars instead of loose within the trunk.

(c) \$15 award to Gene Eager for Suggestion No. 237 that the Fire Department purchase two 2 $\frac{1}{2}$ " - 3/4" adapters for each engine company, which would improve operation at fires requiring the shuttling of engine companies to supply water.

(Mayor to present awards. Funds budgeted in Account 236-17-101, Suggestion System)

ACTION: Awards presented by Mayor Davies.

APPROVAL OF MINUTES

CONSENT

2. Minutes of September 8, 1969.

ACTION: By motion, minutes approved.

PETITIONS, REMONSTRANCES & CORRESPONDENCE

CONSENT

3. Request of Tully Manor Homes for abandonment of Public Utility Easements in portion of Block 13129.  
(Resolution referring to Planning Commission needed)

ACTION: Res. 69-863 adopted referring to Planning Commission.  
(Planning to handle)

4. Request of Board of Directors of King-Kennedy Memorial Center for permission to hold fund raising activities at the Center and retain the funds.

ACTION: By motion (Newton/Simon, unan. - Mitchell & Robinson absent) request granted subject to added condition that board members be present at all events in a supervisory capacity and be responsible for all activities. (P & R to handle)

CONSENT

BIDS

5. Consider award of contract to low bidder, Gamon/Calmet Industries, to furnish water meters for a one-year period beginning September 15, 1969. (Memo and tabulation with agenda. Resolution needed. Estimated cost \$19,370. Funds budgeted in Account 438-512; Revolving Fund. Not shown in budget book. Product ultimately used in Account 5301-50-101, New Service, Page 52)

ACTION: Res. 69-864 adopted awarding contract to Gamon/Calmet Industries and approving waiver of minor bid bond irregularity. (Finance & Clerk to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for installation of water lines in Hagstrom Park No. 1. (Suggested bid opening September 30, 1969 at 10:00 A.M. Cost estimates are: Construction \$7,970; connection charge, \$3,700; net annual revenue \$592. Resolution approving plans, specifications and call for bids needed. Estimated cost \$7,970 (Materials \$4,730; labor, \$3,240). Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-865 adopted approving plans, specifications and bid call. (P/W and Clerk to handle)

CONSENT

7. Consider acceptance of Frontier Contractors, Inc. contract to construct piping of M.I.D. Lateral No. 3, east of McHenry. (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 and authorize the City Clerk to file notice of completion. Resolution accepting work needed. Estimated cost \$55,900; original contract, \$57,200; funds budgeted in Account 6714-207, Briggsmore, McHenry to Coffee)

ACTION: Res. 69-866 adopted accepting contract as complete and authorizing recordation of notice of completion. (Clerk to handle)

~~CONSENT~~

8. Consider acceptance of the Valley Construction Co. contract for installation of water lines in Coffee, Fairmont, Eldena and Crows Landing Roads. (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 notice of completion. Resolution accepting work needed. Final cost \$18,446.75; original cost, \$18,199; funds budgeted in Account 6828-50-101, Strengthen System at various locations)

REMOVED FROM AGENDA.

9. Matters for the good of the community. 4:15 P.M.  
(These may be presented by citizens in the audience)

1. Mr. Delmer Berg, Chairman, Board of Directors, Stanislaus County Cooperative Association, Inc., requested lease of Mark Twain and Floyd Neighborhood No. 2 park sites for a three-year period to raise food for the underprivileged.

ACTION: By motion (Newton/Dixon, unan.) the City Attorney was directed to prepare agreement containing provisions outlined by the Council relative to liability, etc. (C/Atty to handle)

Matters for the good of the community, continued

2. City Manager Keefe announced that City has received a No. 3 fire rating. Mayor Davies commended the staff for their efforts in making the rating possible.
3. Councilman Dixon commended the Director of Parking and Traffic for bringing service of Charles Endres to Council attention.

#### ORDINANCES

##### CONSENT

10. Final adoption of Ordinance No. 986-C.S., amending Section 30-3-9 of the zoning map (Cass).  
(Motion adopting needed)

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

##### ~~CONSENT~~

11. Ordinance adding Section 5-5.25.1 to Chapter 5 of Title V of the Modesto Municipal Code relating to Board of Review for rates to be charged for collection of commercial and industrial garbage.  
(At the council meeting of August 18, 1969 the City Council, by motion, authorized the preparation of this ordinance. A copy of the ordinance is being distributed with the agenda. Introduction of ordinance needed).

ACTION: By motion, Ordinance No. 988-C.S. introduced (Smith/Simon, unan. - Mitchell & Robinson absent). (Clerk to handle)  
The staff was directed to give the matter publicity before final adoption. (Clerk to handle)

#### OLD BUSINESS

##### CONSENT

12. Further consideration of walkway policy.  
(Memo with agenda. Resolution adopting policy needed)

ACTION: Res. 69-867 adopted approving walkway policy as recommended.  
(C/Atty to handle)

##### CONSENT

13. Approve lease for new parking lot on E/S of 9th Street between J and K Streets.  
(The lease authorized by the Council at its July 7, 1969 meeting has now been signed. Resolution approving lease needed. Funds to be requested later from Fund No. 209, General Reserve. Reason for delaying, project may not go forward if bids not low enough).

ACTION: Res. 69-868 adopted approving agreement with Trust Funds, Inc.  
(P & T to handle)

#### NEW BUSINESS

##### 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 after-school basis to commence on or about September 23, 1969, and to extend to or about May 29, 1970. District is to pay City \$7,206 for these services. This agreement is the usual agreement which has been entered into previously with the Modesto City School District whereby City agrees to operate the playgrounds on an after-school basis. Resolution authorizing agreement needed)

ACTION: Res. 69-869 adopted approving agreement. (Finance to handle)

CONSENT

15. A resolution determining that the public interest and convenience require that North 99 No. 3 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. Suggested hearing date November 3, 1969 at 4:15 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 69-870 adopted setting hearing. (Clerk to handle)

CONSENT

16. Resolutions needed to legalize one-way street change, eliminate diagonal parking on G Street, and revise truck route map. (These basically legal changes are needed because of the impending one-way street change. Changes are explained in detail on accompanying memo. Resolution revising one-way streets and eliminating diagonal parking on G Street, and resolution establishing truck routes needed.)

ACTION: Res. 69-871 adopted revising one-way street pattern and eliminating diagonal parking on G Street. (P & T to handle)

Res. 69-872 adopted establishing truck routes. (P & T to handle)

CONSENT

17. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.

(Informal requests were sent over thirty days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Adoption of resolutions needed. Suggested hearing date, October 6, 1969 at 4:15 P.M.)

CONSENT

(a) Sidewalk on Lois Avenue at 1239 Alma Avenue, Block 6001, Lots 23, 24, and 25 (Carl E. Ulrich, Jr.)  
(Resolution setting hearing needed)

ACTION: Res. 69-873 adopted setting hearing. (P/W and Clerk to handle)

CONSENT

(b) Sidewalk on Enslin Avenue at 515 Baldwin Street, Block 6054, Lot 11. (Norman J. Schmitz)  
(Resolution setting hearing needed)

ACTION: Res. 69-874 adopted setting hearing. (P/W and Clerk to handle)

CONSENT

17. (c) Sidewalk on Alma Avenue at 202 Marian Avenue, Block 6057, Lots 23, 24 and 25. (J. W. Fritts)  
(Resolution setting hearing needed)

ACTION: Res. 69-875 adopted setting hearing. (Clerk to handle)

CONSENT

- (d) Curb and gutter on Alice Street at 133 Orange Avenue, Block 510, Lots 35, 36 and a portion of Lot 34. (John J. Mendes).  
(Resolution setting hearing needed)

ACTION: Res. 69-876 adopted setting hearing. (Clerk to handle)

CONSENT

- (e) Sidewalk, curb and gutter on Alice Street at 135 Olive Ave., Block 509, Lots 35 and 36. (Harold D. Larsen)  
(Resolution setting hearing needed)

ACTION: Res. 69-877 adopted setting hearing. (Clerk to handle)

~~CONSENT~~

18. Request of City Attorney to attend Planning and Zoning Institute (Municipal Legal Studies Center at Southwest Legal Foundation, Dallas, Texas) to be held September 25-26, 1969.  
(Memo to Mayor and Council with agenda. Motion granting request needed)

REMOVED FROM AGENDA.

CONSENT

19. A resolution rescinding Resolution No. 69-859 entitled "A Resolution Authorizing the Institution of Condemnation Proceedings to Acquire Certain Real Property in the City of Modesto to be Used for Street Purposes (Racquet Club)".  
(The Racquet Club has deeded the property to the City and, therefore, it will not be necessary to condemn the property. Resolution needed)

ACTION: Res. 69-878 adopted rescinding Res. 69-859. (C/Atty to handle)

19A. Group Life Insurance.

(Request to change placement of group life insurance coverage. Resolution authorizing City Manager to sign agreement needed. Estimated cost \$3,519; funds budgeted in Account 64-423, Group Life Insurance)

ACTION: Res. 69-879 adopted (Simon/Dixon, unan. - Mitchell & Robinson absent) authorizing City Manager to sign agreement with North American Life and Casualty for employee group life insurance. (Personnel to handle)

APPROPRIATION TRANSFERS

CONSENT

20. Appropriation transfer for \$5,000.  
(Miscellaneous investigation costs for sanitary landfill site.  
Resolution needed)

ACTION: Res. 69-880 adopted approving appropriation transfer.  
(Finance to handle)

CONSENT

21. Consider request for appropriation transfer of \$511 to provide additional funds needed for replacement of three air brooms and the purchase of a Lo Blo Wind Machine.  
(Prices obtained for budgeting purposes did not reflect price increases, and additional funds are needed to purchase the equipment for the Parks and Recreation Department's use. Resolution approving transfer. Estimated cost \$511. Funds budgeted in Account 512, Reserve appropriation (60)

ACTION: Res. 69-881 adopted approving appropriation transfer.  
(Finance to handle)

MISCELLANEOUS

22. Appointments.

ACTION: Res. 69-882 adopted (Dixon/Smith, unan. - Mitchell & Robinson absent) appointing Gilbert Vasquez to the Human Rights Commission for a term expiring 5/1/70. (Clerk to handle)

23. Executive session to discuss with City Attorney pending litigation for library site acquisition.

NO ACTION TAKEN. (The Council retired to executive session at 5:12 P.M. and returned at 6:05 P.M.)

Adjournment at 6:10 P.M.

ATTEST: Pauline P. Stanley  
PAULINE P. STANLEY, ACTING CITY CLERK

## AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 22, 1969 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
and Mayor Davies  
Absent: None

Pledge of allegiance to the Flag  
Invocation: Rev. Ben Jennings, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, ~~3~~, 4, 5, 6, ~~7~~, 8,  
Item 3 dropped from agenda. 10, 16, ~~17~~, ~~18~~, 20, 21, 22,  
Items 7, 17, 18, 23 & 24 removed from ~~23~~, ~~24~~, 25, 26, 27, 28, 30, 31,  
consent. (Robinson/Smith, unan.) 32, 33, 34, 35

(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 for the individual items)

APPROVAL OF MINUTES

## CONSENT

1. Approval of minutes of September 15, 1969.  
(Motion approving needed)

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES & CORRESPONDENCE

## CONSENT

2. Letter from T. J. Dowdy regarding new road between Coffee Road and Brighton Avenue.  
(Motion referring to staff for report needed)

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

~~CONSENT~~

3. Letter from J. O. Humphrey requesting harvest of olives at Mellis Park.  
(Motion approving request needed)

DROPPED FROM AGENDA.

CONSENT

PAGE

4. Consider acceptance of Valley Construction Co. contract for installation of water lines in Coffee, Fairmont, Eldena and Crows Landing Roads.  
(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 notice of completion.  
(Resolution accepting the work and authorizing the City Clerk to file notice of completion needed. Final cost \$18,446.75; original cost, \$18,199; funds budgeted in Account 6828-50-101, Strengthen System at Various Locations)

ACTION: Res. 69-883 adopted accepting work. (Clerk to handle)

CONSENT

5. Consider awards to low bidders for annual supply of water pipe commencing October 1, 1969 as follows:

(a) United States Pipe & Foundry for cast iron pipe;  
(Resolution approving award of bid needed)

ACTION: Res. 69-884 adopted awarding bid. (Finance to handle)

(b) Voss International Corporation for asbestos cement pipe.  
(Resolution awarding bid needed. Estimated cost \$76,700; funds budgeted in Account 438-512, Revolving Fund. Not shown in budget book; ultimately used in water lines and charged to 321-50-101 and 6804-50-101, See page 52)

ACTION: Res. 69-885 adopted awarding bid. (Finance to handle)

CONSENT

award of

6. Consider/bid for installation of water lines in Prescott Estates.  
(Bids were opened on September 16 and the low bid of Valley Construction Co. which is 5.7% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$14,004.25 (Materials \$8,650; Labor, \$5,354.25; funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-886 adopted awarding bid to Valley Construction Co.  
(P/W to handle)

~~CONSENT~~

7. Accept as complete George Reed, Inc. contract for resurfacing of various city streets, Unit 1, Residential Streets, Unit 2, Select Streets.  
(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 and authorize the City Clerk to file notice of completion. Due to the uneven nature of the streets being resurfaced, the average overlay thickness is exceeding the planned 1" section by 20% in order to get an acceptable surface texture. Resolution accepting work needed. Original contract amount \$55,267.50; final cost, \$61,440.69. Funds budgeted in Accounts 6657-41-321, Various Residential Streets, and 6660-207, Asphalt Concrete Overlay Misc. Resurfacing; \$46,455.90 and \$14,984.79 respectively)

ACTION: Res. 69-887 adopted (Robinson/Simon, unan.) accepting contract.  
(Clerk to handle)

CONSENT

8. Consider acceptance of Industrial Electric's contract for construction of sewers to Golden Years Resthome.  
(All work in connection with this contract is completed to the satisfaction of the Public Works Department. Therefore, it would be in order for the Council to accept the work and authorize the City Clerk to file the notice of completion. Resolution accepting work needed. Original contract cost \$7,728.80; final cost, \$7,931.83. Funds budgeted in Account 6561-52-212, Extend Subtrunk & Perimeter Sewers)

ACTION: Res. 69-888 adopted accepting contract. (Clerk to handle)

90. Construction projects at Modesto City-County Airport:

- (a) Approve plans and specifications and call for bids for construction of Airline Terminal expansion.  
(Bid opening October 14, 1969 at 10:00 A.M. Estimated cost \$43,500, including engineering. Budgeted in Account 6522-230, Terminal Facilities Expansion, p. 71) Resolution approving plans, specifications and bid call needed)

ACTION: Res. 69-889 adopted (Robinson/Simon, unan.) approving plans and specifications and bid call. (Clerk to handle)

- (b) Consider appropriation transfer of \$4,100 for construction of block wall and adjacent paving in area between Hangars Nos. 1 and 2. (Resolution approving appropriation transfer needed)

ACTION: Res. 69-890 adopted (Robinson/Simon, unan.) approving appropriation transfer of \$4,100 from Account 60-46-230 to Account 5201-46-230. (Finance to handle)

- (c) Progress report on Terminal Building aircraft apron expansion and 4,000' taxiway overlay projects.  
(Memo with agenda.)

NO ACTION.

CONSENT

10. Accept as complete Standard Materials Co., contract for the improvement of College Avenue from Orangeburg Avenue to Briggsmore Avenue. (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 notice of completion. Resolution accepting work as complete needed. Original contract amount \$33,188.10; final contract amount \$33,200.16; funds budgeted in Account 6737-207, College-Orangeburg to Briggsmore)

ACTION: Res. 69-891 adopted accepting contract. (Clerk to handle)

HEARINGS

11. Annexation of Santa Rosa Addition to Sewer District No. 1. 7:45 P.M.  
(Information with agenda)

ACTION: Res. 69-892 adopted (Simon/Newton, unan.) annexing area.  
(Clerk to handle)

12. Annexation of El Terino Addition to Sewer District No. 1. 7:50 P.M.  
(Information with agenda)

ACTION: Res. 69-893 adopted (Mitchell/Dixon, unan.) annexing area.  
(Clerk to handle)

13. Annexation of McHenry Addition to City of Modesto. 7:55 P.M.  
(Information with agenda)

ACTION: Res. 69-894 adopted (Dixon/Newton, unan.) declaring no majority  
protest made.  
Ord. 989-C.S. adopted (Dixon/Newton, unan.) annexing area.  
(Clerk to handle)

14. Annexation of Sylvan-Coffee No. 1 Addition to City of Modesto. 8:00 P.M.  
(Information with agenda)

ACTION: Res. 69-895 adopted (Smith/Mitchell, unan.) declaring no majority  
protest made.  
Ord. 990-C.S. adopted (Smith/Mitchell, unan.) annexing area.  
(Clerk to handle)

15. Matters for the good of the community. 8:10 P.M.  
(These may be presented by citizens in the audience)

Councilman Mitchell reported on the 11th Annual Town Affiliation  
Conference held in Washington, D. C.

By Order of the Mayor, Councilman Dixon was appointed to represent  
the City Council on the Environmental Health Council with Councilman Smith  
as the alternate.

Councilman Dixon reported on a meeting held by the Steering Committee  
of the Citizens' Involvement Committee. He stated that a general meeting  
was scheduled for October 23.

John Funnel, Farm-City Advisory Committee member was introduced.

ACTION: Res. 69-896 adopted (Mitchell/Smith, unan.) declaring intention  
to update the General Plan to include the type of Housing Element  
required by the State in connection with the Tuolumne River  
Regional Park grant application. (C/Atty to handle)

ACTION: By motion (Robinson/Smith, unan.) City Manager permitted  
vacation October 10 - 17, 1969.

Councilman Dixon stated that he intended to attempt to have the  
monies paid Council members for attendance and expense increased.

ORDINANCES

CONSENT

16. Adoption of Ordinance No. 988-C.S. relating to Board of Review for  
rates charged for collection of commercial and industrial garbage.  
(Motion adopting needed)

ACTION: By motion Ord. No. 988-C.S. adopted. (Clerk to handle)

~~CONSENT~~

17. An ordinance adding Section 6-8.110 to Article 1 of Chapter 8 of Title VI of the Modesto Municipal Code relating to revocation of private patrol permits.  
(The Municipal code does not provide a procedure for the revocation of private patrol permits. This ordinance gives the Chief of Police the authority to revoke any permit issued by him when in his opinion a permittee no longer meets the qualifications prescribed for the issuance of permits. Said permittee has the right to appeal to the City Council. Introduction of ordinance needed)

ACTION: By motion (Smith/Robinson, unan.) Ord. No. 991-C.S. introduced.  
(Clerk to handle)

~~CONSENT~~

18. Ordinance amending Section 2-4.303 of Article 3 of Chapter 4 of Title II of the Modesto Municipal code;  
(The payroll procedure provided in the Municipal Code is outdated and has not been in use for many years. The City Attorney has prepared an ordinance revising the Code which incorporates our present procedures. We recommend that the Council adopt the ordinance. Motion introducing ordinance needed.)

ACTION: By motion (Smith/Mitchell, unan.) Ord. No. 992-C.S. introduced.  
(Clerk to handle)

OLD BUSINESS

19. Further consideration of assignments of lease agreements between the City of Modesto and Walter Fountain dba Hawke Duster and Flying Service, an individual, to Walter Fountain and Darold Jolliff dba Hawke Flying Service, a partnership.  
(Carried over from September 8th meeting)

ACTION: Res. 69-897 adopted approving assignment of lease agreement for Hangar No. 2 and Tie-Down Area.  
Res. 69-898 adopted approving assignment of lease agreement for West One-Half of Hangar No. 1.

Res. 69-899 adopted approving assignment of lease agreement for Office "B" in Office Building No. 1.

(Clerk to handle)

Staff to make study of possibility of amending guidelines for operations at airport concerning gas concessionaires being involved in other businesses at airport. (P/W to handle)

CONSENT

20. A resolution determining that the public interest and convenience require that North 99 No. 3 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing, and rescinding Resolution No. 69-870.  
(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. Suggested hearing date November 3, 1969 at 4:15 P.M. Resolution setting hearing (2/3 affirmative vote needed). Carried over from September 15th meeting for lack of 2/3 vote)

ACTION: Res. 69-900 adopted setting hearing and rescinding Res. 69-870.  
(Clerk to handle)

CONSENT

21. Approval of agreement with Stone and Youngberg to be the special consultant on the mall.  
(Copies of the agreement with agenda. Resolution approving agreement needed. Resolution approving appropriation transfer of \$12,000 needed)

ACTION: Res. 69-901 adopted approving agreement. (Clerk to handle)

Res. 69-902 adopted approving appropriation transfer of \$12,000 from Account 60-101 to Account 406-65-101. (Finance to handle)

CONSENT

22. Consider agreement for Coffee Road right of way Project No. 59-11, between Louis G. McArthur and Ruth J. McArthur, and the City of Modesto, and acceptance of a grant deed by the City from the McArthurs.  
(The terms of the agreement for the acquisition of the property described in the grant deed are those which usually apply in such acquisitions. The City agrees to, at no expense to grantors, cause the installation of curbs and gutters and the improvement of the street section along the Coffee Road frontage of the subject property. Resolution authorizing agreement and accepting grant deed needed)

ACTION: Res. 69-903 adopted approving agreement and accepting grant deed. (Clerk to handle)

~~CONSENT~~

23. Lease agreement between City of Modesto and Stanislaus County Co-Operative Association, Inc., providing for a three year lease to Stanislaus County Co-Operative Association of the Mark Twain Park Site and Floyd Neighborhood Park No. 2 Site for raising various types of vegetable crops thereon.  
(This matter was considered by the Council at its meeting of September 15th, at which time the staff was directed to prepare the necessary documents. Resolution approving agreement needed)

ACTION: Res. 69-904 adopted (Newton/Dixon, unan.) approving agreement. (Clerk to handle)

~~CONSENT~~

24. Resolution authorizing County Librarian to submit application for consolidation grant and approving the plan for service for Library.  
(Memo with agenda. Resolution needed)

ACTION: Res. 69-905 adopted (Simon/Robinson, unan.) authorizing submission of grant application and approving plan for service. (C/Mgr to handle)

NEW BUSINESS

CONSENT

25. Consider agreement between the City and the State of California, Department of Public Works, Division of Highways, for maintenance of State Highways in the City of Modesto.  
(The new agreement updates the existing agreement, effective July 1, 1969. Resolution approving agreement needed)

ACTION: Res. 69-906 adopted approving agreement. (Clerk to handle)

CONSENT

26. Sample inventory.

(The attached report is the results of the Finance Department's sample inventory which is taken quarterly. The sample represents a minimum of 10% of the items in the department surveyed and the results are presented by the accountant assigned the responsibility of taking the sample inventory, and everything was found to be in order. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

27. Amendment to lease agreement between the City and Norman C. Hougey.

(Mr. Hougey has been renting a house located on the proposed King-Kennedy Memorial Center parking lot. It was anticipated that the house would be moved in November; however, other circumstances have made the house available for a longer period of time. This amendment will extend Mr. Hougey's lease until the house has to be moved. Resolution approving amendment needed)

ACTION: Res. 69-907 adopted approving amendment to agreement.  
(Finance to handle)

CONSENT

28. Accept improvements in Renee Manor No. 2 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of the statutory lien period.

(Renee Manor No. 2 Subdivision is located in Northwest Modesto North of Rumble Road and east of Carver Road. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing release of bond needed)

ACTION: Res. 69-908 adopted accepting improvements. (Clerk to handle)

29. Lease of Old Corporation Yard.

(Memo with agenda. Two resolutions needed (1) Resolution canceling Wilson lease; (2) Approving Eichel lease.)

ACTION: Res. 69-909 adopted (Robinson/Dixon, unan.) cancelling Wilson lease.

Res. 69-910 adopted (Robinson/Dixon, unan.) approving lease with Deet Eichel, Inc. (Finance to handle)

CONSENT

30. Request council permission to conduct Junior Fire Marshall program in all elementary schools in the City during Fire Prevention Week October 5-11, 1969.

(Memo with agenda. Motion approving request needed)

ACTION: By motion request approved. (Fire to handle)

REPORTS

CONSENT

31. Report on condition of fences in Block 55.  
(Motion accepting report needed. Memo with agenda)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

32. Recommend commencement of proceedings for the annexation to the City of noncontiguous uninhabited city-owned property (Jennings Addition) (On September 16, 1969 the Planning Commission adopted Resolution 69-113 recommending to the Council the commencement of proceedings for the annexation to the City of noncontiguous uninhabited city-owned property (Jennings Addition). Resolution commencing annexation proceedings and authorizing City Manager to sign Local Agency Formation Commission letter of transmittal needed)

ACTION: Res. 69-911 adopted consenting to commencement of annexation proceedings. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

33. Request for appropriation transfer of \$4,000 to provide funds for placing the rotary screens at the Water Quality Control Plant in operation.  
(Memo with agenda. Resolution approving transfer needed)

ACTION: Res. 69-912 adopted approving appropriation transfer of \$4,000 from Account 60-101 to Account 223-53-101. (Finance to handle)

CONSENT

34. Consider appropriation transfer of \$400 to cover costs of telephone switchboard line expansion.  
(Memo with agenda. Resolution approving needed)

ACTION: Res. 69-913 adopted approving appropriation transfer of \$400 from Account 60-101 to Account 204-19-101. (Finance to handle)

CONSENT

35. Appropriation of Airport Fund Balance.  
(\$1,100 is available in the Airport Fund Balance since the actual balance at the close of the 1968-69 fiscal year exceeded the estimated balance. Appropriation of the funds is requested so they will be available to finance airport capital improvements. Resolution approving appropriation from the Airport Fund Balance to the Airport General Reserve needed)

ACTION: Res. 69-914 adopted approving appropriation of \$1,100 from Airport Fund Balance to Airport General Reserve. (Finance to handle)

MISCELLANEOUS

36. Appointments

ACTION: Res. 69-915 adopted (Robinson/Mitchell, unan.) appointing Robert H. Stuart as a replacement for Walt Witherspoon as a member of the Citizens Community Center Committee. (Clerk to handle)

Adjournment at 10:32 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

CITY OF MODESTO  
AGENDA FOR COUNCIL MEETING OF MONDAY, OCTOBER 6, 1969 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith and Mayor Davies  
Absent: Robinson  
(Councilman Simon was excused at 6:10 P.M.)

Pledge of allegiance to the Flag  
Invocation: Reverend Wilson H. Yost, First Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 9, 11, 12,  
Items 3, 21 & 21A removed from consent. 13, 14, 15, 16, 17, 18, 19,  
(Smith/Newton, unan.) - Robinson absent. 20, 21, 29, 30, 31, 34, 35,  
37a, b, c, d, e, f, g, h, i,  
j, k, 38, 39, 41, 42, 43, 44

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 for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of September 22, 1969.

ACTION: By motion minutes approved. (Clerk to handle)

PETITIONS, REMONSTRANCES & CORRESPONDENCE

CONSENT

2. Claim of Dr. George Valentine for \$4,265.25.  
(Memo from City Attorney with agenda) Motion referring to staff for report needed.

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

~~CONSENT~~

3. Request of Skypower Gas Inc. for encroachment permit to permit flagpole in setback area at Briggsmore Square.  
(Resolution setting informal hearing needed. Suggested date October 13, 1969 at 7:45 P.M.)

ACTION: Res. 69-916 adopted (Mitchell/Dixon, unan. - Robinson absent) setting October 13, 1969 at 7:45 P.M. as time for informal hearing. (Clerk to handle)

4. Recommendation of Downtown Modesto Association of Tenants and Property Owners that in lieu parking space fee be returned to \$750 per space.

ACTION: By motion (Dixon/Simon, unan.) previous decision on fees reaffirmed. (Clerk to handle)

CONSENT

5. Request of Downtown Improvement District for use of downtown sidewalks for sidewalk sales on October 9, 10 and 11, 1969.  
(Resolution granting request needed)

ACTION: Res. 69-917 adopted granting request. (Clerk to handle)

CONSENT  
6. Letter from V.F.W. Post #4144 volunteering labor for installation of landscaping at Senior Citizens Center.  
(Motion granting request needed)

ACTION: By motion offer accepted. (P & R to handle)

CONSENT

7. Appeal of Jack Forcade from decision of Planning Commission denying application for P-P-D zoning at southwest corner of Sutter and Robertson.  
(Resolution setting hearing needed. Suggested date October 27, 1969 at 7:45 P.M.)

ACTION: Res. 69-918 adopted setting hearing. (Clerk to handle)

8. Notice from Golden West Airlines, Inc., dba Aero-Commuter, that operations ceased temporarily at midnight, September 30, 1969.

NO ACTION.

CONSENT

9. Claim of Daniel Teves for damages to auto at sanitary landfill site on May 24, 1969.  
(Motion referring to staff for report needed)

ACTION: By motion referred to staff for report. (Clerk to handle)

10. Letter concerning site of proposed community center.

ACTION: By motion (Smith/Newton, majority - Dixon & Davies, no - Robinson, absent) proposal to use Lincoln School Site referred to Planning Commission for study and recommendation as soon as possible (Planning to handle);

By motion (Mitchell/Newton, unan. - Robinson absent) staff directed to contact School District concerning sale of Lincoln School Site to give Council chance to look into other possible City uses such as an all-day parking lot. (C/Mgr to handle)

CONSENT

11. Request for 2" encroachment permit for proposed Kauffman's Store building.  
(Resolution setting informal hearing needed. Suggested date October 13, 1969 at 7:50 P.M.)

ACTION: Res. 69-919 adopted setting October 13, 1969 at 7:50 P.M. as time for informal hearing. (Clerk to handle)

BIDS

CONSENT

12. Consider approval of plans and specs and call for bids on construction of Rue De Yoe sewer.  
(This sewer line is needed to replace an existing line which is a continual maintenance problem because of steep grade, root infestation and misalignment. Bid opening October 21, 1969 at 10:15 A.M. Resolution approving plans, specs and call for bids needed. Estimated cost \$6,725 (contract \$6,025; Engr. \$700). Funds budgeted in Account 6558-212, Rue De Yoe, Replace Sewer Lateral)

ACTION: Res. 69-920 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

13. Approval of plans and specifications and call for bids for construction of Mellis Park Field lighting.  
(Bid opening October 21, 1969 at 10:25 A.M. This project will provide lighting for the softball field similar to that at Beard Brook and Davis Park. Resolution approving plans, specifications and call for bids needed. Estimated cost \$25,000 (Contract \$24,000; Engr. \$1,000). Funds budgeted in Account 6314-31-321, Mellis Park Ball Field Lighting)

ACTION: Res. 69-921 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

14. Call for bids for construction of a parking lot on the east side of 9th Street between J and K Streets.  
(Construction consists of paving, curbs, gutters, sidewalks, meter posts and planters. It is recommended that bids be opening October 29, 1969. This would allow construction to be completed in time for use by Christmas shoppers. Resolution call for bids needed. Estimated cost \$5,910. Funds to be requested later from Fund No. 209, Parking Fund, General Reserve. Lease limits construction to \$6,000. If low bid is more than \$6,000 the project may be dropped)

ACTION: Res. 69-922 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

15. Approve plans, specifications and call for bids for the construction of General Aviation apron expansion and taxiway overlay, 4000' runway, Modesto City-County Airport.  
(Suggested bid opening October 21, 1969 at 10:20 a.m. Memo with agenda. Resolution approving plans, specs and call for bids needed, and four resolutions approving appropriation transfer and other budget adjustments. Estimated cost \$22,140 (Contract \$21,230; Engr. \$910)

ACTION: Res. 69-923 adopted approving plans and specifications and bid call. (Clerk to handle)

Res. 69-924 adopted approving appropriation transfer of \$22,140 from Account 60-46-230 (General Reserve - Airport) to Account 6529-46-230 (Airport - Taxiway Overlay) \$12,240 and Account 6532-46-230 (Airport - Aircraft Apron Expansion) \$9,900. (Finance to handle)

Res. 69-925 adopted transferring \$11,918 from Special Fund for Capital Outlay (321) to the Airport Fund (230).  
(Finance to handle)

Res. 69-926 adopted estimating additional revenue and approving the appropriation of these funds (\$10,222) in the Airport Fund. (Finance to handle)

Res. 69-927 adopted approving appropriation of \$14,000 from fund balance of Special Fund for Capital Outlay to Account No. 60. (Finance to handle)

16. Consider rejecting all bids for the construction of the Eicher Avenue Subtrunk Sewer. (Memo with agenda. Resolution rejecting all bids and setting a new bid opening date for October 21, 1969 at 10:10 A.M. needed. Estimated cost \$52,000 (Contract \$40,000; Engineering and contingencies \$12,000). Funds budgeted in Account 6562-52-212, Eicher Avenue Subtrunk. Appropriation transfer to be requested later if needed)

ACTION: Res. 69-928 adopted rejecting bid of W. M. Lyles Co., approving plans and specifications and bid call. (Clerk to handle)

CONSENT

17. Consider acceptance of Valley Construction Company's contract for installation of water lines in Rose Terrace No. 2. (All work in connection with this contract has been completed to the satisfaction of the Public Works Department and it would be in order to accept the work and authorize the City Clerk to file a notice of completion. Resolution accepting work needed. Final cost, contract \$4,045.50; Original \$3,600. Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-929 adopted accepting contract. (Clerk to handle)

CONSENT

18. Accept as complete Eibens Nursery Company's contract for installation of improvements at Senior Citizens Center. (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 notice of completion. Resolution accepting work needed. Original contract \$10,811.00; final contract, \$10,993.40. Funds budgeted in Accounts 6300-31-321<sup>PV</sup>, Senior Citizens Landscaping; 6300-31-321 CY, Senior Citizens Landscaping)

ACTION: Res. 69-930 adopted accepting contract. (Clerk to handle)

CONSENT

19. Accept as complete B. G. Construction Co. contract for site preparation, grading and drainage at Sherwood Park. (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. Original contract amount \$12,516; final contract amount \$12,516; funds budgeted in Account 6301-31-321, Sherwood Park, Stage I)

ACTION: Res. 69-931 adopted accepting contract. (Clerk to handle)

CONSENT

20. Consider award of bid for installation of water lines in Hagstrom Park No. 1. (Bids were opened on September 30, 1969 and the low bid of Valley Construction Company, which is 0.1% below the Engineer's Estimate, is considered acceptable. Therefore, it is recommended the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$7,934.60 (Contract \$3,204.60; materials, \$4,730). Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-932 adopted awarding bid to Valley Construction Co. (P/W to handle)

21. Consider award of bid for the installation of automatic sprinkler system and landscaping at Sherwood Park. (Bids were opened on September 23, 1969. The low bid submitted by John Birges, which is 38.8% below the Landscape Architect's estimate, is considered acceptable. Therefore it is recommended by the Public Works Department that the bid be awarded to John Birges. Resolution awarding bid and resolution approving appropriation transfer of \$10,000 needed. Contract cost \$20,800; funds budgeted in Account 6301-31-321, Sherwood Park - Stages I and I B. The appropriation transfer is needed since development costs on the first two phases, grading and drainage, restroom buildings and paving, were higher than budgeted)

ACTION: Res. 69-933 adopted (Newton/Mitchell, unan. - Robinson & Simon absent) awarding bid to John Birges. (P/W to handle)  
 Res. 69-934 adopted (Newton/Mitchell, unan. - Robinson & Simon absent) approving appropriation transfer of \$10,000 from Account 60-321 to Account 6301-31-321. (Finance to handle)

CONSENT

21A. Consider award of bid for installation of automatic sprinkler system and landscaping at Davis Park. (Bids were opened September 23. The low bid submitted by Albert M. Biehl, which is 28.6% below the Landscape Architect's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to Mr. Biehl. Resolution awarding bid and resolution appropriating an additional \$14,000 needed. Estimated cost, contract, \$17,137; funds budgeted in Account 6315-321 (\$3,137), Davis Park, Stage II. The appropriation transfer is needed since development costs on the first two phases, grading and drainage, restroom buildings and paving, were higher than budgeted)

ACTION: Res. 69-935 adopted (Newton/Mitchell, unan. - Robinson & Simon absent) awarding bid to Albert M. Biehl. (P/W to handle)  
 Res. 69-936 adopted (Newton/Mitchell, unan. - Robinson & Simon absent) transferring \$14,000 from General Fund (101) to Special Fund for Capital Outlay (321). (Finance to handle)

HEARINGS

22. Sidewalk requirement on Lois Avenue at 1239 Alma Ave., Block 6001, Lots 23, 24, and 25. (Carl E. Ulrich, Jr.) 4:15 P.M.

ACTION: Res. 69-937 adopted (Dixon/Smith, unan. - Robinson & Simon absent) ordering work done with October 1, 1970 as date for completion. (P/W to handle)

23. Sidewalk requirement on Enslin Ave. at 515 Baldwin St., Block 6054, Lot 11 (Norman J. Schmitz) 4:15 P.M.

ACTION: Res. 69-938 adopted (Dixon/Smith, unan. - Robinson & Simon absent) ordering work done on Enslin and Baldwin frontages with September 1, 1970 as date for completion. (P/W to handle)

24. Sidewalk requirement on Alma Avenue at 202 Marian Ave., Block 6057, Lots 23, 24 and 25 (J. W. Fritts) 4:15 P.M.  
 (To be dropped from agenda)

DROPPED FROM AGENDA.

25. Curb and gutter requirement on Alice Street at 133 Orange Ave., Block 510, Lots 35, 36 and a portion of Lot 34 (John J. Mendes) 4:15 P.M.  
 (To be dropped as work has been done)

DROPPED FROM AGENDA

26. Sidewalk, curb and gutter requirement on Alice St. at 135 Olive Avenue, Block 509, Lots 35 and 36 (Harold D. Larsen) 4:15 P.M.

ACTION: Res. 69-939 adopted (Dixon/Smith, unan. - Robinson & Simon absent) ordering work done. (P/W to handle)

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

It was announced that the City of Modesto was awarded second place in the Employees' Safety Contest in Group 5 (301 - 600 employees).

Negotiations between the City of Modesto and the Empire Fire District pertaining to fire protection at the City-County Airport were discussed.

Councilman Mitchell reported on the League of California Cities Conference.

28. Hearing on formation of Improvement District No. 14. 5:00 P.M.

ACTION: By motion (Smith/Simon, unan. - Robinson, absent) hearing continued to October 13, 1969 at 7:55 P.M. (Clerk to handle)

City Attorney directed to check with bond counsel as to supplemental information (in easily understood form) which might be sent to property owners with the legal notice. (C/Atty to handle)

#### ORDINANCES

##### CONSENT

29. Final adoption of Ord. No. 991-C.S., revocation of Private Patrol Permits.  
(Motion adopting needed)

ACTION: By motion Ord. No. 991-C.S. adopted. (Clerk to handle)

##### CONSENT

30. Final adoption of Ord. No. 992-C.S., payroll procedures.  
(Motion adopting needed)

ACTION: By motion Ord. No. 992-C.S. adopted. (Clerk to handle)

OLD BUSINESS

CONSENT

31. A resolution establishing conditions for payment in installments of sewer connection charges and subtrunk extension charges for single-family residential dwellings.  
(Memo from Director of Public Works with agenda, with copy of proposed resolution. Adoption of resolution needed)

ACTION: Res. 69-940 adopted establishing conditions for installment payments. (Finance to handle)

32. Report on installation and maintenance of landscaping in P-D zones and use permits.

ACTION: By motion (Dixon/Mitchell, unan.) staff authorized to amend section of Municipal Code dealing with landscaping standards as recommended by staff and to provide for increased enforcement of ordinance. (C/Atty to handle)

33. Further consideration of development plan for planned development zone granted for Senior Citizens Housing Project on Maze Boulevard.  
(Cass)  
(This was continued pending receipt of above report on landscaping)

ACTION: Res. 69-941 adopted (Smith/Newton, unan. - Robinson & Simon, absent) approving development plan. (Planning to handle)

CONSENT

34. Request by City Manager for vacation October 17, 20-24, 1969, inclusive, instead of October 10, 13-17 as previously requested.  
(Memo with agenda. Motion approving request needed)

ACTION: By motion request approved. (C/Mgr to handle)

CONSENT

35. A resolution determining that the public interest and convenience require that El Vista No. 3 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. Suggested hearing date November 24, 1969 at 7:45 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 69-942 adopted setting hearing. (Clerk to handle)

36. Consider approval of bulletin board notice of special meetings.  
(Memo with agenda. Motion approving recommendation needed)

ACTION: By motion (Newton/Dixon, unan.) staff directed to have bulletin board for notices of various meetings installed in main floor lobby of City Hall. (C/Mgr & Clerk to handle)

CONSENT

37. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below. (The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. The City Clerk will set the date for the hearing. Resolution needed. Suggested date October 20, 1969 at 4:15 P.M. Funds budgeted in Account 5302-51-101, Curbs & Gutters Special)

CONSENT

(a) Curb and gutter at 111 Rosina Ave., portions of Lots 8 and 9, Block 2125 (\$147.50 - Chester C. Spearing)  
(Resolution setting hearing needed)

ACTION: Res. 69-943 adopted setting hearing. (P/W to handle)

CONSENT

(b) Sidewalk and curb on L St. at 1201 7th Street, Lots 15, 16, Block 37 (\$531.75 - Robert Williams)  
(Resolution setting hearing needed)

ACTION: Res. 69-944 adopted setting hearing. (P/W to handle)

CONSENT

(c) Curb and gutter on Parry Avenue at 2048 Miller Ave., Lot 1, Block 2224 (\$254.75 - Mrs. Ernest Bewley)  
(Resolution setting hearing needed)

ACTION: Res. 69-945 adopted setting hearing. (P/W to handle)

CONSENT

(d) Curb and gutter on Parry Ave. at 2049 Miller Ave., Lot 24, Block 2225 (\$338.87 - Delbert Hammons)  
(Resolution setting hearing needed)

ACTION: Res. 69-946 adopted setting hearing. (P/W to handle)

CONSENT

(e) Curb and gutter at 138 Merced Ave., Lots 28 and 29, Block 311 (\$197.81 - John McClain)  
(Resolution setting hearing needed)

ACTION: Res. 69-947 adopted setting hearing. (P/W to handle)

CONSENT

(f) Curb and gutter at 142 Merced Ave., Lots 26 and 27, Block 311 (\$169.00 - Ordill E. Tackett)  
(Resolution setting hearing needed)

ACTION: Res. 69-948 adopted setting hearing. (P/W to handle)

CONSENT

(g) Sidewalk, curb and gutter on Stoddard Avenue at 318 Magnolia Avenue, Lots 1 and 2, Block 547 (\$882.69 - Mrs. Joie Maze Bunker)  
(Resolution setting hearing needed)

ACTION: Res. 69-949 adopted setting hearing. (P/W to handle)

CONSENT

(h) Curb and gutter at 209 Merced Ave., Lots 5 and 6, Block 309  
(\$200.34 - Joe Mineni, Jr. and Robert Brennan)  
(Resolution setting hearing needed)

ACTION: Res. 69-950 adopted setting hearing. (P/W to handle)

CONSENT

(i) Curb and gutter at 714 3rd St., Lots 23 and 24, Block 10  
(\$224.90, Archie N. Bennett and James J. Lommel)  
(Resolution setting hearing needed)

ACTION: Res. 69-951 adopted setting hearing. (P/W to handle)

CONSENT

(j) Curb and gutter at 201 Madera Ave., Lots 1 and 2, Block 312  
(\$147.50 - Ted L. Brown)  
(Resolution setting hearing needed)

ACTION: Res. 69-952 adopted setting hearing. (P/W to handle)

CONSENT

(k) Curb and gutter at 135 E. Granger Ave., portion of Block 1237 (\$267.05 - Mrs. Reba H. Sargent)

ACTION: Res. 69-953 adopted setting hearing. (P/W to handle)

CONSENT

38. Request from James Mankin for the City Parks and Recreation Department to sponsor a Judo Club.  
(The fees and monthly dues will offset the costs of operating this program. Motion approving recommendation needed. Estimated cost \$923.62. Funds to be requested later from Fund 101, General Fund. We feel that P & R budget may be able to absorb this program; if not, we will request an appropriation transfer at a later date)

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

CONSENT

39. Consider approval of request for temporary barrier in Tully Manor No. 4 Subdivision.  
(Memo with agenda. Resolution approving request needed)

ACTION: Res. 69-954 adopted permitting Tully Manor Enterprises to place a temporary barrier across Stenbridge Court in Tully Manor No. 4 subject to conditions as recommended by the Department of Public Works. (P/W to handle)

REPORTS

40. Report by Councilman Dale Smith of new regulations by the U. S. Department of Housing and Urban Development regarding the Stanislaus Area Advisory Planning Association.  
(An oral report will be made at the meeting.)

ACTION: Councilman Smith reported that it appears possible to have S.A.A.P.A. changed to conform to the new H.U.D. regulations.

CONSENT

41. Report to council on letter from Mr. T. J. Dowdy regarding Brighton Avenue between Locke Road and Scenic Drive.  
(Memo with agenda) Motion accepting report needed.

ACTION: By motion report accepted.

CONSENT

42. A resolution annexing uninhabited territory to the City of Modesto known as the Sylvan-Coffee #2 Addition. (The L.A.F. Commission has authorized this annexation without notice or public hearing. All property owners have signed the annexation petition and the L.A.F. Commission has authorized annexation without Notice or Public Hearing under new provisions of State Law.) Resolution needed.

ACTION: Res. 69-955 adopted annexing Sylvan-Coffee #2 Addition to City.  
(Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

43. Consider request for appropriation transfer of \$2,075 for repairs to flood-damaged chain link fence at Water Quality Control Plant.  
(Memo with agenda) Resolution approving appropriation transfer needed.

ACTION: Res. 69-956 adopted approving appropriation transfer of \$2,075 from Account 60-101 to Account 223-53-101. (Finance to handle)

CONSENT

44. Transfer of \$1,500 from Account 60-101 General Reserve to Account 302-17-101 (Personnel, Books & Periodicals) to cover cost of educational materials for City personnel under provisions of P.A.O. regarding training costs. (Memo with agenda) Resolution approving appropriation transfer needed.

ACTION: Res. 69-957 adopted approving appropriation transfer of \$1,500 from Account 60-101 to Account 302-17-101. (Finance to handle)

MISCELLANEOUS

45. Appointments

(a) Request for the Mayor and City Council to appoint members to the Board of Governors of the Greater Modesto Community Foundation.  
(Memo of explanation with agenda)

ACTION: Res. 69-958 adopted (Smith/Mitchell, unan. - Robinson & Simon absent) appointing Jerry McHale to Committee to Study Crime for a term expiring April 30, 1971.

Appointments, continued

ACTION: Res. 69-959 adopted (Smith/Mitchell, unan. - Robinson & Simon, absent) appointing Tom Eckle, Mrs. D. Loren Scanlon, and Steve Sprunger to the Mayor's Council on Youth Opportunity, terms to expire on October 31, 1970.

By Order of the Mayor, Councilman Phillip Newton was appointed to the Council subcommittee to meet with Citizens' Involvement Committee. (C/Mgr to handle)

Adjournment at 8:17 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

## AGENDA FOR COUNCIL MEETING OF MONDAY, OCTOBER 13, 1969 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
and Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend Donald Weston, St. John's Chapel of the Valley

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, X8, 14,  
Item 13 removed from consent. 15, 16, 17, 18a, b, c, d, e, f,  
(Robinson/Simon, unan.) 19, 20, 21, 22, 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 for the individual items.)

1. Presentation by Frank Lowry of the annual financial audit.  
(The fiscal records of the City of Modesto have been audited by the accounting firm of Nattinger, Lowry & Martin. The audit report will be presented to the Council. Motion accepting audit and authorizing payment needed. Cost, \$2,100; funds budgeted in Account 65-235-101, Services, Professional & Other)

ACTION: Audit presented by Robert Martin of Nattinger, Lowry & Martin.  
By motion (Mitchell/Robinson - unan.) audit accepted and payment authorized  
(Finance to handle)

APPROVAL OF MINUTES

CONSENT

2. Minutes of October 6, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

3. Letter from Mrs. W. J. Heppner offering to give a T-V to Youth Center.  
(Motion accepting offer with thanks needed)

ACTION: By motion offer accepted with thanks. (P & R to handle)

CONSENT

4. Letter from Muir Trail Girl Scout Council concerning 1969 United Nations Week activities.  
(Motion approving needed)

ACTION: By motion plans for activities approved. (Finance to handle)

- 4A. Letter requesting that phone lines to King-Kennedy Memorial Center not be routed through city switchboard.

ACTION: By motion (Simon/Robinson, unan.) request denied and staff instructed to study installation of a pay phone in building for after hours use. (P & R to handle)

The Mayor requested staff to look into possibility of having a non-dial extension on the present office phone and listing phone numbers with telephone information service.  
(P & R to handle)

BIDS

CONSENT

5. Accept as complete Industrial Electrical Company's contract for the installation of water lines in Greenbrier No. 3 and Rose Avenue. (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 notice of completion. Resolution accepting work needed. Contract cost \$8,108; actual cost, \$8,210.58. Funds budgeted in Account 6804-50-101, Water Line Extensions)

ACTION: Res. 69-960 adopted accepting contract. (Clerk to handle)

CONSENT

6. Accept as complete I & B Payne's contract for the construction of Trask-Miller-Haddon subtrunk. (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 notice of completion. Resolution accepting work needed. Contract cost, \$53,538.33; actual, \$53,406.23. Funds budgeted in Account 6590-212, Miller-Trask-Haddon Subtrunk Sewer)

ACTION: Res. 69-961 adopted accepting contract. (Clerk to handle)

CONSENT

7. Accept as complete Standard Materials Co. contract on the parking improvements at United Terminal. (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 notice of completion. Resolution accepting work as complete and authorizing the City Clerk to file notice of completion needed. Contract cost \$9,279; actual cost, \$9,973.88. Funds budgeted in Account 6522-46-230, Terminal Facilities Expansion - Stage 1)

ACTION: Res. 69-962 adopted accepting contract. (Clerk to handle)

HEARINGS

8. Informal hearing on request for encroachment permit for installation of flagpole at Briggsmore Square. 7:45 P.M.

ACTION: By motion (Simon/Smith, unan.) request denied.

9. Informal hearing on request for 2" encroachment for Kauffman's Store Building. 7:50 P.M.

ACTION: Res. 69-963 adopted (Mitchell/Smith, unan.) granting encroachment subject to normal insurance coverage and also permitting exposed aggregate sidewalk subject to provision that sidewalk may be removed if necessary. (P/W to handle)

10. Continued hearing on formation of Improvement District No. 14.  
ACTION: Res. 1110-S.P. adopted (Mitchell/Dixon, majority - Robinson and Mayor Davies, no) proposing modification of boundary map of District.

By Order of the Mayor staff was directed to study the condition of septic tanks with a view to a possible City-County policy toward protecting the water supply. (P/W to handle)

Councilman Robinson requested a resume' of the Council remarks concerning water quality. (Planning to handle)

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

Bob Hart, representing the Modesto Student Mobilization Committee, invited the Council to attend a program at Modesto Junior College starting at 10:00 A.M. on October 15. He also requested that City Flags be flown at half-mast on that day in honor of the Vietnam dead. No action was taken by the Council.

William Nichols, new Planning Director, was introduced.

The Deputy City Manager reported that the California State Library Office of Architecture and Construction had approved the library plans and that the final plans would be submitted soon.

ACTION: Res. 69-964 adopted (Mitchell/Robinson, unan.) amending Res. No. 69-582 (Application for State Bond Park Funds - Tuolumne River Regional Park) to make reference to purchase of six parcels rather than five. (C/M to handle)

The selection of the Citizens' Involvement Committee was commended by Silas Green.

It was explained that the power poles in the Coffee Road right of way would be removed before the final layer of paving was completed and that it had not been possible to have them removed earlier.

ACTION: By motion (Simon/Newton, unan.) Mayor Davies authorized to write to President of Modesto Junior College asking for faster action in providing on-campus parking.

#### NEW BUSINESS

~~XXXXXX~~

13. Consider sale of cats to Veterans Administration.  
(Memo with agenda. Resolution approving amendment to agreement and authorizing execution by City Manager needed)

ACTION: Res. 69-965 adopted (Simon/Mitchell, majority - Davies, no) approving amendment subject to provision that owners be permitted to prevent their cats from being sold. (C/Mgr to handle)

CONSENT

14. Consider request of Attorney General for the City of Modesto to join in an anti-trust action against certain automobile manufacturers.  
(Copy of letter and proposed resolution with agenda. Resolution needed)

ACTION: Res. 69-966 adopted authorizing Attorney General of California to act on behalf of City of Modesto in anti-trust action concerning smog control devices. (C/Atty to handle)

CONSENT

15. Presentation of the annual inventory of City of Modesto fixed assets.  
(The City Charter, Sec. 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. Motion accepting needed)

ACTION: By motion annual inventory accepted. (Clerk to handle)

CONSENT

16. Resolution authorizing Mayor and City Clerk to sign grant of easement granting a public utility easement to Turlock Irrigation District.

(The utility easement is required at the remote ponding site to permit T.I.D. to furnish power for facilities being constructed in connection with SWI Project Unit No. 3. Resolution authorizing the Mayor and City Clerk to sign grant of easement needed)

ACTION: Res. 69-967 adopted authorizing execution of grant of easement. (Clerk to handle)

CONSENT

17. Consider request for sewer service to property at 2024 Lance Street, which is the third lot from Fortuna on the south side of Lance Street.

(The property owners 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. No city funds are involved. Resolution approving agreement needed)

ACTION: Res. 69-968 adopted approving agreement with Richard N. and Joyce M. Wheeler. (P/W to handle)

CONSENT

18. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.

(Informal requests were sent over thirty days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolution setting hearings needed. Suggested date October 27, 1969 at 8:00 P.M.)

CONSENT

(a) Sidewalk on McHenry Ave., Block 649 (Mrs. Mabel Ann Arata)  
(Resolution setting hearing needed)

ACTION: Res. 69-969 adopted setting hearing. (P/W to handle)

CONSENT

(b) Sidewalk at 517 West Fairmont Avenue, Block 737, Lot 5.  
(Jeffrey Davis)  
(Resolution setting hearing needed)

ACTION: Res. 69-970 adopted setting hearing. (P/W to handle)

CONSENT

(c) Sidewalk at 1321 Magnolia Avenue, Block 6056, Lots 34, 35 and 36 (Robert W. Bowker)  
(Resolution setting hearing needed)

ACTION: Res. 69-971 adopted setting hearing. (P/W to handle)

CONSENT

(d) Sidewalk at 1327 Magnolia Ave., Block 6056, Lots 37 to 41 inclusive. (Henry C. Harmon)  
(Resolution setting hearing needed)

ACTION: Res. 69-972 adopted setting hearing. (P/W to handle)

CONSENT

(e) Sidewalk at 1335 Magnolia Ave., Block 6056, Lots 42 to 48 inclusive (Ernest F. Soderstrom)  
(Resolution setting hearing needed)

ACTION: Res. 69-973 adopted setting hearing. (P/W to handle)

CONSENT

(f) Curb and gutter on Wright Street at 229 Orange Ave., Block 511, Lots 31 and 32. (Paul J. Ferguson)

ACTION: Res. 69-974 adopted setting hearing. (P/W to handle)

CONSENT

19. A resolution approving the final map of Lorenzen Park 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. Lorenzen Park No. 5 Subdivision is located west of Rose Avenue between Irene Avenue and Wylie Drive. It contains 4.27 acres. Resolution approving final map and authorizing execution of agreement by city needed)

ACTION: Res. 69-975 adopted approving final map. (Clerk to handle)

REPORTS

CONSENT

20. Presentation of financial statement as of September 30, 1969.  
(Report to be presented at meeting. Motion accepting report needed)

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

REPORTS FROM THE PLANNING COMMISSION

CONSENT

21. Recommend the granting of an unclassified use permit to Robert L. O'dell Realty Company for a 137 space mobile home park on property located on the north side of Rumble Road, west of Prescott Road extended.  
(By Resolution 69-114 adopted at its regular meeting on October 7, 1969 the Planning Commission recommends to the Council the granting of an unclassified use permit to Robert L. O'dell Realty Company for a 137-space mobile home park on property located on the north side of Rumble Road, west of Prescott Road extended. Resolution setting date for public hearing needed. Suggested date October 27, 1969 at 7:50 P.M.)

ACTION: Res. 69-976 adopted setting hearing. (Clerk to handle)

CONSENT

22. Recommend to the Council the adoption of an ordinance amending Articles 2, 3, and 4 of Chapter 4 of Title IV; amending Sections 4-4.601 and 4-4.602 of Article 6 of Chapter 4 of Title IV; amending Article 9 of Chapter 4 of Title IV; and repealing Section 4-4.805 of Article 8 of Chapter 4 of Title IV of the Modesto Municipal Code relating to subdivision regulations.  
(On October 8, 1969 the Planning Commission adopted Resolution 69-117 recommending to the Council the adoption of an ordinance amending Articles mentioned above relating to subdivision regulations. Copies of the ordinance will be sent to Council with agenda for hearing date. Resolution setting public hearing needed. Suggested date October 27, 1969 at 7:55 P.M.)

ACTION: Res. 69-977 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

23. Appropriation transfer.  
(An appropriation of \$700 is being requested for the purchase of plaques to present to visiting dignitaries and to citizens who have made outstanding contributions in connection with Modesto city government, as recommended by the Council Public Relations Committee. Resolution approving appropriation transfer needed.)

ACTION: Res. 69-978 adopted approving appropriation transfer of \$700 from Account 60-101 to Account 442-61-101. (Finance to handle)

MISCELLANEOUS

24. Appointments

ACTION: Res. 69-979 adopted (Mitchell/Dixon, unan.) appointing Peter Johansen and Don Hammond to terms of one and two years respectively to the Board of Governors of the Greater Modesto Community Foundation. The Mayor then appointed Jack Jones for a four-year term.

Adjournment at 10:15 P.M.

ATTEST:

  
W. T. CHYNOWETH, CITY CLERK

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, OCTOBER 20, 1969 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
and Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend Robert Segerhammer, Emanuel Lutheran Church  
Reverend Arthur Brohm, Grace Lutheran Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9,  
Item 10 dropped from agenda. XX, 23, 24, 25, 27, 28, 31  
(Robinson/Simon, 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 for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of October 13, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Letter from Patterson Police Chief suggesting that a county-wide youth forum be organized.

ACTION: By Order of the Mayor referred to staff for study. Staff to ascertain what will be required by City of Modesto. (Clerk to handle)

CONSENT

3. Request for abandonment of right of way south of Rumble from Prescott to Conant.  
(Resolution referring to Planning Commission needed)

ACTION: Res. 69-980 adopted referring to Planning Commission.  
(Planning to handle)

CONSENT

4. Resignation of Linda Boring from Mayor's Council on Youth Opportunity.  
(Resolution accepting with regret needed)

ACTION: Res. 69-981 adopted accepting resignation with regret.  
(Clerk to handle)

CONSENT

5. Request of residents of Bel Air Subdivision for formation of Sewer Improvement District.  
(Motion referring to staff needed)

ACTION: By motion referred to staff. (P/W to handle)

CONSENT

6. Request of Clarence Moore, 1429 Roosevelt Drive for variance to permit construction of brick retaining wall between lawn and sidewalk. (Resolution setting October 27, 1969 at 8:05 P.M. needed)

ACTION: Res. 69-982 adopted setting hearing. (Clerk to handle)

CONSENT

7. Offer of Nick Sciabica to purchase olives on the trees in Mellis Park for \$40.00. (Motion accepting offer needed)

ACTION: By motion offer accepted. (Finance to handle)

BIDS

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened November 10, 1969 at 2:00 P.M. for furnishing one complete closed circuit television system for sewer line inspection. (Resolution needed. Estimated cost \$9,000; funds budgeted in Account 6587-212, Sewer Service Fund Capital Outlay, p. 68)

ACTION: Res. 69-983 adopted approving specifications and bid call. (Clerk to handle)

CONSENT

9. Bids for Airline terminal expansion, City-County Airport. (Bids for the airline terminal expansion were received Tuesday, October 14. There were four bids, with the low bid submitted by Brown Sheet Metal & Mechanical, Inc., Oakdale, in the amount of \$41,789. The award of bid is being held up pending completion of new lease agreements with the airlines for the occupancy of the expanded terminal building. It is anticipated that these negotiations will be completed within the next two weeks. No council action needed)

NO ACTION.

CONSENT

10. Accept as complete Industrial Electrical's contract for the installation of water line in Brighton-Coffee-Orangeburg Avenues. (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 authorize the City Clerk to file notice of completion. Resolution accepting work needed. Contract cost \$6,833.00; actual cost, \$6,775.20. Funds budgeted in Account 6804-50-101, Water Line Extension)

DROPPED FROM AGENDA.

HEARINGS

11. Cost of installation of curb and gutter at 111 Rosina Avenue, portions of Lots 8 and 9, Block 2125 (\$147.50 - Chester C. Spearing) 4:15 P.M.

ACTION: By motion (Smith/Newton, unan.) hearing continued to October 27, 1969 at 8:10 P.M. Staff directed to prepare answers to questions raised by Mr. Spearing. (P/W to handle)

12. Cost of installation of sidewalk and curb on L Street at 1201 7th Street, Lots 15 and 16, Block 37 (\$531.75 - Robert Williams) 4:15 P.M.

ACTION: Res. 69-984 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection (ten-year period). (Finance to handle)

13. Cost of installation of curb and gutter on Parry Avenue at 2048 Miller Avenue, Lot 1, Block 2224 (254.75 - Mrs. Ernest Bewley) 4:15 P.M.

DROPPED FROM AGENDA AS COSTS HAVE BEEN PAID.

14. Cost of installation of curb and gutter on Parry Avenue at 2049 Miller Avenue, Lot 24, Block 2225 (\$338.87 - Delbert Hammons) 4:15 P.M.

ACTION: Res. 69-985 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

15. Cost of installation of curb and gutter at 138 Merced Avenue, Lots 28 and 29, Block 311 (\$197.81 - John McClain) 4:15 P.M.

ACTION: Res. 69-986 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

16. Cost of installation of curb and gutter at 142 Merced Avenue, Lots 26 and 27, Block 311 (\$169.00 - Ordill E. Tackett) 4:15 P.M.

ACTION: Res. 69-987 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

17. Cost of installation of sidewalk, curb and gutter on Stoddard Avenue at 318 Magnolia Avenue, Lots 1 and 2, Block 547 (\$882.69 - Mrs. Joie Maze Bunker) 4:15 P.M.

ACTION: Res. 69-988 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection. (ten-year period). (Finance to handle)

18. Cost of installation of curb and gutter at 209 Merced Avenue, Lots 5 and 6, Block 309 (\$200.34 - Joe Mineni, Jr. and Robert Brennan) 4:15 P.M.

ACTION: Res. 69-989 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

U.S. DEPARTMENT OF JUSTICE  
VOLUME: BA WORTON (25447 v.)  
PROPERTY  
PROPERTY OF THE U.S. DEPARTMENT OF JUSTICE  
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PROPERTY OF THE U.S. DEPARTMENT OF JUSTICE

Cost of installation of curb and gutter at 714 3rd Street, Lots 23 and 24, Block 10 (\$224.90 - Archie N. Bennett and James J. Lommel) 4:15 P.M.

ACTION: Res. 69-990 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

20. Cost of installation of curb and gutter at 201 Madera Avenue, Lots 1 and 2, Block 312 (\$147.50 - Ted L. Brown) 4:15 P.M.

ACTION: Res. 69-991 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

21. Cost of installation of curb and gutter at 135 E. Granger Avenue, portion of Block 1237 (\$267.05 - Mrs. Reba H. Sargent) 4:15 P.M.

ACTION: Res. 69-992 adopted (Smith/Newton, unan.) confirming report, assessing costs and directing method of collection (five-year period). (Finance to handle)

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

Frank Andrews spoke on a variety of subjects.

Chester Spearing commented on the sidewalks on LaLoma which go around trees. He was informed that it was City policy to save trees whenever possible.

The Deputy City Manager reported that preliminary work on Mancini Park would be completed this week. By motion (Smith/Simon, unan.) staff was authorized to proceed with plans for a dedication ceremony and to contact interested groups (music, schools, etc.). (P & R to handle)

Councilman Dixon reported that the Citizens' Involvement Committee would hold a public meeting at the King-Kennedy Memorial Center on October 23, 1969 at 7:30 P.M.

NEW BUSINESS

CONSENT

23. Resolutions determining that the public interest and convenience require that the annexations listed below be annexed to the Modesto Municipal Sewer District No. 1 and naming time and place for hearings. (The subject areas have been annexed to the City of Modesto and it is now necessary to annex them to the Modesto Municipal Sewer District. Resolutions setting hearings (2/3 affirmative vote needed)

CONSENT

(a) Sylvan-Coffee No. 1 Addition - suggested hearing date, December 1, 1969, at 4:15 P.M.  
(Resolution setting hearing needed.)

ACTION: Res. 69-993 adopted setting hearing. (Clerk to handle)

(b) McHenry Addition - suggested hearing date, December 1, 1969 at 4:20 P.M.  
(Resolution setting hearing needed)

ACTION: Res. 69-994 adopted setting hearing. (Clerk to handle)

CONSENT

24. Accept improvements in Highland Manor No. 4 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of the statutory lien period.  
(Highland Manor No. 4 Subdivision is located east of Rose at the end of Fairfax and south of Celeste. 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. 69-995 adopted accepting improvements. (Clerk to handle)

CONSENT

25. Consider agreement establishing a new pay station for collection of water and sewer bills.  
(Proposed pay station is located at Scenic Drug, 820 Old Oakdale Road, corner of Scenic and Old Oakdale Road. Resolution approving agreement needed. No financing required)

ACTION: Res. 69-996 adopted approving agreement with Scenic Drug.  
(Finance to handle)

26. Consider approval of special billing by Jenks and Adamson based on a claim for survey work done by Modesto Engineers, Inc., on our Sewerage Works Improvements Projects.  
(Memorandum of explanation distributed with agenda. Resolution approving payment needed. Estimated cost \$9,054.14; funds budgeted in Account 6553-305, Muni. Sewer Dist. Impr.)

ACTION: Res. 69-997 adopted (Smith/Robinson, unan.) approving payment.  
(Finance to handle)

CONSENT

27. Consider agreement between City of Modesto and Gottschalk Flight Center for lease of an area 35 x 210 feet for storage of aircraft at Modesto City-County Airport.  
(The Airport Manager has negotiated a land lease with Gottschalk Flight Center for the lease of an area 35 x 210 feet for the storage of aircraft in the tie-down area at the Airport. Land rental is on a year-to-year basis with the rental amount of \$25 per month. Approval is recommended. Resolution approving agreement needed)

ACTION: Res. 69-998 adopted approving agreement with Gottschalk Flight Center. (Clerk to handle)

CONSENT

28. Consider request for population estimate.  
(Memo with agenda. Motion approving needed)

ACTION: By motion staff authorized to arrange with State Department of Finance for population estimate. (C/Mgr to handle)

... of ...  
(HISTORICAL MEMORIAL NO. 11 ...)  
... of the ...  
... of the ...  
... of the ...

REPORTS

29. Report on claim of Daniel Teves for damage to vehicle at City sanitary landfill site on May 24.

ACTION: (Councilman Simon disqualified himself on this item due to a conflict of interest.) By motion (Mitchell/Smith, majority - Dixon and Mayor Davies, no - Simon absent) claim denied with understanding that if the City employee is sued the City will pay any adverse judgment. (Clerk to handle)

30. Report covering study of septic tanks in Modesto urban area. (Memo with agenda. Motion approving contents and timing of study needed)

ACTION: By motion (Robinson/Newton, unan.) report approved together with time table (first step to be report on pollution of water supply by septic tanks). (P/W to handle)

CONSENT

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

ACTION: By motion report accepted.

APPROPRIATION TRANSFERS

NONE.

MISCELLANEOUS

32. Appointments.

NONE.

Adjournment at 5:15 P.M.

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
and Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

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

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 8, 9,  
11, 24, 25, 26, 27, 28,  
Item 9 dropped from consent. 29, 31, 32, 33, 34  
(Robinson/Smith, 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 for the individual items.)

## CONSENT

APPROVAL OF MINUTES

1. Minutes of October 20, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

## CONSENT

2. Request of Clara A. Stebbins for a variance from sidewalk regulations for property at 1002 Yosemite Boulevard.  
(Resolution setting November 3, 1969 at 4:20 P.M. for hearing needed)

ACTION: Res. 69-999 adopted setting hearing. (Clerk to handle)

## CONSENT

3. Request of greater Modesto Chamber of Commerce for payment of \$15,000 budgeted for Chamber activities.  
(Motion ordering payment needed)

ACTION: By motion payment ordered. (Finance to handle)

4. Request of Robert J. Brennan for permission to pay costs of installation of curb and gutter (\$200.34) in as many installments as possible.  
(Costs were assessed at the October 20, 1969 council meeting)

ACTION: Res. 69-1000 adopted (Mitchell/Newton, unan.) permitting payment of costs over a four-year period and amending Res. 69-989 to provide for this. (Finance to handle)

BIDS

CONSENT

5. Clearing Library Site.  
(Memo with agenda. Resolution authorizing sale of buildings and approving specifications and notice to bidders needed. Bid Call - November 17, 1969 at 2:00 P.M.)

ACTION: Res. 69-1001 adopted authorizing sale of buildings at 1512, 14, 16 & 18 Eye Street and 1524 Eye Street; approving specifications and call for bids. (Clerk to handle)

CONSENT

6. Consider award of bid for construction of airport apron expansion and taxiway overlay.  
(Bids were opened on October 21. The low bid submitted by Standard Materials which is 10.6% under the Engineer's Estimate is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Funds budgeted in Account 6532-46-230, Aircraft Apron Expansion; 6529-46-230, Taxiway Overlay. Estimated cost \$18,980)

ACTION: Res. 69-1002 adopted awarding bid to Standard Materials Co. (P/W to handle)

CONSENT

7. Consider awarding of bid for the installation of Mellis Park field lighting.  
(Bids were opened October 21. The low bid submitted by Industrial Electrical which is 2.4% under the Engineer's Estimate is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$23,420; funds budgeted in Account 6314-31-321, Mellis Park ball field lighting)

ACTION: Res. 69-1003 adopted awarding bid to Modesto Industrial Electrical Co. (P/W to handle)

CONSENT

8. Consider award of bid for construction of Rue de Yoe Sewer.  
(Bids were opened on October 21. The low bid submitted by Western Pipeline which is 36% under the Engineer's Estimate is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Estimated cost \$3,829.75; funds budgeted in Account 6558-212, Rue de Yoe, Replace Sewer Lateral)

ACTION: Res. 69-1004 adopted awarding bid to Western Pipeline Co. (P/W to handle)

CONSENT

9. Consider award of bid for construction of Eicher Avenue Sub-Trunk Sewer.  
(Bids were opened October 21, 1969. The low bid submitted by Industrial Electrical Co. which is 19% below the Engineer's Estimate is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$43,246; funds budgeted in Account 6562-212, Eicher Avenue Sub-Trunk)

ACTION: Res. 69-1005 adopted (Smith/Robinson, unan.) awarding bid to Modesto Industrial Electrical Co. (P/W to handle)  
Res. 69-1006 adopted (Smith/Robinson, unan.) approving appropriation transfer of \$30,000 from Account 60-212 to Account 6562-212. (Finance to handle)

CONSENT

11. Partial acceptance of George Reed, Inc. contract for construction of improvements on Coffee Road from Chehalem Ave. to East Orangeburg Avenue.

(All work on this project has been completed with the exception of the final one inch asphaltic concrete surface course. Due to unforeseen delays in work by M.I.D. and P. T. & T., the surface course cannot be completed at this time and the contractor has asked that a partial acceptance of the contract be made. It is the Public Works Department's recommendation that the City Council accept the project as complete except for the one inch asphalt concrete surface course and that the retained percentage on the contract be released following the expiration of a 35-day lien period of the notice of partial completion.

Original contract cost, \$40,717.90; present contract cost, \$37,106.21. Funds budgeted in Account 6679-207, Imp. of Coffee Rd - Chehalem To E. Orangeburg)

ACTION: Res. 69-1007 adopted accepting contract with exception of the one-inch asphalt concrete surface course. (Clerk to handle)

HEARINGS

12. Hearing on appeal on denial of P-P-D zoning for southwest corner of Sutter and Robertson. 7:45 P.M.

ACTION: By motion (Mitchell/Dixon, majority) appeal denied and action of Planning Commission sustained. (Clerk to handle)

13. Hearing on unclassified use permit - O'Dell Realty Co. 7:50 P.M.

ACTION: Res. 69-1008 adopted (Smith/Newton, unan.) granting unclassified use permit to O'Dell Realty Co. for a 137-space mobil home park on property located on the north side of Rumble Road, west of Prescott Road extended. Staff directed to report on costs and revenues in connection with mobilehome parks. (Planning to handle)

14. Hearing on amendments to Title IV of Municipal Code. (Subdivision Regulations) 7:55 P.M.

ACTION: By motion (Simon/Robinson, unan.) Ord. No. 993-C.S. introduced. (Clerk to handle)

15. Sidewalk requirement on McHenry Avenue, Block 649 (Mrs. Mabel Ann Arata) 8:00 P.M.

ACTION: Res. 69-1009 adopted (Dixon/Mitchell, unan.) ordering work done. (P/W to handle)

16. Sidewalk requirement at 517 West Fairmont Avenue, Block 737, Lot 5 (Jeffrey Davis) 8:00 P.M.

ACTION: Res. 69-1010 adopted (Dixon/Mitchell, unan.) ordering work done. (P/W to handle)

17. Sidewalk requirement at 1321 Magnolia Avenue, Block 6056,  
Lots 34, 35 and 36 (Robert W. Bowker) 8:00 P.M.  
ACTION: Res. 69-1011 adopted (Dixon/Mitchell, unan.) ordering work done.  
(P/W to handle)
18. Sidewalk requirement at 1327 Magnolia Avenue, Block 6056,  
Lots 37 to 41 inclusive (Henry C. Harmon) 8:00 P.M.  
ACTION: Res. 69-1012 adopted (Dixon/Mitchell, unan.) ordering work done.  
(P/W to handle)
19. Sidewalk requirement at 1335 Magnolia Avenue, Block 6056  
Lots 42 to 48 inclusive (Ernest F. Soderstrom) 8:00 P.M.  
ACTION: Res. 69-1013 adopted (Dixon/Mitchell, unan.) ordering work done.  
(P/W to handle)
20. Curb and gutter requirement on Wright Street at 229  
Orange Avenue, Block 511, Lots 31 and 32 (Paul J.  
Ferguson) 8:00 P.M.  
ACTION: Res. 69-1014 adopted (Dixon/Mitchell, unan.) ordering work done.  
(P/W to handle)
21. Hearing on request of Clarence Moore for variance to  
permit brick retaining wall between sidewalk and lawn  
at 1429 Roosevelt Drive. 8:05 P.M.  
ACTION: Res. 69-1015 adopted (Mitchell/Robinson, unan.) granting  
encroachment permit subject to conditions as recommended by  
Public Works. (P/W to handle)
22. Continued hearing on cost of installation of curb and  
gutter at 111 Rosina Avenue portions of Lots 8 and 9,  
Block 2125 (\$147.50 - Chester C. Spearing) 8:10 P.M.  
ACTION: Res. 69-1016 adopted (Mitchell/Smith, unan.) confirming report,  
assessing costs and directing method of collection.  
(Finance to handle)

23. Matters for the good of the community. 8:15 P.M.  
(These may be presented by citizens in the audience)

Councilman Newton complimented the Committee to Study Crime on its recent report on narcotics.

Joe Hart, Chairman of the Farm-City Advisory Committee, was introduced.

A discussion was held on whether the new airport crash truck should be a two-wheel or four-wheel drive. Chief Everett stated that the new truck which is being assembled could be made into a four-wheel drive if necessary, but that he considered it more essential to have an automatic transmission on the vehicle. ACTION: By motion (Simon/Robinson, majority - Dixon, no) it was directed that this matter proceed in the manner recommended by Chief Everett with the understanding that if a four-wheel drive vehicle appears to be needed, this should be presented to the Council.

Councilman Dixon explained his no vote by stating that he felt the Council and staff were not as well informed in this matter as they should have been.

25. Matters for the good of the Community, continued

The City Manager was directed to arrange to have a representative of the Federal Aviation Agency attend a Council meeting to discuss the alleged displeasure of the F.A.A. with certain aspects of the airport operation.

Persons who are being evicted from the Imperial Apartments requested any assistance the Council might be able to give them.  
ACTION: By motion (Simon/Smith, unan.) the staff was directed to attempt to obtain an extension of time for the eviction and to try to obtain information on this matter from the apartment owners.  
(C/Mgr to handle)

ORDINANCES

CONSENT

24. Legalize speed limits on several joint City-County streets. (Recent annexations have taken into the City portions of several streets that have speed limits set by the County lower than the 65 MPH State maximum. On two streets, the County is reducing speed limits at the request of the City. It is necessary for the City to legalize the speed limits or the legal speed limit will revert to the 65 MPH maximum. Ordinance amending Sec. 3-2.1401 of the municipal code needed. Estimated cost \$45 for signs. Funds budgeted in Account 5301-56-101, Traffic Signs)

ACTION: Ord. No. 995-C.S. introduced amending Section 3-2.1401 of Municipal Code. (Clerk to handle)

OLD BUSINESS

CONSENT

25. Further proceedings in connection with Improvement District No. 14.

CONSENT

(a) Resolution determining that public convenience and necessity require public improvement (two-thirds majority vote needed).

ACTION: Res. No. 1111-S.P. adopted. (Clerk to handle)

CONSENT

(b) Resolution overruling protests, ordering changes, and ordering work.

ACTION: Res. No. 1112-S.P. adopted. (Clerk to handle)

CONSENT

(c) Resolution calling for bids.  
(Bid opening November 12, 1969 at 10:00 A.M.)

ACTION: Res. No. 1113-S.P. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

26. Consider approval of amendment to letter agreement between City of Modesto and Modesto Airport Traffic Control Tower. (The letter agreement effective May 19, 1969 has been amended to include procedures and responsibilities for operation of the approach light system at the Modesto City-County Airport. Resolution approving amended letter agreement needed)

ACTION: Res. 69-1017 adopted approving amended letter agreement.  
(Clerk to handle)

Page 5 10/27/69

**CONSENT**

27. Resolution instructing the Superintendent of Streets to give notice requiring construction of sidewalk on West Fairmont Avenue at 945 McHenry Avenue, Block 728, Lot 1<sup>o</sup> (Benevolent and Protective Order of Elks, #1282).  
(Informal request was sent over thirty days ago to the property owner to install sidewalk. The work has not been done; therefore, it is recommended that a resolution be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalk. Resolution setting hearing needed. Suggested date: November 10, 1969 at 7:45 P.M.)

ACTION: Res. 69-1018 adopted authorizing Superintendent of Streets to give notice and setting hearing. (P/W to handle)

**CONSENT**

28. Consider letter agreement between the City and Robert P. Bomberger, subdivider, for participation in the cost of a street light in Rose Terrace No. 1 Subdivision.  
(This letter agreement has been prepared in accordance with established city policy which provides for sharing the cost of perimeter street lights. Resolution approving agreement needed. Estimated cost \$67.50; funds budgeted in Account 5301-43-101, Misc. Street Lights)

ACTION: Res. 69-1019 adopted approving letter agreement.  
(Clerk to handle)

**CONSENT**

29. Approve agreement between the City of Modesto and Robert P. Bomberger and Muriel F. Bomberger, for the construction of a sanitary sewer on Rose Avenue to serve Rose Terrace No. 1 Subdivision.  
(The developer has constructed the sanitary sewer at his own expense and the agreement provides that the City will act as agent for the developer in refunding a share of the cost when the adjacent area desires service. No city funds are required. Resolution approving agreement needed)

ACTION: Res. 69-1020 adopted approving agreement. (Clerk to handle)

REPORTS

30. Report on negotiations with Modesto Motor Bus Service regarding renewal of their agreement to operate four city buses.  
(A memo by the Director of Parking and Traffic with agenda. Some revisions in the present contract expiring on November 15, 1969 seem in order. Motion directing staff how it should proceed needed)

ACTION: Res. 69-1021 adopted (Simon/Dixon, unan.) approving extension of present agreement to January 1, 1970. (P & T to handle)

By motion (Simon/Dixon, unan.) staff directed to lower value of buses for insurance purposes from \$83,000 to \$60,000 and to report back to the Council with further information prior to January 1, 1970 to enable the Council to consider an incentive pay plan for the operator and any other related matters.  
(P & T to handle)

REPORTS FROM THE PLANNING COMMISSION

CONSENT

31. Recommend amendment to Section 9-4-9 of the zoning map (Modesto Industrial Park - Commission Initiated)  
(By Resolution No. 69-120 adopted October 21, 1969 the Planning Commission recommends an amendment to Section 9-4-9 of the zoning map as requested by the Planning Commission, to rezone from Industrial Park Zone, M-P, to Heavy Industrial Zone, M-2, property located north of Whitmore Avenue between Crows Landing and Morgan Roads. (Resolution setting date for public hearing needed. Suggested date November 17, 1969 at 4:20 P.M.)

ACTION: Res. 69-1022 adopted setting hearing. (Clerk to handle)

CONSENT

32. Recommend amendment to Section 15-3-9 of the zoning map (Vince Lancey).  
(By Resolution No. 69-123 adopted October 21, 1969 the Planning Commission recommends an amendment to Section 15-3-9 of the zoning map as requested by Vince Lancey, to rezone from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, to accommodate duplex development, on property located on the east side of Rose Avenue, north of MID Lateral #3. Resolution setting date for public hearing needed. Suggested date November 17, 1969 at 4:25 P.M.)

ACTION: Res. 69-1023 adopted setting hearing. (Clerk to handle)

CONSENT

33. Recommend amendment to Section 8-3-9 of the zoning map (Wilbur Grant).  
(By Resolution No. 69-122, adopted October 21, 1969 the Planning Commission recommends an amendment to Section 8-3-9 of the zoning map as requested by Wilbur Grant, to rezone from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, to accommodate a duplex development, on property located on the south side of Woodrow Avenue, extending easterly from Sherwood Avenue. Resolution setting date for public hearing needed. Suggested date November 24, 1969 at 7:50 P.M.)

ACTION: Res. 69-1024 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

34. Consider approval of appropriation transfer for Improvement District No. 14 in the amount of \$89,805.  
(Memo with agenda. Resolution approving appropriation transfer needed)

ACTION: Res. 69-1025 adopted approving appropriation transfer of \$89,805 from Account 60-212 to Account 6591-212.  
(Finance to handle)

MISCELLANEOUS

35. Appointments

ACTION: Res. 69-1026 adopted (Robinson/Smith, unan.) appointing Harold Crumpley as a member of the Mayor's Council on Youth Opportunity for a term ending October 31, 1970.  
(Clerk to handle)

NOTE: Upon completion of all items listed, this meeting will be adjourned to 6:00 P.M. on October 28, 1969 at the Map Room of the Hotel Covell for a joint meeting with the Planning Commission of the City of Modesto.

Adjournment at 11:15 P.M. to 6:00 P.M. on October 28, 1969 at the Map Room of the Hotel Covell.

ATTEST:

*W. T. Chynoweth*

W. T. CHYNOWETH, CITY CLERK

OCTOBER 28, 1969

The Council of the City of Modesto and the Modesto Planning Commission met this date at 6:00 P.M. in the Map Room of the Hotel Covell for the purpose of holding a joint meeting (the last regular meetings of the Planning Commission, October 21; and the Council, October 27, having been adjourned to this time and place), Mayor Davies presiding.

Present: Councilmen: Dixon, Mitchell, Newton, Robinson, Smith, and Mayor Davies

Absent: Councilmen: Simon

Present: Commissioners: Gagos, Marple, Muratore, Sutton, and Chairman Dunlap

Absent: Commissioners: Alexander and Nicholson

Also Present: William F. Nichols, Planning Director; John C. Keefe, City Manager; Marvin Ray, Deputy City Manager; Elwyn L. Johnson, City Attorney; Ross Campbell, Director of Public Works; W. T. Chynoweth, City Clerk; and Bill Kane, Modesto Bee Reporter

The following items were discussed:

The possibility of a park along Dry Creek in connection with the proposed P-D rezoning for Gentry Homes.

Enforcement of zoning laws. This discussion included the possibility of adding another person to assist in this.

The Gentry Plan.

Slides of new housing developments in other cities were shown.

Proposed new housing policies amendment to General Plan:

Good residential development is one which includes recreational lands, open green spaces, and other environmental amenities. The City is desirous of any new, workable scheme to accomplish such residential areas and will offer any reasonable and feasible aid it can to develop such areas.

Residential areas should provide a range of housing types, location, sizes, and costs to meet the needs of the wide variety of family types, ethnic groups, income groups, and age groups making up the Modesto Urban Area population.

Encourage Planned Development of residential areas by allowing a variety of lot sizes, setbacks, side yards, styles, design and density in a harmonious manner, with open areas for parks included in the plan.

Higher density residential development is desirable in all neighborhoods of Modesto providing it is not detrimental to existing developments and other future developments, and it does not significantly overload existing public facilities and services such as streets, schools, parks, and utilities.

If an exchange of higher densities for more usable open space results in the total developed area being smaller than an area containing the equivalent number of units at the standard residential densities, that is satisfactory and even encouraged so long as all other residential amenities are satisfactorily provided.

New residential development should first be encouraged to fill in partially developed neighborhood areas. If higher density proposals are necessary to accomplish this, they should be considered.

Consider establishing a local housing authority that may enable Modesto to be eligible for various housing programs related to the needs of those least able to secure adequate housing.

Cooperation between the City Council and its Planning Commission and the County Board of Supervisors and its Planning Commission, and their respective staffs in granting development permits, plans, etc., for new residential properties is a must in order to effect good planning.

Open space dedication and "finger park strips" are encouraged to supplement minimum neighborhood recreation areas provided by the City. These areas, as well as plantings along masonry walls of the major street side of backup lots should be maintained by the City.

Effective enforcement of the landscaping and other provisions of use permits and Planned Development zones.

During the discussion it was agreed that members of the Council and the Commission should have a joint tour to view new types of housing developments.

The meeting adjourned at 9:30 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 3, 1969 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith, and Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend Donald Smith, North Modesto Church of God

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, ~~2~~, 3, 4, ~~5~~, 7, 8, 9,  
Items 2 and 5 removed from consent. 10, 11, 15, 16, 17, 19, 20, 21,  
(Mitchell/Newton, unan.) 22, 23, 26a, b, c, 27, 32

(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 for the individual items.)

CONSENT

1. Confirmation of canvass of ballots - East Coolidge Addition annexation election held October 28, 1969.  
(Ballots for this election will be canvassed on October 31, 1969 by the City Clerk. Unofficial results are as follows: No. of registered voters in area - 188; No. of persons voting - 138; No. of yes votes - 107; No. of no votes - 31. Resolution confirming canvass and declaring results of election and ordinance annexing area needed)

ACTION: Res. 69-1027 adopted confirming canvass and declaring results of election.

Ord. 994-C.S. adopted annexing East Coolidge Addition to City of Modesto effective December 1, 1969.

(Clerk to handle)

APPROVAL OF MINUTESCONSENT

2. Minutes of October 27 and 28, 1969.

ACTION: By motion (Mitchell/Dixon, unan.) minutes approved.

By motion (Mitchell/Dixon, unan.) staff to work out details for joint tour of housing developments with Planning Commission with adequate notice to public of itinerary. Details to include transportation. (Planning to handle)

PETITIONS, REMONSTRANCES AND CORRESPONDENCECONSENT

3. Request of Tony Capobianco for encroachment permit for retaining wall at 615 LaLoma.  
(Resolution Fixing November 10, 1969 at 7:50 P.M. as time for hearing needed)

ACTION: Res. 69-1028 adopted setting hearing. (Clerk to handle)

CONSENT

4. Resignation of Elizabeth Kenworthy from Committee to Study Crime.  
(Resolution accepting needed)

ACTION: Res. 69-1029 adopted accepting resignation. (Clerk to handle)

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CONSENT

5. Letter from Mrs. John Harrity concerning bus service to northwest area of City.  
(Motion referring to staff needed)

ACTION: By motion (Dixon/Newton, unan.) letter referred to staff.  
(P & T to handle)

6. Request of Universal Life Church to have portion of 3rd Street closed on November 22 and 23, 1969 and for adequate police for directing traffic.

Withdrawn from agenda at request of applicant as staff is working with Universal Life Church to arrange for a more suitable place for the meeting planned by church. (C/Mgr to handle)

CONSENT

7. Request of Downtown Improvement District for use of two High Ranger trucks and personnel for installation and removal of Christmas decorations.  
(Motion granting request needed)

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

CONSENT

8. Request of Downtown Improvement District for use of two parking spaces on the east side of 10th Street between I and K Streets to place Santa's house from November 15 to January 4.  
(Motion granting request needed)

ACTION: Res. 69-1030 adopted granting encroachment permit to Downtown Improvement District. (P & T to handle)

BIDS

CONSENT

9. Accept as complete B. G. Construction Company's contract for construction of improvements on Brighton Avenue from Wylie Drive to Coffee Road.  
(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 notice of completion. Resolution accepting work needed. Original contract cost \$45,548.50; final contract cost \$48,515.98; funds budgeted in Account 6817-207, Brighton-Coffee to Wylie Drive)

ACTION: Res. 69-1031 adopted accepting contract. (Clerk to handle)

CONSENT

10. Consider approval of plans and specifications for the construction of a wading pool in Graceada Park.  
(Bid opening November 18, 1969 at 10:10 A.M. Resolution approving plans, specifications and call for bids needed. Estimated cost \$14,306; funds budgeted in Account 6378-324, Graceada Park Wading Pool)

ACTION: Res. 69-1032 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

11. Consider approval of specifications and authorize call for bids to be opened November 18, 1969 at 2:00 P.M. for furnishing two three-wheeled parking enforcement vehicles for police use.  
(Resolution needed. Estimated cost \$3,108.00; funds budgeted in Account 5403-48-512, Service Division Capital Outlay, p. 78)

ACTION: Res. 69-1033 adopted approving specifications and bid call.  
(Clerk to handle)

HEARINGS

12. Annexation of North 99 No. 3 Addition to Sewer District No. 1. 4:15 P.M.

ACTION: Res. 69-1034 adopted (Simon/Newton, unan.) annexing area to Sewer District. (Clerk to handle)

13. Hearing on request of Clara A. Stebbins for variance to permit blacktop sidewalk at 1002 Yosemite Boulevard. 4:20 P.M.

ACTION: Res. 69-1035 adopted (Smith/Mitchell, unan.) granting permission for temporary entrance walk of minimum size. (P/W to handle)

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

It was announced that a Planning Commission meeting will be held at the King-Kennedy Memorial Center at 7:30 P.M. on November 5, 1969. Councilmen were invited to attend.

The City Attorney reported that the State Supreme Court had ruled in the case "Bishop vs. City of San Jose" that State minimum wage statutes do not apply to Cities.

The Airport Manager submitted a memorandum concerning the fire and rescue vehicle, landfill at the approach lighting area, and maintenance of the approach lights. He then submitted his resignation to be effective no later than November 20, 1969.

By motion (Dixon/Newton, unan.) it was recommended to the City Manager that the resignation not be accepted.

ORDINANCES

CONSENT

15. Final adoption of Ordinance No. 993-C.S. pertaining to subdivision regulations.  
(Motion with roll call vote needed)

ACTION: By motion Ord. No. 993-C.S. adopted. (Clerk to handle)

CONSENT

16. Final adoption of Ordinance No. 995-C.S. pertaining to speed limits.  
(Motion with roll call vote needed)

ACTION: By motion Ord. No. 995-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

17. Consider approval of right of way contract between O. B. Freese and Laurene Freese and the City of Modesto for acquisition of right of way for widening Needham Street, Project 56-10, and acceptance of a grant deed from Mr. and Mrs. Freese.  
(The right of way is being acquired at no cost to City. Resolution authorizing execution of right of way contract and acceptance of grant deed by City needed)

ACTION: Res. 69-1036 adopted approving right of way contract and accepting grant deed. (Clerk to handle)

18. Selection of an external city auditor.  
(Memo with agenda)

ACTION: By motion (Smith/Dixon, unan.) City Manager directed to solicit proposals from Certified Public Accountants. (C/Mgr to handle)

- 18A. Selection of auditor for Modesto Sewerage Project.  
(Memo with agenda)

ACTION: By motion (Smith/Dixon, unan.) City Manager directed to solicit proposals from Certified Public Accountants. (C/Mgr to handle)

CONSENT

19. Consider approval of leases between the City of Modesto and A. O. Whitehead, and Arnold C. Dickens for the Riverside park side property.  
(Mr. Whitehead and Mr. Dickens have offered to renew their leases at the same rate as they previously paid: 20% of the gross income. We have checked with the County Farm Advisor and find that this is the average rate. The tenants have been excellent and we recommend that the leases be renewed for a two-year period. Resolution approving lease agreements needed)

ACTION: Res. 69-1037 adopted approving lease agreement with A. O. Whitehead.

Res. 69-1038 adopted approving lease agreement with Arnold C. Dickens.

(Finance to handle)

CONSENT

20. A resolution determining that the public interest and convenience require that Sylvan-Coffee No. 2 Addition be annexed to the Modesto Municipal Sewer District No. 1 and naming a time and place for hearing.  
(Subject area was annexed to the City of Modesto October 22, 1969. It is now necessary to annex it to the Sewer District. Suggested hearing date 12/22/69 at 7:45 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 69-1039 adopted setting hearing. (Clerk to handle)

CONSENT

21. A resolution determining that the public interest and convenience require that East Coolidge Addition be annexed to the Modesto Sewer District No. 1 and naming a time and place for hearing.  
(It is now necessary to commence proceedings to annex this area to Modesto Municipal Sewer District No. 1. Suggested hearing date December 22, 1969 at 7:50 P.M. Resolution setting hearing needed (2/3 affirmative vote).

ACTION: Res. 69-1040 adopted setting hearing. (Clerk to handle)

CONSENT

22. Consider request for sewer service to property at 1004 Houser Lane.  
(The property owners 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. No city funds are involved. Resolution approving agreement needed)

ACTION: Res. 69-1041 adopted approving agreement with Alvin D. and Dorothy L. Noel. (Clerk to handle)

CONSENT

23. Resolution of appreciation.

(To offer a resolution to the family of the late Thomas E. Dobb, recognizing his service to the City as a member of the Personnel Commission from September 28, 1964 through October 14, 1969. He was current year Commission Vice-Chairman. Resolution needed)

ACTION: Res. 69-1042 adopted expressing appreciation of City of Modesto for service of Thomas E. Dobb. (Clerk to handle)

24. Consider revision to the rate charged for oiling residential alleys.

(Memo with agenda. Resolution rescinding Resolution No. 55-225 establishing a rate of 10¢ per front foot of abutting property, and establishing a new rate of 20¢ per front foot of abutting property.)

ACTION: Res. 69-1043 adopted (Dixon/Mitchell, unan.) establishing new rate. (P/W to handle)

25. Consider installation of display panel in council chambers.  
(Memo with agenda. Motion of approval needed.)

ACTION: By motion (Smith/Robinson, unan.) installation approved.  
(C/Mgr to handle)

CONSENT

26. Report of Superintendent of Streets on the cost of installation of curb and gutter at the properties listed below.

(The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. Resolution setting date for hearing needed. Suggested date November 17, 1969 at 4:30 P.M. Funds budgeted in Account 5302-51-101, Curbs & Gutters, Special)

CONSENT

(a) Curb and gutter on "E" Street at 1315 "E" Street, portion of Lots 15 and 16, Block 102 (\$164.00 - Trinidad Gutierrez)  
(Resolution setting hearing needed)

ACTION: Res. 69-1044 adopted setting hearing. (P/W to handle)

CONSENT

(b) Curb and gutter on "E" Street at 501 - 14th St., portion of Lots 15 and 16, Block 102. (\$300.50 - Mrs. Stella Y. Marshall)  
(Resolution setting hearing needed)

ACTION: Res. 69-1045 adopted setting hearing. (P/W to handle)

CONSENT

(c) Curb and gutter at 115 Madera Ave., Lots 12 and 13, Block 311. (\$202.91 - Mrs. Mary Mello)  
(Resolution setting hearing needed)

ACTION: Res. 69-1046 adopted setting hearing. (P/W to handle)

CONSENT

27. Consider approval of right of way contract between Robert R. Radcliff and Marian C. Radcliff and the City of Modesto for acquisition of right of way for widening Needham Street, Project 56-10, and acceptance of grant deed from Mr. and Mrs. Radcliff.  
(The right of way contract provides that in the event the proposed public improvements necessitate the relocation of existing lawn sprinklers, such relocation work shall be done at no expense to grantors. The right of way is being acquired at no cost to the City. (Resolution authorizing execution of right of way contract and acceptance of grant deed by City needed)

ACTION: Res. 69-1047 adopted approving right of way contract and accepting grant deed. (Clerk to handle)

REPORTS

28. Report by City Manager of conversation with F.A.A. official.  
(Report will be made at the council meeting. No council action needed)

ACTION: It was reported that the Federal Aviation Agency was not dissatisfied with operations at the Modesto City-County Airport. No action by the Council.

29. Report regarding bidders guaranties.  
(A memo of explanation with agenda)

ACTION: By motion (Smith/Robinson, unan.) report accepted.

30. Report by City Manager concerning Imperial apartments.  
(An oral report will be made at the meeting. No council action needed)

ACTION: A resolution (Dixon/Newton) declaring support for legitimate communications between tenants and landlords with the understanding that there is no implication that management was wrong in this case failed as Robinson, Simon, Smith, and Mayor Davies voted no.

By motion (Simon/Mitchell, unan.) this matter was referred to the Modesto Human Rights Commission for consideration and disposition. (C/Mgr to handle)

31. Oral report on status of negotiations with Empire Fire District regarding response to aircraft emergencies - Modesto City-County Airport.

ACTION: It was reported that an agreement was being prepared and that it will be submitted to the Council shortly. (C/Mgr to handle)

REPORTS FROM THE PLANNING COMMISSION

31A. Report on action taken by Planning Commission regarding Lincoln School site for Community Center.  
(Information with agenda). It is recommended that this be set for public hearing.)

ACTION: Res. 69-1048 adopted (Robinson/Simon, unan.) setting November 24, 1969 at 8:00 P.M. as the time for a public hearing on both proposed sites for the Community Center.  
(Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

32. Appropriation transfer - Downtown Improvement District tree planting.  
(Memo with agenda. Resolutions approving project and appropriation transfer needed. Estimated cost \$1,200)

ACTION: Res. 69-1049 adopted approving project. (P & R to handle)  
Res. 69-1050 adopted approving appropriation transfer of \$1,200 from Account 61-218 to Account 5399-218. (Finance to handle)

MISCELLANEOUS

33. Appointments.

NONE.

Adjournment. at 6:55 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

## AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 10, 1969 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Smith, and  
Mayor Davies  
Absent: Simon

Pledge of allegiance to the Flag

Invocation: Father Ronald James, St. Dunstan's Episcopal Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 6, 7, 8, 13, 14,  
Item 23 removed from consent. 15, 16, 17, 18, 19, 22, ~~23~~  
(Robinson/Mitchell, unan. - 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 for the individual items.)

CONSENT

1. Confirmation of canvass of ballots - Kazmir Court Addition Annexation Election held November 4, 1969.  
(Ballots for this election will be canvassed on November 7, 1969 by the City Clerk. Unofficial results are as follows: No. of registered voters in area - 103; No. of persons voting - 85. No. of yes votes - 60; No. of no votes - 25. Resolution confirming canvass and declaring results of election and ordinance annexing area needed)

ACTION: Res. 69-1051 adopted confirming canvass and declaring results of election.

Ord. 996-C.S. adopted annexing Kazmir Court Addition to City of Modesto effective December 1, 1969. (Clerk to handle)

APPROVAL OF MINUTES

CONSENT

2. Minutes of November 3, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

3. Invitation for Modesto to become a direct member of the National League of Cities.

ACTION: Res. 69-1052 adopted (Smith/Robinson, unan. - Simon, absent) approving appropriation transfer of \$300 from General Reserve to Account 401-7. (C/Mgr to handle)

4. Request of Homer Smith for extension of time from December 31, 1969 to January 31, 1970 for vacating Smith Furniture building.

ACTION: Res. 69-1053 adopted (Smith/Robinson, unan. - Simon, absent) approving amendment to lease agreement to extend time to January 31, 1970. (P & T to handle)

5. Claim of State of California Department of Fish and Game in the sum of \$14,433.60 for destruction of fish in Tuolumne River between July 25, 1969 and August 22, 1969.

ACTION: By motion (Robinson/Smith, unan.) claim referred to City Attorney. (C/Atty to handle)

#### BIDS

##### CONSENT

6. Consider acceptance of Valley Construction Company's contract to install water lines in Northgate No. 6.  
(All work in connection with this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work and authorize the City Clerk to file notice of completion. Original contract, \$2,772.00; final cost \$2,652.72; funds budgeted in Account 6804-50-101, Water Line Extension. Resolution accepting work needed)

ACTION: Res. 69-1054 adopted accepting contract. (Clerk to handle)

##### CONSENT

7. Clearing Library Site - Sale #2.  
(Memo with agenda. Resolution authorizing sale of buildings and approving specifications and notice to bidders for Sale No. 2 Bid opening date December 8, 1969 at 2:00 P.M.)

ACTION: Res. 69-1055 adopted authorizing sale, approving specifications and bid call. (Clerk to handle)

##### CONSENT

8. Award contract for construction of parking lot on 9th Street between J and K Streets and approve appropriation transfer to provide funds for construction and inspection.  
(B.G. Construction Company is the low bidder at \$6,495. An appropriation transfer of \$7,000 is needed to provide funds for construction and inspection costs. Resolution awarding bid needed; resolution approving appropriation transfer from the Parking Fund Reserve needed)

ACTION: Res. 69-1056 adopted awarding bid to B. G. Construction Co. (P & T to handle);

Res. 69-1057 adopted approving appropriation transfer of \$7,000 from Account 60-57-209 to Account 6233-57-209. (Finance to handle)

HEARINGS

9. Sidewalk requirement on West Fairmont Avenue at 945 McHenry Avenue, Block 728, Lot 1. (Benevolent and Protective Order of Elks, #1282). 7:45 P.M.

ACTION: Res. 69-1058 adopted (Smith/Newton, unan. - Simon, absent) ordering work done. (P/W to handle)

10. Hearing on request of Tony Copobianco for encroachment permit for retaining wall at 615 LaLoma. 7:50 P.M.

ACTION: Res. 69-1059 adopted (Robinson/Newton, unan. - Simon, absent) granting encroachment permit subject to conditions. (Clerk to handle)

11. Matters for the good of the community. 7:55 P.M.  
(These may be presented by citizens in the audience)

Pasquel Mancini, brother of the late Professor Frank Mancini; and Paul LaVine, of the Farm-City Advisory Committee, were introduced.

By motion (Robinson/Mitchell, unan.) attendance of one or more representatives of the City of Modesto authorized for a meeting of the President's Council on Youth Opportunity to be held in Oakland November 13 and 14, 1969.

Councilman Mitchell reported on a Senior Citizens Club meeting that he had attended lately. He reported that the Club members were very appreciative of the new Senior Citizens Center but had a few requests to make--a stage and a better public address system were among the things mentioned.

OLD BUSINESS

12. Reconsider bookdrop at new library building.  
(The County staff has asked that the Council reconsider the previous action which provides for a bookdrop in the parking area without a conveyor system to the building. County staff will be present to submit their recommendations on this matter)

ACTION: By motion (Robinson/Newton, unan.) conveyor system for bookdrop approved;

By motion (Dixon/Smith, maj. - Mitchell, no) staff directed to have bookdrop placed in front of new library building.

(C/Mgr to handle)

NEW BUSINESS

CONSENT

13. Resolution determining that the public interest and convenience require that Kazmir Court 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 Kazmir Court Addition to the Modesto Municipal Sewer District No. 1. Suggested hearing date December 22, 1969 at 7:55 P.M. Resolution setting hearing (2/3 affirmative vote needed)

ACTION: Res. 69-1060 adopted setting hearing. (Clerk to handle)

CONSENT

14. Consider adoption of resolution approving issuance of bonds pursuant to Certificate of Issue of City Treasurer (M11-34A)- Improvement District No. 11.  
(Adoption of resolution needed)

ACTION: Res. 1114-S.P. adopted approving issuance of bonds.  
(Finance to handle)

CONSENT

15. Consider adoption of resolution approving issuance of bonds pursuant to Certificate of Issue of City Treasurer (M13-34A) - Improvement District No. 13.  
(Adoption of resolution needed)

ACTION: Res. 1115-S.P. adopted approving issuance of bonds.  
(Finance to handle)

CONSENT

16. Consider a form of notice which could be enclosed with the resolutions of intention in future improvement districts. Resolutions of intentions are mailed to all property owners within a proposed district.  
(Memo of explanation with agenda. Motion indicating Council's approval needed)

ACTION: By motion form of notice approved. (Clerk to handle)

CONSENT

17. Accept improvements in Tradewinds No. 3 Subdivision and authorize the City Clerk to file notice of completion and release bond upon expiration of statutory lien period.  
(Tradewinds No. 3 Subdivision is located on the south side of Celeste Drive between Rose Avenue and Old Oakdale 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. 69-1061 adopted accepting improvements. (Clerk to handle)

CONSENT

18. Consider approval of assignment of lease agreements at City-County Airport between City of Modesto and Roy B. and Dorene Hirschhorn, to George Reed.  
(Memorandum of explanation distributed with agenda. Resolution approving assignment of operator's permit; assignment of lease agreement for lease of east one-half of Airplane Hangar No. 1, and assignment of lease agreement for Office A. in Office Building No. 1, from Roy B. and Dorene Hirschhorn, to George Reed.)

ACTION: Res. 69-1062 adopted approving above three lease assignments. (Clerk to handle)

CONSENT

19. Accept improvements in Tully Manor No. 4 Subdivision and authorize the City Clerk to file notice of completion and release bond upon expiration of the statutory lien period.  
(Tully Manor No. 4 subdivision is located west of Tully Road between Montclair Drive and Standiford Avenue. All improvements have been completed to the satisfaction of the Public Works Department and all fees have been paid. Resolution accepting improvements and authorizing the City Clerk to file notice of completion and release bond upon expiration of statutory lien period needed)

ACTION: Res. 69-1063 adopted accepting improvements. (Clerk to handle)

20. Resolution approving agreement with Empire Fire Protection District for operation of airport crash truck.  
(It is expected that the completed agreement will be ready for council action. Resolution approving agreement needed)

ACTION: Res. 69-1064 adopted (Dixon/Robinson, unan. - Simon, absent) approving agreement. (Clerk to handle)

REPORTS

21. Report on negotiations with Modesto Motor Bus Service regarding renewal of their agreement to operate four city buses. (Memo with agenda. The staff and bus owner agree on the recommended terms. Motion authorizing preparation of agreement covering the period January 1, 1970 to January 1, 1972 needed)

ACTION: By motion (Robinson/Newton, unan.) staff to prepare agreement. (C/Atty to handle)

CONSENT

22. Presentation of annual financial report for the 1968-69 fiscal year. (Copies of report will be distributed at meeting. Motion acknowledging receipt of report needed)

ACTION: By motion receipt of report acknowledged.

~~CONSENT~~

23. Presentation of financial statement for October 1969. (Copies of report will be presented at meeting. Motion accepting report needed)

ACTION: By motion (Newton/Mitchell, unan.) report accepted. (Finance to handle)

24. Report - Mancini Park. (Oral report will be made at the meeting on preliminary studies regarding proposed master plan for the development of Mancini Park)

ACTION: Mr. Sue of the firm of Ribera and Sue described the proposed developments.

By motion (Smith/Dixon, unan.) staff authorized to talk with Stanislaus County staff about the possibility of relocating the road which runs through the Mancini property and report to Council. (P & R to handle)

APPROPRIATION TRANSFERS

NONE.

MISCELLANEOUS

25. Appointments

NONE.

Mayor Davies presented a statement urging the Council to devote less time to minor matters and more to larger issues.

Adjournment at 8:50 P.M.

ATTEST:

*W. T. Chynoweth*

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W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 17, 1969 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, and  
Mayor Davies  
Absent: Robinson (Councilman Simon arrived at 4:10 P.M.)

Pledge of allegiance to the Flag

Invocation: Rev. E. Lawrence Duncan, Memorial Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 11, 12, 13, 14,  
18  
(Smith/Mitchell, unan. - Robinson 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 for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of November 10, 1969.

ACTION: By motion minutes approved.

PETITIONS, CORRESPONDENCE AND REMONSTRANCES

CONSENT

2. Request of W. G. McDowell, 331 LaLoma, for encroachment permit to allow retaining wall to remain in right of way.  
(Resolution setting November 24, 1969 at 7:55 P.M. for hearing needed)

ACTION: Res. 69-1065 adopted setting hearing. (Clerk to handle)

CONSENT

3. Letter from Modesto City Schools fixing value of Lincoln School site at \$300,000.  
(Motion referring to November 24th hearing needed)

ACTION: By motion letter referred to meeting on Community Center site to be held on November 24, 1969. (Clerk to handle)

HEARINGS

4. Consider oral bids - sale of property at Library site. 4:15 P.M.

No written bids were received. An oral bid of \$1.00 for each building was received from Dean Crook of Crook Brothers House Movers. Mr. Crook then agreed to a one-week delay in Council action in rejecting all bids or awarding the sale.

ACTION: By motion (Mitchell/Newton, unan.) time for consideration of oral bids continued to November 24, 1969 at 7:40 P.M.

ACTION: Ord. No. 997-C.S. adopted (Simon/Dixon, unan. - Robinson, absent)  
amending Sec. 9-4-9 of zoning map. (Clerk to handle)

6. Hearing on amendment to Section 15-3-9 of the zoning map  
(Vince Lancey) 4:25 P.M.

ACTION: Ord. No. 998-C.S. adopted (Smith/Newton, unan. - Robinson, absent)  
amending Sec. 15-3-9 of zoning map. (Clerk to handle)

7. Cost of installation of curb and gutter on E Street at  
1315 E Street, west one-half of Lots 15 and 16, Block  
102 (\$164.00 - Trinidad Gutierrez) 4:30 P.M.

ACTION: Res. 69-1066 adopted (Newton/Mitchell, unan. - Robinson, absent)  
confirming report, assessing costs and directing method of  
collection (over a period of three years). (Finance to handle)

8. Cost of installation of curb and gutter on "E: Street at  
501 - 14th Street, east one-half of Lots 15 and 16, Block  
102 (\$300.50 - Mrs. Stella Y. Marshall) 4:30 P.M.

ACTION: Res. 69-1067 adopted (Newton/Mitchell, unan. - Robinson, absent)  
confirming report, assessing costs and directing method of  
collection. (Finance to handle)

9. Cost of installation of curb and gutter at 115 Madera Avenue,  
Lots 12 and 13, Block 311 (\$202.91 - Mary Mello) 4:30 P.M.

DROPPED FROM AGENDA AS COSTS HAVE BEEN PAID.

10. Matters for the good of the community. 4:35 P.M.  
(These may be presented by citizens in the audience)

Staff to look into possibility of hearing aids in Council Chambers.  
(Clerk to handle)

The Assistant Director of Public Works was commended for an article  
on the Sutter Avenue sewer liner which appeared in a national publication.

Mrs. Oscar Lightner, representing opponents to the proposed Highway  
Village Addition annexation, presented petitions in opposition to the  
annexation.

City employees were commended for their contributions to the United  
Crusade as was Howard Neyens who was Chairman of the City Government  
portion.

Superior Court Judge Frank L. Pierson was introduced.

Staff was directed to contact the League of California Cities con-  
cerning legislation introduced by Senator Murphy which would permit  
Governors of certain States, including California, to veto legislation  
which affects low income persons. (C/Mgr to handle)

NEW BUSINESS

CONSENT

11. Adoption of resolution acknowledging receipt of "Notice of Intention to Circulate Petition to annex territory known as the Highway Village Addition to the City of Modesto" and approving intention of proponents to circulate petitions.  
(The notice has been published as required and it is now in order for the Council to adopt this resolution.)

ACTION: Res. 69-1068 adopted acknowledging receipt of "Notice" and approving intention of proponents to circulate petitions.  
(Clerk to handle)

CONSENT

12. Resolution instructing the Superintendent of Streets to give notice requiring construction of curb and gutter on Covena Avenue at 1421 Haddon Avenue, Block 2089, Lots 12, 13 and the south 10' of Lot 11 (Mrs. Darleen M. Beard)  
(An informal request was sent over thirty days ago to the property owner to install curb and gutter. The work has not been done. It is recommended that a resolution be adopted authorizing the Superintendent of Streets to give notice requiring construction of curb and gutter. Resolution setting hearing needed. Suggested hearing date December 1, 1969 at 4:25 P.M.)

ACTION: Res. 69-1069 adopted setting hearing. (Clerk to handle)

CONSENT

13. A resolution approving final map of Davis 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. Davis Park No. 2 Subdivision is located on the south side of Woodrow Avenue between Tully Road and Tidewater Southern Railroad. It contains 4.296 acres. Resolution approving final map needed)

ACTION: Res. 69-1070 adopted approving final map. (Clerk to handle)

CONSENT

14. Consider request for sewer service to property at 2216 Glendale Avenue between El Vista Avenue and Colfax Avenue.  
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line exists to serve it. Property owner, Hans C. Johansen. Resolution approving agreement needed)

ACTION: Res. 69-1071 adopted approving agreement. (P/W to handle)

15. Request for authorization for staff to appear at Senate Committee hearing on PUC control of CATV systems.  
(Hearing is set for Wednesday, November 19, 1969 in San Diego.  
Memo with agenda. Motion approving position of City as outlined in memo and authorizing appearance by staff member needed)

ACTION: By motion (Dixon/Smith, unan.) Deputy City Manager authorized to present position of City of Modesto at meeting. (C/Mgr to handle)

#### REPORTS

16. Report on sign ordinance.  
(Report will be made at the meeting by Councilman William Mitchell)

It was reported that most of the problems have been worked out and it was anticipated that the ordinance will be ready for final action by the Council within six weeks.

It was agreed that the Council will be given all pertinent information far enough in advance of the public hearing to enable each Councilman to have sufficient time to study the matter thoroughly.

17. Report on proposed Improvement District No. 15.  
(Memo with agenda. Motion authorizing staff to proceed and resolution approving appropriation transfer of \$10,000 from General Reserve to Account 6592-212 needed. Funds budgeted in Account No. 6592-212, Sewer Improvement District No. 15)

ACTION: By motion (Smith/Simon, unan.) staff authorized to proceed as recommended. (P/W to handle)

Res. 69-1072 adopted (Smith/Simon, unan. - Robinson, absent) approving appropriation transfer of \$10,000 from Account 60-212 to Account 6592-212. (Finance to handle)

#### APPROPRIATION TRANSFERS

##### CONSENT

18. Consider approval of appropriation transfer in the amount of \$150 with which to purchase copies of various building codes for resale.  
(This item was overlooked when the 1969-70 budget was prepared.  
Resolution approving appropriation transfer in the amount of \$150 from General Reserve, to Resale Supplies, Building Inspection needed)

ACTION: Res. 69-1073 adopted approving appropriation transfer of \$150 from Account 60-101 to Account 337-42-101. (Finance to handle)

#### MISCELLANEOUS

19. Appointments.

ACTION: Res. 69-1074 adopted (Mitchell/Simon, unan. - Robinson, absent) appointing Wesley W. Hall as a member of the Board of Zoning Adjustment for a term ending January 1, 1972. (Clerk to handle)

Adjournment. (NOTE: This meeting will be adjourned to 10:45 A.M. on November 19, 1969 for the purpose of taking a field trip to view the Gentryplan Development located adjacent to Alvarado Boulevard in Fremont, California.)

at 5:30 P.M. to 10:45 A.M. on November 19, 1969 in the first floor lobby of City Hall for the purpose of taking the above-mentioned field trip.

ATTEST:

*W. T. Chynoweth*  
W. T. CHYNOWETH, CITY CLERK


MODESTO CITY COUNCIL

ADDENDUM TO MINUTES OF NOVEMBER 17, 1969

Action on Item 4 should read as follows:

By motion (Mitchell/Newton, unan.) oral bids and bid bond received held for one week and bidding kept open for one week for any other bidders willing to bid. Time for further consideration of oral bids continued to November 24, 1969 at 7:40 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH, CITY CLERK

MODESTO CITY COUNCIL

ADJOURNED REGULAR MEETING

November 19, 1969

The Council of the City of Modesto met at 10:45 A.M., November 19, 1969, pursuant to adjournment, Vice Mayor Mitchell presiding.

Present: Councilmen: Dixon and Vice Mayor Mitchell

Absent: Councilmen: Newton, Robinson, Simon, Smith,  
Mayor Davies

There not being a quorum present the meeting was adjourned at 10:50 A.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 24, 1969 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
and Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation: Elder O. E. Bassard, Peace Church of God in Christ

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 8, 11,  
(Smith/Robinson, unan.) 18, 19, 20, 24, 25, 26, 27, 28a,  
b, c, 29, 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 for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Approval of minutes of November 17 and 19, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Request for abandonment of west 5 feet of a 10-foot public utilities easement in Lot 2, Block 13018, Surrey Park.  
(Resolution referring to Planning Commission needed)

ACTION: Res. 69-1075 adopted referring to Planning Commission.  
(Planning to handle)

CONSENT

3. Resignation of John C. Sutton as member of Board of Downtown Improvement District.  
(Resolution accepting with regret needed)

ACTION: Res. 69-1076 adopted accepting resignation with regret.  
(Clerk to handle)

4. Request of Modesto Centennial Committee for funds to carry out plans for Centennial Celebration.

ACTION: Res. 69-1077 adopted (Robinson/Newton, unan.) approving appropriation transfer of \$5,000 from General Fund, General Reserve to Account 470-61.

NOTE: It was understood that this \$5,000 is the maximum amount to be given by the City for this Celebration if the total budget is \$25,000 or less.

(Finance to handle)

CONSENT

5. Request of Modesto Motor Bus Service for permission to use city-owned bus as a shuttle bus on McHenry Ave. for the Christmas holidays.  
(Motion granting request needed)

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

CONSENT

6. Letter from State Department of Public Works concerning federal TOPICS program.  
(Motion to hold until communication is received from Board of Supervisors needed)

ACTION: By motion staff directed to retain letter until Board of Supervisors contacts City on this matter. (Clerk to handle)

CONSENT

7. Request of Silvair Aviation for permission to offer vacant office in Hangar No. 1 to Harry Sham for his use as a F.A.A. flight examiner.  
(Resolution granting request needed)

ACTION: Res. 69-1078 adopted approving sublease of office to Harry Sham.  
(P/W to handle)

CONSENT

8. Request of Downtown Improvement District for use of a high ranger and one city employee for use in repairing downtown outdoor music system.  
(Motion granting request needed)

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

9. Invitation to attend swearing-in ceremonies for Waterford city council.

ACTION: Councilmen requested to inform Clerk if they plan to attend. Vice Mayor Mitchell will be present on behalf of City.

BIDS

CONSENT

11. Consider awarding bid for construction of Graceada Park wading pool.  
(Bids were opened November 18. The bid submitted by Wolverine Building Service which is approximately 1% over the Engineer's estimate is considered acceptable. We therefore recommend that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$13,900; funds budgeted in Account 6378-324, Graceada Park, Wading Pool)

ACTION: Res. 69-1079 adopted awarding bid to Wolverine Building Service.  
(P/W to handle)

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12. Receiving further bids for sale of library property. 7:40 P.M.

ACTION: Res. 69-1080 adopted (Robinson/Simon, unan.) accepting bid of Don Thiel in the amount of \$3,500 for the building at 1512, 14, 16 & 18 Eye Street;

Res. 69-1081 adopted (Robinson/Simon, unan.) accepting bid of Richard Hennings in the amount of \$1,750 for the building at 1524 Eye St.

(Finance to handle)

#### HEARINGS

13. Annexation of El Vista No. 3 To Sewer District No. 1. 7:45 P.M.

ACTION: Res. 69-1082 adopted (Smith/Simon, unan.) annexing El Vista No. 3 Addition to Sewer District No. 1. (Clerk to handle)

14. Hearing on amendment to Section 8-3-9 (Wilbur Grant). 7:50 P.M.

ACTION: Ord. No. 999-C.S. adopted (Simon/Robinson, unan.) amending Section 8-3-9 of zoning map. (Clerk to handle)

15. Hearing on request of W. G. McDowell for encroachment permit to allow retaining wall at 331 LaLoma. 7:55 P.M.

ACTION: Res. 69-1083 adopted (Newton/Mitchell, unan.) granting encroachment permit subject to conditions. (Clerk to handle)

16. Hearing on site for proposed Community Center. 8:00 P.M.

ACTION: Res. 69-1084 adopted (Mitchell/Simon, majority - Dixon, Smith, and Mayor Davies, no) declaring intention of Council to locate Center at Lincoln School site and authorizing staff to negotiate with Modesto City Schools for the property. It was understood that St. Paul's Episcopal Church property acquisition is not being considered at this time. (C/Mgr to handle)

17. Matters for the good of the community. 8:05 P.M.  
(These may be presented by citizens in the audience)

ACTION: Res. 69-1085 adopted (Robinson/Mitchell, unan.) approving revised agreement with State and Stanislaus County for Briggsmore/Northern Expressway. (Clerk to handle)

ACTION: Res. 69-1086 adopted (Robinson/Mitchell, unan.) approving appropriation transfer of \$18,000 from Account 6681-207 to Account 6714-207. (Finance to handle)

Councilman Mitchell reported that the Public Projects Committee expected to have the sign ordinance in final draft form for a meeting November 28 and planned to have an informal hearing on the ordinance in about 10 days from then. Following the hearing the ordinance will be presented to the Council for consideration and hearing. He also reported that the Committee had interviewed four architects for the Mall and expected to have a recommendation to the Council by December 15, 1969.

ACTION: Res. 69-1087 adopted (Robinson/Newton, unan.) appointing Vice Mayor Mitchell as the voting delegate to the National League of Cities meeting to be held in San Diego next week.

NEW BUSINESS

CONSENT

18. Consider request for sewer service to property at 1217 Garden Avenue between Sutter and Colorado.  
(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 a line exists to serve it. Property owner, Frank Westwood. Resolution approving agreement needed)

ACTION: Res. 69-1088 adopted approving agreement. (P/W to handle)

CONSENT

19. Consider request for sewer service to property at 3301 Fremont Street (corner of Fremont and Woodrow Avenue). Property owner, Dennis Barber.  
(The property owner has signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a sewer line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 69-1089 adopted approving agreement. (P/W to handle)

CONSENT

20. Request for replacement of Improvement District No. 8 bond No. 228.  
(A report will be submitted with agenda. Resolution approving replacement of bond needed)

ACTION: Res. 69-1090 adopted approving replacement of bond.  
(Finance to handle)

21. Consider approval of lease agreement between the City of Modesto and United Airlines for space in the Airline Terminal Building, Modesto City-County Airport. Term of the lease is for five years, with an annual rental of \$13,516.80. Memo with agenda. Resolution approving agreement needed)

HELD PENDING RECEIPT OF AGREEMENT FROM UNITED AIRLINES.

22. Consider approval of lease agreement between the City of Modesto and Golden Pacific Airlines for space in the Airline Terminal building, Modesto City-County Airport. Term of the lease is for five years, with an annual rental of \$1,696.20.  
(Memo with agenda. Resolution approving agreement needed)

HELD PENDING RECEIPT OF AGREEMENT FROM SAME.

23. Consider award of bid for construction of Airline Terminal Expansion at Modesto City-County Airport.  
(Bids were opened October 14. The low bid submitted by Brown Sheet Metal and Mechanical Inc., which is 1% over the Engineer's Estimate, is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$43,938 (Contract \$41,789; Engr. & Insp. \$2,149). Funds budgeted in Account 6522-46-230, Terminal Facilities Expansion (Stage I)

NO ACTION PENDING APPROVAL OF LEASE AGREEMENTS AT AIRPORT. STAFF TO CONTACT CONTRACTOR TO SEE IF HE IS AGREEABLE TO DELAY IN AWARDING CONTRACT. IF NOT, CONTRACT TO BE READVERTISED.

CONSENT

24. Letter from The 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)

CONSENT

25. Consider request for sewer service to property at Northeast corner of Coffee and Floyd.  
(The property owner, Harry F. MacDonald, has signed an agreement to annex when requested to do so by City. The property is contiguous to the City and a line exists to serve it. Resolution approving agreement needed)

ACTION: Res. 69-1091 adopted approving agreement. (P/W to handle)

CONSENT

26. Consider granting an easement to M.I.D. in Davis Park for installation of underground facilities.  
(Resolution granting easement needed)

ACTION: Res. 69-1092 adopted granting easement to Modesto Irrigation District. (Clerk to handle)

CONSENT

27. Consider approval of agreement between the City and Michael Masellis for the construction of a sanitary sewer in Block 12309 to serve two parcels owned by Masellis.  
(The owner will pay the entire expense of the construction and the agreement will provide that the City act as agent for the owner in refunding a share of the cost when the adjacent parcels connect. The city funds are needed only for the duration of the construction. Resolution approving agreement needed. Estimated cost \$2,106; funds budgeted in Account 6561-212, Extend subtrunk, perimeter sewers)

ACTION: Res. 69-1093 adopted approving agreement. (P/W to handle)

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28. Report of Superintendent of Streets on the cost of sidewalk and/or curb and gutter at the properties listed below. (The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. Resolution setting date for hearing needed. Suggested hearing date December 8 at 7:50 P.M. Contract costs listed below. Funds budgeted in Account 5302-51-101, Curbs and gutters, Special)

CONSENT

(a) Curb, gutter and sidewalk at 1020 Fourth Street, Lots 26, 27 and 28, Block 18 (\$272.50 - African Methodist Episcopal Zion Church)  
(Resolution setting hearing needed)

ACTION: Res. 69-1094 adopted setting hearing. (P/W to handle)

CONSENT

(b) Sidewalk at 1913 Joaquin St., portions of Lots 16 and 17, Block 6713 (\$120.00 - Mr. O. R. Heileson)  
(Resolution setting hearing needed)

ACTION: Res. 69-1095 adopted setting hearing. (P/W to handle)

CONSENT

(c) Curb and gutter at 126 Sunset Boulevard, Lots 31 and 32, Block 326 (\$150.00 - Mr. Lawrence Vancil)  
(Resolution setting hearing needed)

ACTION: Res. 69-1096 adopted setting hearing. (P/W to handle)

REPORTS

CONSENT

29. Report on buses in Modesto.  
(Report with agenda. Motion approving recommendation needed)

ACTION: By motion recommendation to not make any changes until State transportation study is complete approved.

30. Oral report regarding new regulations proposed by Stanislaus County Air Pollution Control District.

ACTION: City Manager authorized to appear before Board of Supervisors and ask for one-week delay to permit Councilmen to study proposed regulations.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

31. Recommend commencement of proceedings for the annexation of uninhabited city-owned property (Celeste #2 Addition)  
(With the recent purchase by the City of 6.44 acres for a neighborhood park site for the eastern portion of the Floyd Neighborhood, it is desirable to initiate proceedings for the annexation of the property to the City. Resolution commencing annexation proceedings needed)

ACTION: Res. 69-1097 adopted commencing proceedings. (Planning to handle)

APPROPRIATION TRANSFERS

NONE.

MISCELLANEOUS

32. Appointments.

NONE.

Adjournment at 12:05 A.M., Nov. 25, 1969.

ATTEST:

*W. T. Chynoweth*  
W. T. CHYNOWETH, CITY CLERK

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 1, 1969 AT 4:00 P.M.

Roll Call Present: Dixon, Newton, Robinson, Simon, Smith, and Mayor Davies  
Absent: Mitchell

Pledge of allegiance to the Flag.

Invocation: ~~Reverend Herbert R. Harker, Modesto Union Gospel Mission~~  
Mayor Davies

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25  
Item 18 dropped from agenda.  
(Smith/Dixon, unan. - Mitchell, 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 for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of November 24, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES, AND CORRESPONDENCE

CONSENT

2. Request of residents of 1200 block on Sycamore Avenue for cat control ordinance.  
(Motion referring to staff for report needed)

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

3. Recommendation by Library and Culture Commission that new library be named "Modesto-Stanislaus Public Library."

ACTION: By motion (Newton/Robinson, carried) recommendation accepted and architect permitted to eliminate word "Public" if necessary. (C/Mgr to handle)

BIDS

CONSENT

4. Consider accepting low bid of Pacific Pipe Tool Company to furnish a complete closed circuit television system for sewer line inspection.  
(Memo and bid tabulation with agenda. Resolution awarding bid and Resolution approving appropriation transfer of \$7,060, additional funds needed for purchase, are required. Total estimated cost \$16,048)

ACTION: Res. 69-1098 adopted awarding bid to Pacific Pipe Tool Co. (Finance to handle)

Res. 69-1099 adopted approving appropriation transfer of \$7,060 from Account 60-212 to Account 6587-212. (Finance to handle)

CONSENT

5. Consider accepting low bid of J. M. Lift Trucks, Inc., Modesto, to furnish two (2) three-wheel parking enforcement vehicles. (Bids were opened November 18, 1969 at 2:00 P.M. Tabulation and memo with agenda. Resolution awarding bid needed. Estimated cost \$3,238. Funds budgeted in Account 5403-48-512, Service Division Capital Outlay, p. 78)

ACTION: Res. 69-1100 adopted awarding bid to J. M. Lift Trucks, Inc. (Finance to handle)

CONSENT

6. Consider waiver of formal bid procedure and authorize Purchasing Officer and Public Works staff to negotiate for the purchase of a new backhoe-loader with a tilt bed transport trailer. (Memo with agenda. Resolution approving waiver of formal bid procedure and authorizing negotiation for purchase needed)

ACTION: Res. 69-1101 adopted waiving formal bid procedure and authorizing negotiation for purchase. (Finance to handle)

HEARINGS

7. Annexation of Sylvan-Coffee #1 to Sewer District. 4:15 P.M.

ACTION: Res. 69-1102 adopted (Simon/Newton, unan.- Mitchell, absent) annexing Sylvan-Coffee #1 to Sewer District. (Clerk to handle)

8. Annexation of McHenry Addition to Sewer District. 4:20 P.M.

ACTION: Res. 69-1103 adopted (Robinson/Smith, unan.- Mitchell, absent) annexing McHenry Addition to Sewer District. (Clerk to handle)

9. Curb and gutter requirement on Covena at 1421 Haddon, Block 2089, Lots 12, 13 and south 10' of Lot 11 (Mrs. Darleøn Beard) 4:25 P.M.

ACTION: Res. 69-1104 adopted (Robinson/Dixon, unan.- Mitchell, absent) ordering work done with one year delay. (P/W to handle)

10. Oral report by Division of Highways on McHenry-Virginia study. 4:30 P.M.

Mr. Zell of the Division of Highways reported that substituting Virginia Ave. for McHenry Ave. as Highway 108 was possible but not feasible and recommended that further studies be delayed until the effects of the new Prescott interchange and the extension of Carpenter Rd. are known. He further reported that McHenry Ave. as a State Highway would not be replaced by a Freeway prior to 1980.

NO ACTION WAS TAKEN BY THE COUNCIL.

11. Matters for the good of the community.  
(These may be presented by citizens in the audience)

4:35 P.M.

Item 18 was replaced on the agenda.

Councilman Smith reported on behalf of the Public Projects Committee that the staff was preparing a final draft of the proposed sign ordinance and that the Council should have the draft this year and would hold a public hearing sometime in the first two weeks in January.

A proposed review of the City Charter was discussed. (See "Executive Session" at end of minutes.)

#### ORDINANCES

##### CONSENT

12. Final adoption of Ordinance 997-C.S. (amendment to Section 9-4-9 of the zoning map).

ACTION: By motion Ord. 997-C.S. adopted. (Clerk to handle)

##### CONSENT

13. Final adoption of Ordinance 998-C.S. (amendment to Section 15-3-9 of the zoning map)

ACTION: By motion Ord. 998-C.S. adopted. (Clerk to handle)

#### NEW BUSINESS

##### CONSENT

14. Resolutions withdrawing certain described territories from the following Fire Protection Districts by reason of their annexation to the City of Modesto:

- (a) Burbank-Paradise Fire Protection District;
- (b) Empire Fire Protection District;
- (c) McHenry-Dry Creek Fire Protection District;
- (d) Riverbank Fire Protection District;
- (e) Salida Fire Protection District;
- (f) Woodland Fire Protection District.

(The City Clerk's office has been advised that these annexations have been approved by the Secretary of State during the year 1969. These annexations are now considered complete and it is therefore in the best interests of the City that these territories be withdrawn from the above-mentioned fire districts. Adoption of six resolutions needed)

- ACTION: Res. 69-1105 adopted withdrawing Kazmir Court Addition from Burbank-Paradise Fire Protection District;
- Res. 69-1106 adopted withdrawing Riverside, El Vista School, Riverside No. 2, Santa Rosa and El Vista No. 3 Additions from Empire Fire Protection District;
- Res. 69-1107 adopted withdrawing Strathmore, Scenic No. 2, El Terino, Rose Acres No. 3, East Coolidge, John Sutter School, Rose Acres No. 4, McHenry and portion of Sylvan-Coffee No. 1 from McHenry-Dry Creek Fire Protection District;
- Res. 69-1108 adopted withdrawing Sylvan-Coffee No. 2 and portion of Sylvan-Coffee No. 1 Additions from Riverbank Fire Protection Dist.;
- Res. 69-1109 adopted withdrawing Prescott No. 3 and portions of Prescott No. 2 and N. 99 No. 3 Additions from Salida Fire Protection District;
- Res. 69-1110 adopted withdrawing Carpenter and Montclair and portions of Prescott #2 and N. 99 No. 3 Additions from Woodland Fire Protection District. (Clerk to handle)

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CONSENT

15. Consider a letter agreement from Orrick, Herrington, Rowley and Sutcliffe whereby they agree to act as bond counsel for the City for assessment proceedings for Improvement District No. 15 (Sewer Improvements in 13 separate areas within the city. This matter was discussed at the council meeting of November 17, 1969 at which time the staff was authorized to proceed. A copy of the letter agreement is being transmitted to the Mayor and Council with agenda. Resolution approving agreement needed)

ACTION: Res. 69-1111 adopted approving letter agreement. (Clerk to handle)

CONSENT

16. Consider request of Mrs. Lucille M. Rife for permission to pay costs of installation of sidewalk, curb and gutter (\$980.72) in as many installments as possible. (Costs were assessed at the August 11, 1969 council meeting. Resolution needed permitting payment of costs over a ten-year period and amending Resolution No. 69-729 to provide for this)

ACTION: Res. 69-1112 adopted amending Res. No. 69-729 to provide for payment of costs over a ten-year period. (Finance to handle)

CONSENT

17. Consider request for sewer service to property at 1529 Morene Way. (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 a line exists to serve it. Property owner: Paul Howard. Resolution approving agreement needed)

ACTION: Res. 69-1113 adopted approving agreement with Paul Howard. (P/W to handle)

CONSENT

18. Consider agreement between City of Modesto and Hawke Flying Service for lease of an area 35' x 164' for storage of aircraft at Modesto City-County Airport. (The Airport Manager negotiated a land lease with Hawke Flying Service for the lease of an area 35' x 164' for the storage of aircraft in the tie-down area at the Airport. Land rental is on a year-to-year basis with the rental amount of \$20.00 per month. Approval is recommended. Resolution approving agreement needed)

Dropped from agenda at beginning and replaced on the agenda under "Matters for the good of the Community."

ACTION: Res. 69-1114 adopted (Robinson/Smith, unan.-Mitchell, absent) approving agreement with Hawke Flying Service. (Clerk to handle)

CONSENT

19. Resolution approving and authorizing City Manager to sign agreement with the State Department of Finance to estimate the population of the City of Modesto effective January 1, 1970. (On October 20, 1969 the City Council authorized the city staff to contact the State Department of Finance and arrange for a population estimate. An agreement has been received from the State for performing the work for \$415. An appropriation transfer is needed. Resolution approving agreement and resolution approving appropriation transfer of \$415 (estimated cost) needed)

ACTION: Res. 69-1115 adopted approving agreement with State Dept. of Finance (Clerk to handle)

Res. 69-1116 adopted approving appropriation transfer of \$415 from Account 60-101 to Account 421-65-101. (Finance to handle)

CONSENT

20. Consider approval of lease agreement between the City and Mrs. Virginia Gayle, for rental of house at 1359 Sarah Avenue, Sutter Park site. (Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 69-1117 adopted approving lease agreement with Mrs. Virginia Gayle. (Finance to handle)

CONSENT

21. Consider agreement between the City of Modesto and Sherwood Mortgage Company for the installation of water lines in Carver Terrace No. 4 Subdivision. (The developer desires to have city water mains constructed in Carver Terrace No. 4 before he files the final map. The developer has posted a cash deposit with the City Clerk which covers the cost of water main installation. The final map must be approved by the City Council for recording within six months of the date of this agreement or the developer must forfeit his cash deposit to the City of Modesto. Resolution approving agreement needed. Estimated cost \$5,200; funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-1118 adopted approving agreement with Sherwood Mortgage Co. (Clerk to handle)

CONSENT

22. Consider right of way contract and acceptance of grant deed signed by Edwin J. and Laura Alta Wyatt for donation of property to the City for the widening of Needham Street, Project No. 56-10. (The right of way contract provides that the City shall pay all title, transfer and escrow fees, if any, and pay grantors \$2,600 as damages and for the removal and reconstruction by grantors of portions of existing dwelling located upon the property described in the grant deed. Payment by City shall be made within 30 days after acceptance of the contract, and grantors shall remove the building improvements from the property within 60 days after written notice from the City to proceed with said removal work. Resolution approving contract and acceptance of grant deed needed. Estimated cost \$2,600; funds budgeted in Account 6663, Needham, McHenry to Hackberry-Special Gas Tax Street Improvement Fund (207).

ACTION: Res. 69-1119 adopted approving right of way contract and accepting deed. (Clerk to handle)

REPORTS

23. Report on street lighting and proposed street lighting improvement district.  
(Memo with agenda. Motion authorizing staff to proceed needed. Estimated cost \$213,000, total project cost. Funds budgeted in Account 6622-41-321, Street Lights Unlighted Area, Stage I)

ACTION: By motion (Robinson/Dixon, unan.) staff authorized to proceed.  
(P/W to handle)

24. Report on educational incentive pay.  
(Copies of the report are being distributed with agenda. Motion instructing staff needed)

ACTION: By motion (Dixon/Newton, unan.) referred to Public Projects Committee for study and report to Council. (C/Mgr to handle)

CONSENT

25. Report by City Manager that final working drawings for the new library building have been received and copies submitted to State Librarian for approval.  
(No action needed)

NO ACTION.

APPROPRIATION TRANSFERS

NONE.

MISCELLANEOUS

The Council retired to executive session at 5:20 P.M. to consider appointments and returned to open session at 6:10 P.M. Councilman Robinson was excused from the balance of the meeting.

It was announced that a citizens committee of 12 - 15 persons would be appointed as a Charter Review Committee and that it was intended that proposed changes in the Charter, if any, would be placed on the ballot for the June, 1970 Primary Election.

26. Appointments

ACTION: Res. 69-1120 adopted (Smith/Dixon, unan.-Mitchell & Robinson, absent) appointing Mrs. Sarah Jackson (replacing Thomas Dibbs) and Howard M. Shaw (replacing Henry Fogle) and reappointing Leo Dugan as members of the Personnel Commission for terms ending January 1, 1973, January 1, 1974 and January 1, 1974, respectively. (Clerk to handle)

Adjournment at 6:15 P.M.

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

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MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 8, 1969 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
and Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend A. P. Gregory, Church of God

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, ~~6~~ 10, 11, ~~12~~,  
Items 6, 12, and 26 removed from consent. 13, 14, 15, 21, 22, 23, 24, 25,  
(Robinson/Mitchell, unan.) ~~26~~, 27, 28, 29a, b, c, d, e, f,  
g, h, i, j, k, l, 30a, b, c, d, e,  
33, 34, 35

(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 for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of December 1, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES & CORRESPONDENCE

CONSENT

2. Request of Dilmus King for review of portions of Municipal Code dealing with regulation of amusement devises.  
(Motion referring to City Attorney for report needed)

ACTION: By motion referred to City Attorney for report. (C/Atty to handle)

CONSENT

3. Letter from W. C. Winslow concerning pickup of garden refuse on Emerson Avenue.  
(Motion referring to staff needed)

ACTION: By motion referred to staff (P/W to handle).

4. Letter from Citizens Involvement Committee concerning acquisition of one or two city-owned buildings on site of new library.

ACTION: Following a thorough discussion of the subject a motion (Smith/Dixon) to remove the building at 815 16th Street from the sale of buildings on the library site failed.

By motion (Newton/Robinson, unan.) the staff was directed to meet with all of the groups interested in the local drug problem in an attempt to obtain a united effort. Report to be made to Council in two weeks. (C/Mgr to handle)

CONSENT

5. Appeal of Mr. Lucchesi and Mr. Pioli from decision of Planning Commission in denying P-D rezoning at Coffee Road and Fairmont Avenue.  
(Resolution setting hearing needed; hearing, 12/22/69 at 8:10 P.M.)

ACTION: Res. 69-1121 adopted setting hearing. (Clerk to handle)

CONSENT

6. Letter from California Council on Intergovernmental Relations requesting comments on boundaries of Regional Planning Districts.  
(Motion referring to Planning Commission for recommendation needed)

ACTION: By motion (Smith/Simon, unan.) staff directed to inform California Council on Intergovernmental Relations that there will be about a month's delay in comments and letter referred to Planning Commission for recommendation. (Planning and City Manager to handle)

7. Request of City Employees' Association for 2½% cost of living wage increase.

ACTION: By motion (Robinson/Dixon, unan.) staff directed to review request and be prepared to report to Council at executive session on December 15, 1969. (C/Mgr to handle)

8. Request of Modesto Police Association for 2½% cost of living wage increase.

ACTION: Same as Item 7.

9. Request of Fire Fighters' Association for 2½% cost of living wage increase.

ACTION: Same as Item 7.

CONSENT

10. Request of Dr. Valentine that City take action concerning his off-street parking spaces.  
(Motion referring to staff needed)

ACTION: By motion referred to staff. (C/Atty & P & T to handle)

CONSENT

11. Request of Charles E. Erickson for permission to pay costs of curb and gutter over maximum number of years (seven).  
(Resolution granting request needed)

ACTION: Res. 69-1122 adopted amending Res. No. 69-501 to provide for payment over a period of seven years. (Finance to handle)

BIDS

CONSENT

12. Accept as complete Frontier Contractors, Inc., contract for construction of outfall sewer, chlorination station and effluent pumping station, Project Unit No. 2 of the Sewerage Works Improvement. (All work on this contract has been completed to the satisfaction of the Public Works Department, Economic Development Administration, and Consulting Engineers Jenks and Adamson. It would be in order to accept the work as complete and authorize the City Clerk to file notice of completion. Memo with agenda. Resolution accepting work as complete needed. Orig. contract \$1,490,783.64, plus change orders \$10,234.01, less contingency \$15,000.00. Actual cost is \$1,486,017.65. Funds budgeted in Account 6553-405, Muni. Sewer District Improvements)

ACTION: Res. 69-1123 adopted (Dixon/Smith, unan.) accepting contract. (Clerk to handle)

CONSENT

13. Consider approval of plans and specifications for installation of water lines in Carver Terrace No. 4 Subdivision. (Bid opening December 23, 1969 at 10:00 A.M. Cost estimate: Construction cost, \$5,414; connection charges, \$4,200; net annual revenue, \$672. Resolution approving plans, specifications and bid call needed. Estimated cost \$5,414; (Materials \$3,300; Labor \$2,114). Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-1124 adopted approving plans and specifications and bid call. (Clerk to handle)

CONSENT

14. Accept as complete Valley Construction Company's contract for the installation of water lines in Hagstrom Park No. 1. (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 notice of completion. Resolution accepting work as complete needed. Estimated cost \$3,204.60. Actual cost \$3,239.25; funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-1125 adopted accepting contract. (Clerk to handle)

CONSENT

15. Call for bids for demolition of Smith Furniture building on west side of 11th Street between I and J Streets and construction of a parking lot. (It is recommended that bids be received 1-13-70 with work to commence on 2-2-70, and the parking lot completed on 4-1-70. This project will add 22 parking spaces to the existing 44 for a total of 66 spaces at this location. Resolution approving plans, specifications and bid call needed. Estimated cost \$19,800; funds budgeted in Account 6230-57-209, Parking Lot 28)

ACTION: Res. 69-1126 adopted approving plans and specifications and bid call. (Clerk to handle)

16. Receiving oral bids for sale of 16th Street properties. 7:45 P.M.

ACTION: Res. 69-1127 adopted (Mitchell/Robinson, unan.) selling house at 813 16th St. to R. K. Lowe for \$51.59.

Res. 69-1128 adopted (Mitchell/Robinson, unan.) selling house at 815 $\frac{1}{2}$  16th St. to R. K. Lowe for \$51.59.

The remaining three houses in this sale are referred to staff to handle with authorization to negotiate for sale or removal.

(Finance to handle)

#### HEARINGS

17. Hearing, cost of installation of sidewalk, Lots 26, 27 and 28 of Block 18 (African Methodist Episcopal Zion Church - \$272.50) 7:50 P.M.

ACTION: Res. 69-1129 adopted (Simon/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

18. Hearing, cost of installation of curb and gutter, Lots 31 and 32 of Block 326 (Lawrence Vancil - \$150.00) 7:50 P.M.

ACTION: Res. 69-1130 adopted (Simon/Newton, unan.) confirming report, assessing costs and directing method of collection (over three-year period). (Finance to handle)

19. Hearing, cost of installation of sidewalk, portion of Lots 16 and 17, Block 6713 (O.R. Heilesen - \$120.00) 7:50 P.M.

ACTION: Res. 69-1131 adopted (Simon/Newton, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

20. Matters for the good of the community. 7:55 P.M.  
(These may be presented by citizens in the audience)

Frank Andrews objected to the proposal to name the Airport "Sham Field."

Vice Mayor Mitchell reported on the recent National League of Cities convention in San Diego.

ACTION: Res. 69-1132 adopted (Smith/Robinson, unan.) permitting 30-foot driveway at Parking Lot 29. (P & T and P/W to handle)

ACTION: Res. 69-1133 adopted (Smith/Robinson, unan.) approving appropriation transfer of \$475 from Account 60-57-209 to Account 6233-57-209. (Finance to handle)

ACTION: Res. 69-1134 adopted (Mitchell/Newton, unan.) granting Councilman Robinson permission to leave the United States December 13 to 18, 1969.

Mayor Davies requested that any members of Council or staff who are available volunteer as judges for a debate tournament to be held at Davis High School on December 13, 1969.

Following an inquiry by Councilman Newton concerning the possibility of using City funds to help in the Food Stamp Program, it was decided that more information should be obtained and that a meeting to be held on December 11 might be related to this matter. Councilman Simon stated that he planned to attend the December 11 meeting and would report to the Council.

ORDINANCES

CONSENT

21. Final adoption of Ordinance No. 999-C.S. - amendment to Section 8-3-9 of zoning map)

ACTION: By motion Ordinance No. 999-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

22. Consider approval of lease agreement between the City of Modesto and United Airlines for space in the Airline Terminal Building, Modesto City-County Airport.  
(Term of lease is for five years, with an annual rental of \$13,516.80. Memo with agenda. Resolution approving agreement needed)

ACTION: Res. 69-1135 adopted approving lease agreement. (Clerk to handle)

CONSENT

23. Consider approval of lease agreement between the City of Modesto and Golden Pacific Airlines for space in the Airline Terminal Building, Modesto City-County Airport.  
(Term of lease is for five years, with an annual rental of \$1,696.20. Memo with agenda. Resolution approving agreement and authorizing Manager to execute on behalf of City needed)

ACTION: Res. 69-1136 adopted approving lease agreement. (Clerk to handle)

CONSENT

24. Consider award of bid for construction of airline terminal expansion at Modesto City-County Airport.  
(Bids were opened October 14. The low bid submitted by Brown Sheet Metal and Mechanical Inc., which is 1% 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 \$43,938 (Contract \$41,789; Engr. & Insp. \$2,149). Funds budgeted in Account 6522-46-230, Terminal Facilities Expansion (Stage I)

ACTION: Res. 69-1137 adopted awarding bid to Brown Sheet Metal and Mechanical, Inc. (P/W to handle)

CONSENT

25. Accept improvements in Rose Terrace No. 2 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of statutory lien period.  
(Rose Terrace No. 2 Subdivision is located on the east 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. 69-1138 adopted accepting improvements. (Clerk to handle)

~~CONSENT~~

26. Authorization to negotiate a contract with landscape architect to develop master plan for Dry Creek Park.  
(Report with agenda. Motion directing staff needed. Estimated cost \$4,000 - \$5,000. Funds to be requested later from Fund 321, General Reserve, Special Fund for Capital Outlay, when exact amount of contract is determined)

ACTION: By motion (Simon/Smith, unan.) staff authorized to negotiate contract.  
(P & R to handle)

CONSENT

27. Consider request for sewer service to property at 1335 Coffee Road.  
(The property owner has signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City but a line exists to serve it. Property owner: Alice Hartlet. Resolution approving agreement needed)

ACTION: Res. 69-1139 adopted approving agreement. (P/W to handle)

CONSENT

28. Consider request for sewer service to property at 3429 Polaris St.  
(The property owner has signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. Property owner, George Wallace. Resolution approving agreement needed)

ACTION: Res. 69-1140 adopted approving agreement. (P/W to handle)

CONSENT

29. Resolutions instructing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters at the locations listed below.  
(Informal requests were sent over thirty days ago to the property owners to install sidewalks and/or curbs and gutters. The work has not been done; therefore, it is recommended that resolutions be adopted authorizing the Superintendent of Streets to give notice requiring construction of sidewalks and/or curbs and gutters. Resolution needed. Suggested hearing date December 22, 1969 at 8:00 P.M.)

CONSENT

- (a) Sidewalk at 801 W. Granger Ave., Lot 15, Block 6182  
(Mrs. William R. Porter).  
(Resolution setting hearing needed)

ACTION: Res. 69-1141 adopted setting hearing. (P/W to handle)

CONSENT

29. (b) Sidewalk, curb and gutter at 1933 Evergreen Ave., portion of Block 6515. (Mr. Richard W. Fiscus)  
(Resolution setting hearing needed)

ACTION: Res. 69-1142 adopted setting hearing. (P/W to handle)

CONSENT

(c) Sidewalk on Miller Ave. at 144 Covena Ave., Lots 22 and 23, Block 2098. (Mr. Roland E. Wray)  
(Resolution setting hearing needed)

ACTION: Res. 69-1143 adopted setting hearing. (P/W to handle)

CONSENT

(d) Curb and gutter at 112 Rowland Ave., portion of Block 2087. (Mr. Ernest E. Walene)  
(Resolution setting hearing needed)

ACTION: Res. 69-1144 adopted setting hearing. (P/W to handle)

CONSENT

(e) Curb and gutter at 305 Bodem St., Lots 21 and 22, Block 591. (Mrs. Mike Rasheff)  
(Resolution setting hearing needed)

ACTION: Res. 69-1145 adopted setting hearing. (P/W to handle)

CONSENT

(f) Sidewalk on W. Briggsmore Ave. at 1800 Elmhurst Drive, Lot 1, Block 6713 (Mr. Gerald C. Smith)  
(Resolution setting hearing needed)

ACTION: Res. 69-1146 adopted setting hearing. (P/W to handle)

CONSENT

(g) Sidewalk, curb and gutter at 315 Maple Street, Lots 7 & 8, Block 415 (Mr. Silas W. Green)  
(Resolution setting hearing needed)

ACTION: Res. 69-1147 adopted setting hearing. (P/W to handle)

CONSENT

29. (h) Sidewalk, curb and gutter at 305 Maple St., Lots 11 & 12,  
Block 415. (Mr. Silas W. Green)  
(Resolution setting hearing needed)

ACTION: Res. 69-1148 adopted setting hearing. (P/W to handle)

CONSENT

(i) Sidewalk, curb and gutter at 309 Maple St., Lots 9 & 10,  
Block 415. (Mr. Carl Christiansen)  
(Resolution setting hearing needed)

ACTION: Res. 69-1149 adopted setting hearing. (P/W to handle)

CONSENT

(j) Sidewalk at 349 Rowland Ave., Lot 1, Block 2060. (Mrs.  
Adeline Mello).  
(Resolution setting hearing needed)

ACTION: Res. 69-1150 adopted setting hearing. (P/W to handle)

CONSENT

(k) Sidewalk on Joaquin Street at 2101 Regent Court, Parcel Q,  
Block 6802. (Mr. Sherman Drake)  
(Resolution setting hearing needed)

ACTION: Res. 69-1151 adopted setting hearing. (P/W to handle)

CONSENT

(l) Curb and gutter at 1201 Woodman Way, Lot 1, Block 6181-A.  
(Mrs. Diane D. Morton)  
(Resolution setting hearing needed)

ACTION: Res. 69-1152 adopted setting hearing. (P/W to handle)

CONSENT

30. Report of Superintendent of Streets on the cost of installation of sidewalk and/or curb and gutter at the properties listed below. (The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. Resolution setting date for hearing needed. Suggested hearing date December 22, 1969 at 8:05 P.M.)

CONSENT

(a) Sidewalk on Enslin Avenue at 519 Coronado Way, Lot 18, Block 6064. (\$269.00 - Mr. Richard C. Smith)  
(Resolution setting hearing needed)

ACTION: Res. 69-1153 adopted setting hearing. (P/W to handle)

CONSENT

(b) Sidewalk at 1610 Tonilane, Lot 12, Block 3086. (\$190.00 - Mr. Eldon S. DeLay)  
(Resolution setting hearing needed)

ACTION: Res. 69-1154 adopted setting hearing. (P/W to handle)

CONSENT

(c) Sidewalk at 800 Bowen Avenue, Lot 31, Block 6718. (\$137.80 - Mrs. Lorena Runyan)  
(Resolution setting hearing needed)

ACTION: Res. 69-1155 adopted setting hearing. (P/W to handle)

CONSENT

(d) Sidewalk on Phelps Avenue at 2016 Wildwood Ave., Lot 18, Block 6715. (\$154.00 - Mrs. Dorothy Nomann)

ACTION: Res. 69-1156 adopted setting hearing. (P/W to handle)

CONSENT

(e) Curb and gutter along Rosina Ave. at 1623 Yosemite Blvd., Lots 10, 11 and a portion of Lot 9, Block 2125. (\$941.26 - Atlantic Richfield Corporation)

ACTION: Res. 69-1157 adopted setting hearing. (P/W to handle)

REPORTS

31. Report and recommendation on hiring external auditor. (A report will be made at the meeting. Motion authorizing staff to prepare agreement needed)

ACTION: By motion (Robinson/Smith, unan.) staff authorized to prepare agreements for employment of Charles Larimer as external City Auditor for the next three years and Mario Fovinci as auditor for the Sewerage Project. (C/Atty to handle)

32. Report on traffic in City.  
(Memo by Director of Parking and Traffic with agenda. No action required)

ACTION: Report accepted.

CONSENT

33. Report on Purchasing Officer's salary.  
(Copies of report with agenda. Motion to take up this matter during executive session when cost of living increase is being considered needed)

ACTION: By motion staff directed to present this at executive session on December 15, 1969. (C/Mgr to handle)

CONSENT

34. Presentation of financial statement for November 1969.  
(Report to be presented at meeting. Motion accepting report needed)

ACTION: By motion report accepted.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

35. Recommend amendment to P-D 34 (Sanders, Pellegrini and Hansen).  
(By Resolution 69-139 adopted December 2, 1969 the Planning Commission recommends an amendment to P-D 34, Sanders, Pellegrini and Hansen, to allow a 194-bed "Type L-Long term facility" medical institution primarily for admission of chronic mentally ill, mentally disordered, or other incompetent persons, said facility to be located on the south side of Celeste Drive opposite the intersection of Celeste and Vera Cruz Drives. Resolution setting date for public hearing needed. Suggested date January 5, 1970 at 4:15 P.M.)

ACTION: Res. 69-1158 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

NONE.

MISCELLANEOUS

36. Appointments.

NONE.

Adjournment at 10:10 P.M.

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, CITY CLERK

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MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 15, 1969 AT 4:00 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Simon, Smith, and  
Mayor Davies  
Absent: Robinson

Pledge of allegiance to the Flag

Invocation: Reverend Donald G. Weston, St. John's Chapel of the Valley

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 6, 7, 8, 9, 12,  
Items 4 and 24 removed from consent. 13, 14, 16, 17, 18, 19, 20, 21,  
(Dixon/Smith, unan. - Robinson absent) 22, 23, 24, 25, 26, 28, 30 31,  
32

(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 for the individual items)

APPROVAL OF MINUTES

CONSENT

1. Minutes of December 8, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

CONSENT

2. Request of Muir Trail Girl Scout Council for renewal of lease agreement to lease rooms at Modesto Community Center, 800 East Morris Ave., for an additional five years.  
(Motion authorizing preparation of new lease agreement needed)

ACTION: By motion staff authorized to prepare new lease agreement.  
(C/Atty to handle)

3. Invitation from Modesto Bee for City to place advertisement in Special Edition of the Bee to be published January 26, 1970.

ACTION: By motion (Mitchell/Smith, maj. - Dixon, no; Robinson, absent) staff directed to place no advertisement in this issue but to work with Modesto Bee in compiling a larger advertisement in the Centennial Issue to be published during the summer of 1970. (C/Mgr to handle)

~~CONSENT~~

4. Resolution of Board of Supervisors commending Harry Sham and proposing that Modesto City-County Airport be named "Harry Sham Field."  
(Motion referring to Public Relations Committee needed)

ACTION: By Order of the Mayor referred to committee (Davies, Dixon and Robinson) for study and recommendation no later than the Council meeting prior to the annual retirement of the City Employees. (C/Mgr to handle)

5. Request of Citizens' Community Center Committee for the following actions:

1. Affirmation of the intention of the City to close I Street between 17th and Downey in connection with the development of the Community Center.
2. Affirmation that the Episcopal Church property be reserved for public use related to the Community Center.

ACTION: By motion (Dixon/Smith, unan.) discussion held for one week.

CONSENT

6. Request of Orangeburg Avenue Baptist Church for amendment to resolution permitting sewer connection fees for single family dwellings to be paid over a period of two years to include churches. (Resolution amending Resolution 69-940 to include churches needed)

ACTION: Res. 69-1159 adopted amending Res. 69-940 to include churches. (Finance to handle)

BIDS

CONSENT

7. Accept as complete Valley Construction Company's contract for the installation of water lines in Prescott Estates. (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 notice of completion. (Resolution accepting work needed. Estimated cost \$5,354.25. Actual cost \$6,268.57. Funds budgeted in Account 6804-50-101, Water Line Extension)

ACTION: Res. 69-1160 adopted accepting contract. (Clerk to handle)

CONSENT

8. Clearing Library site. (Memo with agenda. Resolution authorizing sale of buildings and approving specifications and notice to bidders needed. Bid opening 2:00 P.M. January 5, 1970)

ACTION: Res. 69-1161 adopted authorizing sale of buildings at 1519 and 1521 H Street and 412 Vine street, and approving specifications and call for bids. (Finance to handle)

CONSENT

9. Accept as complete Brouwer Brothers contract for the construction of restroom building, bleachers, backstop and concrete paving at Davis Park. (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 notice of completion. Resolution accepting work as complete needed. Original contract, \$52,995; final contract, \$53,565. Funds budgeted in Account 6315-31-321, Davis Park Development 68-69)

ACTION: Res. 69-1162 adopted accepting contract. (Clerk to handle)

HEARINGS

10. Matters for the good of the community.

4:15 P.M.

Residents of the W. Hatch Road area complained of odors from the sewage disposal plant and of shooting from City-owned property. The Director of Public Works explained the reasons for the odor problem and stated that all sewage will be pumped to the new ponding site around December 26. Staff was directed to try to alleviate the odors by the use of perfumed sacks. (P/W to handle) It was further reported that no trespassing signs had been placed on the City-owned property. The people were urged to contact the police as soon as any shots are heard.

ACTION: Res. 69-1163 adopted (Newton/Dixon, unan. - Robinson, absent) directing staff to work with County staff in doing anything possible to obtain food for the hungry. (C/Mgr to handle)

ACTION: Res. 69-1164 adopted (Newton/Mitchell, unan. - Robinson, absent) commending Archie Moore and Yosemite Area Council, Boy Scouts of America for work with boys in disadvantaged areas. (Clerk to handle)

Sgt. Coyle of the Modesto Police reported that the Law Enforcement Post of Explorers planned to have a free coffee stop for motorists during the holidays. This will be on 6th Street between "F" and "G" Streets.

Mrs. Boulware, 1500 W. Hatch Road, complained of conditions at the local skating rink. The staff was instructed to meet with the owner of the rink as to better skates and better control of the people in attendance. (C/Mgr to handle)

The matter of Educational Leave Policy which had been referred to the Public Projects Committee was re-referred to the Committee on Salary Comparison.

ACTION: By motion (Mitchell/Newton, unan.) - (Robinson, absent) staff directed to prepare an agreement with Willis & Associates for design of the Tenth Street Mall with the provision that the agreement is not to be signed unless the Mall District is formed. (C/Atty to handle)

11. Hearing on formation of a pedestrian mall on Tenth Street. 8:00 P.M.

Statements of preference against the establishment of a mall, protests of proposed improvements and claims for damages were presented. Proponents and opponents were given the opportunity to present their views.

ACTION: Res. 1117-S.P. adopted (Mitchell/Smith, unan. - Robinson, absent) continuing hearing to 8:00 P.M. on January 12, 1970. (Clerk to handle)

OLD BUSINESS

CONSENT

12. Agreement between City of Modesto and Willis Kleinenbroich, dba Modesto Motor Bus Service, for operation of a passenger bus service in the City of Modesto for a period of two years commencing January 1, 1970 and ending December 31, 1971.

(This agreement has been previously discussed by the Council at its meetings of October 27 and November 10, 1969. At the meeting of 11/10/69 the Council directed the staff to prepare an agreement for the operation of a bus service for two years commencing January 1, 1970. Resolution needed)

ACTION: Res. 69-1165 adopted approving agreement for a period of two years commencing January 1, 1970 and ending December 31, 1971. (Clerk to handle)

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CONSENT

13. Consider right of way agreement between the City and the estate of Gertrude M. Ruddy and acceptance of a grant deed for acquisition of right of way for Project No. 69-17, McHenry Avenue at Leveland Lane.

(Memo with agenda. Resolution authorizing agreement and accepting grant deed needed. Estimated cost \$1,612.50; funds budgeted in Account 6647, Misc. Rights of Way and Improvements (Fund 207) Page 66 of Budget)

ACTION: Res. 69-1166 adopted approving agreement and accepting deed.  
(Clerk to handle)

CONSENT

14. Consider award of bid for construction of Improvement District No. 14 Facilities.

(Bids were opened November 12, 1969 but award has been delayed by an easement needed for construction. The low bid of W. M. Lyles Company which is 6.8% below the Engineer's Estimate is considered acceptable. Therefore, it is recommended that the bid be awarded to them. Resolution awarding bid needed. Estimated cost \$89,905 (City Contribution & Incidental Expenses). Funds budgeted in Account 6591-212)

ACTION: Res. 1116-S.P. adopted awarding bid to W. M. Lyles Co.  
(P/W to handle)

NEW BUSINESS

CONSENT

16. Alley abandonment, Block 121.

(Memo with agenda. Resolution referring to Planning Commission needed)

ACTION: Res. 69-1167 adopted referring to Planning Commission.  
(Planning to handle)

CONSENT

17. Consider request for sewer service to property at 3313 Fremont Avenue.

(The property owner has signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. Property owner, Stanley Wolden. Resolution approving agreement needed)

ACTION: Res. 69-1168 adopted approving agreement. (P/W to handle)

CONSENT

18. Consider request for sewer service to property at 3413 Fremont St.

(The property owner has signed an agreement to annex when requested to do so by City. The property is contiguous to the City and a line exists to serve it. Property owner, Roland Haney. Resolution approving agreement needed)

ACTION: Res. 69-1169 adopted approving agreement. (P/W to handle)

CONSENT

19. Consider request by Modesto Disposal Service to close landfill on Saturdays following Christmas and New Years Day (Saturday, December 27 and Saturday, January 3)  
(Use of the landfill by the public during the winter falls off to the point where the revenues from the Saturday dumping are not sufficient to pay the cost of staying open. Also during the winter season, it requires substantially more preparation to be sure that the access at the landfill site is such that vehicles do not become stuck. It would be the staff's recommendation that this request receive favorable consideration from the Council. Resolution approving request needed)

ACTION: Res. 69-1170 adopted authorizing closure of sanitary landfill on December 27, 1969 and January 3, 1970. (P/W to handle)

CONSENT

20. Consider request for sewer service to property outside City at 166 South Santa Ana.  
(Property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City but a line must be extended by property owners. Owner: Alice Loades. Resolution approving agreement needed)

ACTION: Res. 69-1171 adopted approving agreement. (P/W to handle)

CONSENT

21. Consider request for sewer service to property outside City at 188 South Santa Ana.  
(Property owners have signed agreement to annex when requested to do so by the City. The property is contiguous to the City but line must be extended by property owners. Owner, Pearl England. Resolution approving agreement needed)

ACTION: Res. 69-1172 adopted approving agreement. (P/W to handle)

CONSENT

22. Consider request for sewer service to property outside City at 144 South Santa Ana.  
(Property owners have signed agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. Property owner: Lauder E. Wick. Resolution approving agreement needed)

ACTION: Res. 69-1173 adopted approving agreement. (P/W to handle)

CONSENT

23. Consider request for sewer service to property outside City at 178 South Santa Ana.  
(The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City but line must be extended by property owners. Owner: Angela Hanson. Resolution approving agreement needed)

ACTION: Res. 69-1174 adopted approving agreement. (P/W to handle)

~~CONSENT~~

24. Accept improvements which have been completed with the exception of a redwood pilaster fence on Lot 5 in Greenbrier No. 3 Subdivision and authorize City Clerk to file notice of completion and release bond upon expiration of the statutory lien period.  
(Greenbrier No. 3 Subdivision is located east of Rose Avenue and north of Kienitz Avenue. All improvements with the exception of a redwood and pilaster fence on Lot 5, have been completed to the satisfaction of the Public Works Department and all fees have been paid. The subdivider has posted a bond in the amount of \$1,100 and agrees to complete the construction of the fence when the lot is developed or when requested to do so by the Director of Public Works. Resolution accepting improvements needed)

ACTION: Res. 69-1175 adopted (Mitchell/Dixon, unan. - Robinson, absent) accepting improvements with the exception of the fence on Lot 5. (Clerk to handle)

CONSENT

25. Right of way for extension of Brighton Avenue.  
(Memo with agenda. Resolution approving agreement needed. Estimated cost \$11,500)

ACTION: Res. 69-1176 adopted approving agreement and accepting grant deed from Mr. and Mrs. Philip C. Schurman. (Clerk to handle)

CONSENT

26. Authorize Public Works Department to negotiate with photogrammetric firms to provide the professional services to produce aerial photos and base maps.  
(Memo with agenda. Motion directing staff to proceed needed. Estimated cost \$18,000; funds budgeted in Account 6901-41, Aerial photos and base map)

ACTION: By motion staff authorized to negotiate with photogrammetric firms. (P/W to handle)

27. Recommendation from the Personnel Commission concerning revision of Personnel Rule concerning residence requirement.  
(A letter from the Chairman of the Personnel Commission is with agenda. Resolution amending Personnel Rule 7.8 - Residence Requirement needed)

ACTION: Res. 69-1177 adopted (Dixon/Newton, unan.) amending Personnel Rule 7.8 to provide for ten-mile residence requirement for Fire and Police personnel. (Personnel to handle)

CONSENT

28. Consider right of way agreement between the City and Ellen C. Watson and a grant deed signed by Ellen C. Watson for Project No. 59-6 whereby the City will acquire right of way needed for the Bodem-Sunrise realignment.  
(The right of way agreement provides that City shall pay grantor the sum of \$13,000 for the property it is acquiring. Current general and special taxes are to be prorated as of close of escrow and City is to pay the cost of the premium charged for title insurance and recording the deed. Grantor shall pay reconveyance fees and the documentary transfer tax. City is to be entitled to said property on April 1, 1970 and the City will open an escrow for this transaction after approval of the agreement by the City Council. The amount of the purchase price provided for above is the amount of the appraisal which the City has obtained on the property. Resolution authorizing right of way agreement and accepting grant deed needed. Estimated cost \$13,000; funds budgeted in Account 6680, Bodem, Sunrise - Fund 207, Special Gas Tax Street Improvement Fund (Page 66 of Budget).

ACTION: Res. 69-1178 adopted approving agreement and accepting grant deed.  
(Clerk to handle)

REPORTS

29. Report on Sewerage Works Improvement Program.  
(Report distributed with agenda. No action required)

NO ACTION.

CONSENT

30. Report on appointments to League of California Cities Committees for 1970.  
(Copies of report with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

CONSENT

31. Report by Planning Department, "Mobile Home Parks - Do They Pay Their Fair Share for Municipal Services?"  
(Memo with agenda. Motion accepting report needed)

ACTION: By motion report accepted.

- 31A. Report on letter from Dr. Valentine.  
(Memo with agenda)

ACTION: Following a presentation by Dr. Valentine the Council by motion (Simon/Dixon, unan. - Robinson, absent) accepted the recommendation of the City Attorney, to wit: If Dr. Valentine is willing to accept \$1,500 or provide two parking spaces and receive the full \$3,000, the staff will work with him. Otherwise he will have to pursue the matter further through legal remedies. (C/Atty and P & T to handle)

APPROPRIATION TRANSFERS

CONSENT

32. Appropriation transfer to complete outfitting of aircraft crash truck.  
(Memo with agenda. Resolution needed. Estimated cost: \$3,100)

ACTION: Res. 69-1179 adopted approving appropriation transfer of \$3,100 from Account 60-101 to Account 5413-21-101. (Finance to handle)

MISCELLANEOUS

33. Appointments.

ACTION: Res. 69-1180 adopted (Simon/Smith, unan. / - Robinson, absent) appointing Mrs. Laurel C. Richardson as a member of the Crime Study Committee for a term ending April 30, 1971. (Clerk to handle)  
Res. 69-1181 adopted (Mitchell/Newton, unan. - Robinson, absent) appointing Mayor Davies as a member of the Tuolumne River Regional Park Committee. (Clerk to handle)

34. Executive session.  
(NOTE: At the completion of all matters on the agenda with the exception of the 8:00 P.M. hearing the Council will retire to executive session to consider the requests of the Employees' Association, Police Association and Fire Fighters Association for a 2½% cost of living wage increase and to consider the Purchasing Officer's salary.)

The Council retired to Executive Session at 5:50 P.M. and returned at 6:15 P.M.

ACTION: The City Manager was instructed to meet with representatives of the three associations and make a further study of these matters.

ADJOURNMENT: (This meeting will be adjourned to 6:00 P.M. at the Map Room of the Hotel Covell for dinner and then adjourned to 8:00 P.M. in the Council Chambers.)

Adjournment at 6:20 P.M. to the Hotel Covell for dinner with the announcement that no action would be taken at the dinner meeting. The meeting was reconvened at 8:00 P.M. in the Council Chambers.

Following the hearing on the formation of the Downtown Mall the meeting was adjourned at 9:45 P.M. to 5:30 P.M. on December 17, 1969 at the 15th Street parking lot.

MINUTES OF ADJOURNED REGULAR MEETING OF THE MODESTO CITY COUNCIL

December 17, 1969

The Modesto City Council convened at 5:30 P.M. at the 15th Street Parking Lot pursuant to adjournment.

Present: Dixon, Mitchell, Newton, Simon, and Mayor Davies  
Absent: Robinson and Smith


The Council met with the Board of Directors of the Modesto Irrigation District for the purpose of observing and discussing the street lighting program for the City of Modesto. The group took a bus tour of the City of Modesto.

Following the bus tour the Modesto City staff made a presentation of what is planned in the future for improved street lighting in various sections of the city.

The program was then discussed but no formal action was taken by the Council.

The meeting adjourned at 9:20 P.M.

ATTEST:

  
\_\_\_\_\_  
W. T. CHYNOWETH  
City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 22, 1969 AT 7:30 P.M.

Roll Call Present: Dixon, Mitchell, Newton, Robinson, Simon, Smith,  
Mayor Davies  
Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend Harold E. Knowles, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 5, 6, 7, 8, 9, 10,  
Item 7 removed from consent agenda 11, 33, 37, 38, 40a, b, 41, 42,  
(Robinson/Smith, unan, Simon absent) 43, 44, 45, 46, 47, 48, 49, 51,  
52, 53

(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 for the individual items.)

APPROVAL OF MINUTES

CONSENT

1. Minutes of December 15 and December 17, 1969.

ACTION: By motion minutes approved.

PETITIONS, REMONSTRANCES AND CORRESPONDENCE

2. Recommendation from Farm-City Advisory Committee that City Council make every effort to assist in dissemination of information on drug abuse.

ACTION: By motion (Robinson/Dixon, unan) staff directed to continue to work with Drug Abuse Council in this area. (C/M to handle)

3. Notice from Stanislaus County that hearing on proposed rules and regulations regarding air pollution has been set for January 20, 1970 at 2:00 P.M.

ACTION: By motion (Robinson/Newton, unan) rules and regulations approved subject to provision that farm lands and cities be subject to the same regulations. (C/Mgr to handle)

CONSENT

4. Resignation of Karen Johnson from Mayor's Council on Youth Opportunity.

(Resolution accepting with regret needed)

ACTION: Resolution 69-1182 adopted accepting resignation with regret. (Clerk to handle)

CONSENT

5. Announcement that Bonzi's sanitary landfill will be closed on December 26, 27 and January 2 and 3.  
(Motion ordering filed needed)

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

CONSENT

6. Request from A-L Enterprises for permission to pay \$3,400 of the \$4,820.96 billed by the City for water main connection charges in Fairway Estates No. 2 Subdivision.  
(Motion referring to staff for report needed)

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

CONSENT

7. Request of Stanislaus National Council of Senior Citizens, Inc., for reduction in bus fares for elderly people.  
(Motion referring to staff for report needed)

ACTION: By motion (Dixon/Robinson, unan) referred to staff for study including possibility of no fares for elderly residents.  
(P & T to handle)

CONSENT

8. Request of greater Modesto Community Foundation for clerical and legal assistance and use of city post office box.  
(Motion granting request needed)

ACTION: By motion, request granted (C/Atty to handle)

BIDS

CONSENT

9. Accept as complete George Reed, Inc. contract for the improvement of Coffee Road from Chehalem Avenue to E. Orangeburg Avenue.  
(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 notice of completion. Resolution accepting work needed. Contract cost \$40,717.90; final cost \$41,984.32. Funds budgeted in Account 6679-207, Improvement of Coffee Road, Chehalem to East Orangeburg)

ACTION: Res. 69-1183 adopted accepting contract (Clerk to handle)

CONSENT

10. Consider acceptance of Ferrero Electric's contract for construction of runway 29R lighting systems.  
(All work in conjunction with this project has been approved by FAA and has been completed to the satisfaction of the Public Works Dept. It would be in order to accept the work and authorize filing notice of completion. Original contract \$77,241; resolution accepting work needed. Final cost \$81,201. Funds budgeted in Account 6527-46-230, High Intensity and Approach Lights)

ACTION: Res. 69-1184 adopted accepting contract (Clerk to handle)

CONSENT

11. Accept contract for installation of flashing beacons at six intersections and authorize City Clerk to file notice of completion.  
(Installation of flashing beacons at 8th & H, Bodem & Morris, Sycamore & Roseburg, Carver & Briggsmore, Carver & Orangeburg, and College and Bowen, has been satisfactorily completed. Resolution needed. Final cost \$6965.21)

ACTION: Res. 69-1185 adopted accepting contract (Clerk to handle)

HEARINGS

12. Annexation of Sylvan-Coffee No. 2 Addition to Sewer District. 7:45 P.M.  
ACTION: Res. 69-1186 adopted (Dixon/Newton, unan) annexing area to Modesto Municipal Sewer District No. 1. (Clerk to handle)
13. Annexation of East Coolidge Addition to Sewer District. 7:50 P.M.  
ACTION: Res. 69-1187 adopted (Newton/Mitchell, unan) annexing area to Modesto Municipal Sewer District No. 1. (Clerk to handle)
14. Annexation of Kazmir Court Addition to Sewer District. 7:55 P.M.  
ACTION: Res. 69-1188 adopted (Robinson/Smith, unan) annexing area to Modesto Municipal Sewer District No. 1. (Clerk to handle)
15. Sidewalk requirement at 801 W. Granger Ave., Lot 15, Block 6182 (Mrs. William R. Porter) 8:00 P.M.  
ACTION: Res. 69-1189 adopted (Mitchell/Robinson, unan) ordering work done and denying request for encroachment permit to allow a planter to remain in the sidewalk area. (P/W to handle)
16. Sidewalk, curb and gutter requirement at 1933 Evergreen Ave., portion of Block 6515. (Mr. Richard W. Fiscus) 8:00 P.M.  
ACTION: Res. 69-1190 adopted (Mitchell/Robinson, unan) ordering work. (P/W to handle)
17. Sidewalk requirement on Miller Ave. at 144 Covena Ave., Lots 22 and 23, Block 2098. (Mr. Roland E. Wray) 8:00 P.M.  
ACTION: Res. 69-1191 adopted (Mitchell/Robinson, unan) ordering work. (P/W to handle)
18. Curb and gutter requirement at 305 Bodem St., Lots 21 and 22, Block 591. (Mrs. Mike Rasheff) 8:00 P.M.  
ACTION: Res. 69-1192 adopted (Mitchell/Robinson, unan) ordering work. (P/W to handle)
19. Sidewalk requirement on W. Briggsmore Ave. at 1800 Elmhurst Drive, Lot 1, Block 6713. (Mr. Gerald C. Smith) 8:00 P.M.  
ACTION: Res. 69-1193 adopted (Mitchell/Robinson, unan) ordering work. (P/W to handle)

20. Sidewalk, curb and gutter requirement at 315 Maple St.,  
Lots 7 and 8 Block 415. (Mr. Silas W. Green) 8:00 P.M.  
ACTION: Res. 69-1194 adopted (Mitchell/Robinson, unan)  
ordering work. (P/W to handle)
21. Sidewalk, curb and gutter requirement at 305 Maple St.,  
Lots 11 & 12, Block 415. (Mr. Silas W. Green) 8:00 P.M.  
ACTION: Res. 69-1195 adopted (Mitchell/Robinson, unan)  
ordering work. (P/W to handle)
22. Sidewalk, curb and gutter requirement at 309 Maple Street,  
Lots 9 & 10, Block 415 (Mr. Carl Christiansen) 8:00 P.M.  
ACTION: Res. 69-1196 adopted (Mitchell/Robinson, unan)  
ordering work. (P/W to handle)
23. Sidewalk requirement on Joaquin Street at 2101 Regent Court,  
Parcel Q, Block 6802. (Mr. Sherman Drake) 8:00 P.M.  
ACTION: Res. 69-1197 adopted (Mitchell/Robinson, unan)  
ordering work. (P/W to handle)
24. Curb and gutter requirement at 1201 Woodman Way, Lot 1,  
Block 6181-A (Mrs. Diane D. Morton) 8:00 P.M.  
ACTION: Res. 69-1198 adopted (Mitchell/Robinson, unan)  
ordering work. (P/W to handle)
25. Cost of installation of sidewalk on Enslin Ave., at 519  
Coronado Way, Lot 18, Block 6064 (\$269.00 - Mr. Richard  
C. Smith) 8:05 P.M.  
ACTION: Res. 69-1199 adopted (Smith/Newton, unan) confirming  
report, assessing costs and directing method of  
collection. (Finance to handle)
26. Cost of installation of sidewalk at 1610 Tonilane, Lot 12,  
Block 3086 (\$190.00 - Mr. Eldon S. DeLay) 8:05 P.M.  
HEARING DROPPED

27. Cost of installation of sidewalk at 800 Bowen Ave., Lot 31, Block 6718 (\$137.80 - Mrs. Lorena Runyan) 8:05 P.M.  
ACTION: Res. 69-1200 adopted (Smith/Newton, unan) confirming report, assessing costs and directing method of collection. (Finance to handle)
28. Cost of installation of sidewalk on Phelps Avenue at 2016 Wildwood Ave., Lot 18, Block 6715 (\$154.00 - Mrs. Dorothy Nomann) 8:05 P.M.  
ACTION: Res. 69-1201 adopted (Smith/Newton, unan) confirming report, assessing costs and directing method of collection. (Finance to handle)
29. Cost of installation of curb and gutter along Rosina Ave. at 1623 Yosemite Blvd., Lots 10, 11, and a portion of Lot 9, Block 2125 (\$941.26 - Atlantic Richfield Corporation) 8:05 P.M.  
ACTION: Res. 69-1202 adopted (Smith/Newton, unan) confirming report, assessing costs and directing method of collection. (Finance to handle)
30. Hearing on appeal from decision of Planning Commission in denying P-D zoning at Coffee Road and Fairmont Ave. 8:10 P.M.  
ACTION: Res. 69-1203 adopted (Simon/Dixon, maj. - Davies no) sustaining action of Planning Commission in denying rezoning. (Planning to handle)
31. Further consideration of closure of portion of Eye Street and reservation for public use the Episcopal Church property. 8:15 P.M.  
ACTION: By motion (Smith/Dixon, maj. - Newton, Robinson, no) architect instructed to proceed with plans for community center without considering closure of Eye St. or the reservation of the Episcopal Church property. (C/Mgr. to handle)
32. Matters for the good of the community. 8:20 P.M.  
 (These may be presented by citizens in the audience)  
 Councilman Mitchell introduced Nalini Perera of the Island of Ceylon who is a graduate student at the University of Illinois.  
 The Council was asked for information concerning the proposed Kelsay Plan for consolidation of some phases of law enforcement. It was arranged to have the concerned citizens meet with city staff to discuss this and the staff was directed to make a report to Council. (Chief of Police to handle)  
 Res. 69-1204 adopted (Smith/Robinson, unan) permitting Harry S. Paul to pay costs of sidewalk, curb and gutter at 402 Western Way over a ten-year period. (Finance to handle)  
 Res. 69-1205 adopted (Smith/Robinson, unan) permitting Louise Long to pay costs of sidewalk, curb and gutter at Block 723, Lot 16 and portions of Lots 15 and 17 over a 5-year period. (Finance to handle)

Res. 69-1206 adopted (Simon/Smith, unan) annexing Celeste No. 2 Addition to City of Modesto (Clerk to handle)

Res. 69-1207 adopted (Simon/Smith, unan) withdrawing Celeste No. 2 Addition from McHenry Dry Creek Fire Protection District. (Clerk to handle)

By motion (Robinson/Simon, unan) complaint concerning method of charging for sewer hook-ups in Strathmore Addition referred to staff with authority to act. (City Manager to handle)

#### ORDINANCES

##### CONSENT

33. Legalizing speed limits on Brighton Avenue between Wylie Drive and Coffee Road and on Rumble Road between Carver Road and Conant Ave. within the city limits.  
(Because of the large curves in the Brighton Ave. extension, a 25 mile per hour speed limit should be set and legalized. A 30 mile per hour speed limit should be set and legalized on Rumble Road between Conant Ave. and Carver Road in view of the development in this area. Neither street is sufficiently developed for an automatic speed limit under California Vehicle Code provisions. Ordinance amending Section 3-2.1401 of Municipal Code needed. Estimated cost \$120 for signs. Funds budgeted in Account 5301-56-101, Traffic Signs)  
ACTION: Ord. 1000-C.S. introduced. (Clerk to handle)

##### OLD BUSINESS

34. Consideration of offers on 815, 817 and 825 16th Street.  
(Offers are being solicited up to the time of council meeting. Because of the short time schedule for removing the buildings, the Council should take action at this meeting. Resolution approving sale needed)

ACTION: Res. 69-1208 adopted (Mitchell/Robinson, unan) selling bldg. at 815 16th St. to Dean Crook.  
Res. 69-1209 adopted (Mitchell/Robinson, unan) selling building at 817 16th St. to Benson Fogle.  
Res. 69-1210 adopted (Mitchell/Robinson, unan) selling building at 825 16th St. to K. C. Ward. (Finance to handle)

##### NEW BUSINESS

35. Name for multi-use room - new central library.  
(Memo with agenda. Motion approving needed)

ACTION: By motion (Robinson/Mitchell, unan) approving "McHenry Community Room" as name for multi-use room in new library. (C/Mgr. to handle)

36. Authorize execution of purchase agreement for sanitary landfill site.

(Memo with agenda. Council action needed:

(a) Resolution approving agreement: Res. 69-1211

ACTION: Res. 69-1211 adopted approving purchase agreement with Mr. and Mrs. Alfred Terry. (Clerk to handle) (Robinson/Smith, unan)

(b) Resolution appropriating \$180,000;

ACTION: Res. 69-1212 adopted approving appropriation transfer of \$180,000 from Account 60-321 (\$35,000) and Account 61-321 (\$145,000) to Account 6536-41-321 (Finance to handle) (Robinson/Smith, unan)

(c) Resolution authorizing application to Stanislaus Planning Commission for land use permit.

ACTION: Res. 69-1213 adopted authorizing application to Stanislaus Planning Commission for land use permit. (C/Mgr. to handle)

(d) Resolution authorizing application to Regional Water Quality Control Board for sanitary landfill permit. Estimated cost \$180,000)

ACTION: Res. 69-1214 adopted authorizing application to Regional Water Quality Control Board for sanitary landfill permit. (C/Mgr. to handle) (Robinson/Smith, unan)

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CONSENT

37. Consider request for sewer service to property outside the City at 1417 Garden Avenue between Sutter and Colorado.  
(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 a line exists to serve it. Property owner: James Stewart. Resolution approving agreement needed)  
ACTION: Res. 69-1215 adopted approving agreement (P/W to handle)

CONSENT

38. Consider request for sewer service to property outside the City at 708 Standiford Avenue between Polaris and Tidewater Southern Railroad.  
(The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. Property owner: Lee Von Harlow. Resolution approving agreement needed)  
ACTION: Res. 69-1216 adopted approving agreement (P/W to handle)

39. Consider revision of salary and personnel in Public Works Building Inspection Division.  
(The pending retirement of the Chief Building Official prompted a review of the changes which have occurred over the years in an attempt to anticipate the organizational and staffing needs of this division to cope with the future. Recommended are: Chief Building Official salary increase of 15%; upgrade one Building Inspector position to Senior Building Inspector with a corresponding salary increase of 10%; and the addition of a zoning inspector to the Building Inspection Division effective July 1, 1970. Memo with agenda. Motion approving recommendations needed)  
ACTION: By motion (Smith/Simon, unan) recommendations approved.  
(Personnel to handle)

CONSENT

40. Report of Superintendent of Streets on the cost of installation of curb and gutter at the properties listed below.  
(The amounts assessed against the properties will be included in reports distributed with the agenda for the hearing date. The City Clerk will set the date for the hearing. Resolution needed. Suggested hearing date January 5, 1970 at 4:20 P.M.)
- (a) Curb and gutter at 2047 Bellamy Street, Lot 13, Block 2229  
(\$214.30 - Mr. Gordon Lee Ahart).  
(Resolution setting hearing needed)  
ACTION: Res. 69-1217 adopted setting hearing (P/W to handle)
- (b) Curb and gutter at 326 Yosemite Ave., Lots 37 and 38, Block 351,  
(\$228.88 - Mr. Warren A. Marquis, Jr.)  
(Resolution setting hearing needed)  
ACTION: Res. 69-1218 adopted setting hearing. (P/W to handle)

CONSENT

41. Consider approval of amended letter agreement between Modesto Airport Traffic Control Tower, Empire Fire District Station, and Modesto City. (The amended letter agreement includes procedures to cover the operation of the crash truck which will be put into service December 29, 1969. The existing letter agreement will remain in effect until then. Chief of the Empire Fire District and Chief of the Modesto Fire Department have reviewed and approved the letter agreement. Resolution approving amended agreement needed)

ACTION: Res. 69-1219 adopted approving amended letter agreement  
(Clerk to handle)

CONSENT

42. Authorize staff to make a study as to whether City and M.I.D. should recommend to County that all urban subdivisions be required to have street lighting. Motion referring to staff needed)

ACTION: By motion staff authorized to make study. (P/W to handle)

CONSENT

43. Consider request for sewer service to property outside the City at 3401 Fremont Avenue. (Property owners have signed agreement to annex when requested to do so by City. The property is contiguous to the City and a line exists to serve it. Property owner: Emilio Garetto. Resolution approving agreement needed)

ACTION: Res. 69-1220 adopted approving agreement (P/W to handle)

CONSENT

44. Consider request for sewer service to property outside the City at 520 Greenwich Lane. (The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to the City and the owners must construct a line to serve it. Property owner: E. M. Azevedo. Resolution approving agreement needed)

ACTION: Res. 69-1221 adopted approving agreement (P/W to handle)

CONSENT

45. Consider request for sewer service to property outside the City at 3300 Lancashire Lane.  
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to the City and the owners must construct a line to serve it. Property owner: Ronald Stone. Resolution approving agreement needed)  
ACTION: Res. 69-1222 adopted approving agreement (P/W to handle)

CONSENT

46. Letter from State of California regarding the Tuolumne River Regional Park proposed acquisition project.  
(Letter from State of California requesting additional information regarding proposed land acquisition, Tuolumne River Regional Park. Motion approving recommendation of staff needed. Memo with agenda)  
ACTION: By motion statement adopted to the effect that it is the City's intention to dispose of all improvements and clear the land in the most economic way feasible and that profits, if any, would be placed in a special fund for development of the land. (P & R to handle.)

CONSENT

47. A resolution allowing property owners in the Santa Ana Addition of the City of Modesto to pay sewer connection charges in installments.  
(Memo with agenda. Resolution needed)  
ACTION: Res. 69-1223 adopted permitting owners of all existing buildings in the Santa Ana Addition to pay sewer connection charges over a two-year period. (Finance to handle)

CONSENT

48. Consider declaring a 3KVA transformer surplus to the needs of the City and authorize sale to Turlock Irrigation District for \$200 plus sales tax. Memorandum with agenda. Resolution needed)  
ACTION: Res. 69-1224 adopted declaring transformer surplus and authorizing sale to Turlock Irrigation District. (Finance to handle)

REPORTS

CONSENT

49. Report on meeting with groups concerned with drug abuse.  
(Copies of the report being distributed with agenda. Motion accepting report needed)  
ACTION: By motion, report accepted.
50. Status report on Tuolumne River Regional Park.  
(Report with agenda)  
NO ACTION REQUIRED.

REPORTS FROM THE PLANNING COMMISSION

CONSENT

51. Recommend that the 60 foot street to be extended easterly from McHenry Avenue, 425 feet south of Floyd Avenue, be officially named "Sheila Court."  
(Resolution 69-143 adopted by the Planning Commission on December 16, 1969 recommends to the City Council that the 60 foot street to be extended easterly from McHenry Avenue, 425 south of Floyd Avenue, be officially named "Sheila Court." Resolution needed)

ACTION: Res. 69-1225 adopted naming street "Sheila Court."  
(Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

52. Consider appropriation transfer of \$16,280 from General Reserve to Account 6828-50-101, Water, Strengthen System, Various Locations.  
(Memo with agenda. Resolution approving needed. Estimated cost \$16,280)

ACTION: Res. 69-1226 adopted approving appropriation transfer of \$16,280 from Account 60-101 to Account 6828-50-101.  
(Finance to handle)

CONSENT

53. Consider appropriation transfer of \$5,000 from General Reserve to Account 5304-51-101, Miscellaneous Storm Drains.  
(Memo with agenda. Resolution approving transfer needed)

ACTION: Res. 69-1227 adopted approving appropriation transfer of \$5,000 from Account 60-101 to Account 5304-51-101.  
(Finance to handle)

MISCELLANEOUS

54. Appointments.

NONE

Adjournment. The meeting adjourned at 10:50 P.M.

ATTEST:

*W. T. Chynoweth*  
\_\_\_\_\_  
W. T. CHYNOWETH  
City Clerk

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