

The Council of the City of Modesto met in special session this date at 4:00 P.M., as provided by Section 2-1.02 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding, to consider a proposed resolution approving an agreement between the City of Modesto and Wesley Waldo Winn and Velma A. Winn for the purchase of real property for the improvement of Prescott Road, Briggsmore Avenue and Northern Boulevard.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, VanderWall,  
Mayor Hammond

Absent: Councilmen: Shastid

RESOLUTION APPROVING AGREEMENT BETWEEN CITY OF MODESTO AND WESLEY W. WINN AND VELMA A. WINN FOR PURCHASE OF REAL PROPERTY

The City Manager stated that at the December 26, 1962 meeting the Council considered the acquisition of rights of way required for the improvement of Prescott Road, Briggsmore Avenue and Northern Boulevard, and the staff was directed to amend a proposed agreement between the City and Wesley W. and Velma A. Winn in accordance with a motion of intent adopted by the Council and approved by Mr. Winn.

The City Attorney reviewed the proposed agreement, as amended.

RESOLUTION NO. 63-1

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WESLEY WALDO WINN AND VELMA A. WINN FOR THE PURCHASE OF REAL PROPERTY FOR MUNICIPAL PURPOSES (Improvement of Prescott Road, Briggsmore Avenue and Northern Boulevard)

Introduced by VanderWall      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

ADJOURNMENT

MOTION

That the special meeting now in session be adjourned

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

ATTEST:   
Rex E. Gailfus, City Clerk

(3)

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond  
Councilman Shastid arrived at 4:28 P.M.

Absent: Councilmen: Patton

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

Reverend Luverne Sands gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of December 17, 1962 and the same being available for public inspection, and there being no objections, the minutes were approved.

#### CONSIDER AWARD OF CONTRACT FOR CONSTRUCTION OF AERATION FACILITIES AT SEWAGE TREATMENT PLANT

The City Manager stated that word has been received from Congressman McFall that the City's application for federal funds under the Public Works Acceleration Act has not yet been cleared. He said that the matter would be placed on each week's agenda until cleared.

#### CONSIDER AWARD OF BID FOR CONSTRUCTION OF WADING POOLS AT ROOSEVELT AND WHITMORE PARKS

Director of Public Works Ray reported that three bids were received, the low bid submitted by Wolverine Building Service, Inc., for a total amount of \$12,800, 2.4% over the engineer's estimate. Funds are budgeted. He recommended that the low bid be accepted.

#### RESOLUTION NO. 63-2

A RESOLUTION ACCEPTING THE BID OF WOLVERINE BUILDING SERVICE, INC. FOR THE CONSTRUCTION OF WADING POOLS AT ROOSEVELT AND WHITMORE PARKS FOR THE TOTAL SUM OF \$12,800

Introduced by Johansen      Seconded by VanderWall

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton, Shastid

#### CONSIDER AWARD OF CONTRACT FOR CONSTRUCTION OF TRAFFIC SIGNALS AT MCHENRY AND GRANGER AND 7TH AND L STREETS

The City Manager reported that four bids were received for the construction of traffic signals at McHenry and Granger and 7th and L Streets, the low bid submitted by Industrial Electrical Company for the sum of \$14,837, the City's share of the cost to be \$7,418.50. He recommended that the bid be awarded to the low bidder.

## RESOLUTION NO. 63-3

A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL ELECTRICAL COMPANY FOR THE CONSTRUCTION OF TRAFFIC SIGNALS AT McHENRY AND GRANGER, AND 7TH AND L STREETS, FOR A TOTAL SUM OF \$14,837

Introduced by Tabbert          Seconded by Mitchell

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Patton, Shastid

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF SANITARY SEWER AND WATER LINE CARRIER PIPE ACROSS FREEWAY AT CLAYTON AVENUE

Director of Public Works Ray stated that the State Division of Highways is not involved with this project.

## RESOLUTION NO. 63-4

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF SANITARY SEWER AND WATER LINE CARRIER PIPE ACROSS MODESTO FREEWAY AT CLAYTON AVENUE

Introduced by VanderWall          Seconded by Tabbert

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Patton, Shastid

January 22, 1963 at 2:00 P.M. in the office of the City Clerk was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 547-C.S. RELATING TO FIRE PREVENTION

ORDINANCE NO. 547-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-1.201 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO FIRE PREVENTION"

introduced on December 10, 1962 and having been published as required by the Charter, was moved and adopted. (Effective January 22, 1963)

Moved by VanderWall          Seconded by Johansen

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Patton, Shastid

ADOPTION OF ORDINANCE NO. 548-C.S., REZONING OF THE RUFFINO ADDITION AND PHOENIX AVENUE FIRE STATION SITE

ORDINANCE NO. 548-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 27 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (RUFFINO ADDITION AND PHOENIX AVENUE FIRE STATION SITE)"

introduced on December 10, 1962 and having been published as required by the Charter, was moved and adopted. (Effective January 22, 1963)

Moved by VanderWall          Seconded by Mitchell

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton, Shastid

CONSIDER ORDINANCE APPROPRIATING ADDITIONAL REVENUE TOTALING \$22,740 FOR EXPENDITURE IN THE 1953 SEWER IMPROVEMENT FUND

The City Manager stated that the proposed ordinance will appropriate \$22,740 for expenditure in the 1953 Sewer Improvement Fund, which amount has been approved under Public Law 660 for improvements to the sewage disposal plant.

Director of Public Works Ray stated that the funds have been approved for some time and will be available when applied for, either for increments during the process of the work, or a final payment upon completion.

ORDINANCE NO. 552-C.S. entitled

"AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR EXPENDITURE DURING THE 1962-63 FISCAL YEAR AND ALLOCATING THEM FOR CAPITAL OUTLAY PURPOSES"

was introduced and adopted and ordered published as required by the Charter. (Effective immediately upon adoption)

Moved by Mitchell Secoded by VanderWall

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton, Shastid

PRELIMINARY REPORT ON SIGN REGULATIONS 1-75

MOTION

That the matter be held over for one week

Moved by VanderWall Secoded by Mitchell Unanimously carried

CONSIDER PAYMENT OF \$1,800 TO DOWNTOWN MODESTO ASSOCIATION FOR ERECTION AND REMOVAL OF CHRISTMAS DECORATIONS

The City Manager stated that the Downtown Modesto Association has requested reimbursement for erection and removal of Christmas street decorations in accordance with Resolution 62-401, and has submitted invoices in the amount of \$1,800. Funds are budgeted.

MOTION

That payment of \$1,800 to the Downtown Modesto Association for erection and removal of Christmas decorations be approved

Moved by Mitchell Secoded by VanderWall Unanimously carried

ACCEPT IMPROVEMENTS IN QUARESMA NO. 3 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND

The City Manager reported that the City Engineer has certified that all work required by the subdivision agreement for Quaresma Homes Unit No. 3 Subdivision has been completed to the satisfaction of the Public Works Department, all inspection fees paid, and that it would be in order for the Council to accept the improvements as complete and the City Clerk authorized to release the subdivision improvement bond in

the amount of \$8,000. He recommended that the improvements be accepted.

RESOLUTION NO. 63-5

A RESOLUTION AUTHORIZING THE RELEASE OF THE GENERAL INSURANCE COMPANY OF AMERICA SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN QUARESMA HOMES UNIT NO. 3 SUBDIVISION

Introduced by Mitchell Seconded by Tabbert

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton, Shastid

CONSIDER LEASE AGREEMENT FOR RENTAL OF AIRPORT PROPERTY - EAST MODESTO INDUSTRIAL WASTE COMPANY - 40 ACRES

The City Manager stated that the proposed agreement was amended on the basis of suggestions and objections made at the meeting of December 26, 1962; that as amended, the agreement is on an annual instead of a five-year basis, and provides for termination of the lease covering a ten-acre portion of the area within the term of the lease if so desired by the City, in which event a refund of \$250 of the total rent will be made to the lessee. The area was indicated on a map.

The City Attorney stated that a provision has also been added to the proposed agreement, making the lessee responsible for any possessory interest taxes. Effective date of the lease is January 1, 1963.

Director of Public Works Ray stated that copies of the proposed agreement as amended were furnished the two protestants who were heard at the December 26, 1962 meeting.

RESOLUTION NO. 63-6

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND EAST MODESTO INDUSTRIAL WASTE COMPANY FOR THE RENTAL OF 40 ACRES OF AIRPORT PROPERTY AT THE MODESTO CITY-COUNTY AIRPORT, COMMENCING JANUARY 1, 1963

Introduced by Johansen Seconded by Tabbert

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton, Shastid

CONSIDER REDUCTION OF SUBDIVISION BOND FOR WILLOW ESTATES NO. 1 SUBDIVISION FROM \$70,000 TO \$7,000 2-1

The City Manager stated that the City Engineer has certified that all work within Willow Estates No. 1 Subdivision has been completed to the satisfaction of the Public Works Department except for minor patching and repairs to various improvements; that since the repairs may take some time, he has recommended that the Council authorize a reduction in the subdivision bond from \$70,000 to \$7,000.

RESOLUTION NO. 63-7

A RESOLUTION APPROVING REDUCTION OF THE PERFORMANCE BOND FILED BY PAUL D. McCracken AND CARL MADICK TO GUARANTEE IMPROVEMENTS IN WILLOW ESTATES NO. 1 SUBDIVISION

Introduced by Mitchell Seconded by VanderWall

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Patton, Shastid

CONSIDER SEWER SERVICE TO SHERWOOD SCHOOL IN SYLVAN SCHOOL DISTRICT

Director of Public Works Ray stated that the proposed Sherwood School is immediately adjacent to the city limits, located on the north side of Rumble Road, east of Sherwood Forest Subdivision, and is outside the established area where city sewer service will be provided. He said it was the opinion of the staff that it would be reasonable to grant the sewer service to the school since it is a single operation, with peak loading not coinciding with residential use, on a temporary basis until such time as another trunk system to the north is constructed. He said that a proposed resolution was forwarded to the Sylvan Union School District prior to consideration by the Council, and that the provisions contained in the resolution were apparently agreeable to the agency.

Mr. Ray reviewed the conditions contained in the proposed resolution, copies of which were furnished the Council prior to the meeting.

The City Manager stated that under present policy, schools are not required to pay sewer charges.

RESOLUTION NO. 63-8

A RESOLUTION AUTHORIZING FURNISHING OF SEWER SERVICES TO THE SYLVAN SCHOOL DISTRICT

Introduced by VanderWall          Seconded by Tabbert

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Patton, Shastid

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT THE NORTHWEST CORNER OF ROSEBURG AND COLLIER AVENUES

The City Manager stated that the owner of property located at the northwest corner of Roseburg and Collier Avenues has requested sewer service and has signed an agreement containing the usual city requirements. He recommended that the sewer service be approved (Lots 1 and 2 of Block 1130 of the Mensinger Tract).

MOTION

That sewer service to property located at the northwest corner of Roseburg and Collier Avenues be approved

Moved by Mitchell          Seconded by VanderWall          Unanimously carried

Councilman Shastid arrived at 4:28 P.M.

CONSIDER SEWER SERVICE TO FIVE PROPERTIES ON COFFEE ROAD

(a) Northwest corner of Scenic and Coffee Road; (b) 432 Coffee Road; (c) 454 Coffee Road; (d) 446 and 450 Coffee Road; and (e) 447 Coffee Road

The City Manager stated that requests for sewer service to the above properties, which are not contiguous to the City, have resulted from the County's acquisition of rights of way for the improvement of Coffee Road.

Director of Public Works Ray said that the requests were submitted by the County; that because existing septic tanks and leeching fields have been disrupted, the County must make arrangements either for new leeching fields, or securing connection to the city sewer system. He said that the County has proposed to build a sanitary lateral to connect to the city sewer system; that the above requests have been submitted on the basis that inside city rates will apply; that Council approval is needed for each individual request; that the widening of Coffee Road is a cooperative city-county project, the County improving the portion outside the city limits. Gas tax funds are budgeted for the improvement of the portion lying within the city limits.

A suggestion made by Councilman Mitchell that consideration be given to the establishment of a time limit on the applicability of inside-the-city rates was discussed.

Upon questioning, Mr. Ray stated that acquisition of the rights of way was pending; that the proposed sanitary lateral will be constructed by the County and connections made as a part of the right of way acquisitions, at no cost to the City.

The City Attorney stated that the City cannot contract in violation of code provisions; that it appeared that an amendment to the code would be necessary to meet the County's request.

By Order of the Chair, the matter was held over for one week.

#### HEARING ON PROPOSED ANNEXATION OF THE ATHENS NO. 2 ADDITION 3-25

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of the Athens No. 2 Addition, and opened the hearing.

The City Clerk reported that Resolution No. 62-359 giving notice of the proposed annexation was published in the Modesto Tribune on November 22 and 29, 1962 and notices mailed to all property owners in the area, and other interested persons, on December 10, 1962. No written protests to the proposed annexation were filed with the City Clerk.

No one in the audience asked to be heard and Mayor Hammond declared the hearing closed.

#### ORDINANCE NO. 553-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE ATHENS NO. 2 ADDITION TO THE CITY OF MODESTO"

was introduced and adopted, and ordered published as required by the Charter. (Effective immediately upon adoption)

Moved by Mitchell      Seconded by VanderWall

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton

#### HEARING ON PROPOSED ANNEXATION OF THE CRESTVIEW NO. 2 ADDITION

Mayor Hammond announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the proposed annexation of the Crestview No. 2 Addition, and opened the hearing.

The City Clerk reported that Resolution No.62-540, giving notice of the proposed annexation, was published in the Modesto Tribune on November 22 and 29, 1962, and notices mailed to all property owners in the area and other interested persons on December 10, 1962. No written protests were filed with the City Clerk.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

ORDINANCE NO. 554-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE CRESTVIEW NO. 2 ADDITION TO THE CITY OF MODESTO"

was introduced and adopted and ordered published as required by the Charter. (Effective immediately upon adoption)

Moved by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton

HEARING ON PROPOSED ANNEXATION OF THE FRANCEK ADDITION      3-47

Mayor Hammond announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed annexation of the Francek Addition, and opened the hearing.

The City Clerk reported that Resolution 62-541 giving notice of the proposed annexation, was published in the Modesto Tribune on November 22 and 29, 1962 and in the Turlock Daily Journal on November 21 and 29, 1962, and notices mailed to all property owners in the area and other interested persons on December 10, 1962. A letter from Frank J. Francek and Mary J. Francek, dated January 3, 1963 withdrawing their application for annexation, was read by the City Clerk.

No one in the audience asked to be heard and Mayor Hammond declared the hearing closed.

The City Attorney stated that a legal question was involved-- that legal research and a check with the California League of Cities revealed no legal basis whereby a petition for annexation may be withdrawn after it is filed. It was his opinion that the petition could not be withdrawn on the basis of Mr. Francek's letter. He suggested that the matter be carried over for one week to permit further investigation.

Director of Planning Fey stated that annexation laws permit a protestant to stop an annexation if the property which he owns represents more than 50% of the assessed value of the entire annexation; that although Mr. Francek's property represents more than 50% of the area, the remaining property represents more than 50% of the assessed value of the entire area petitioning for annexation.

Mr. Grimes said that an alternative way of stopping the annexation would be for the Council to disapprove it.

The reasons why Mr. Francek wished to withdraw the annexation were not determined. The staff was directed to get the views of the other parties involved in the annexation.

## MOTION

That the annexation of the Francek Addition be continued to January 14, 1963 at 7:45 P.M., and the parties involved so notified

Moved by Johansen      Seconded by Shastid      Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE NORTHLAND ESTATES ADDITION

Mayor Hammond announced that the hour of 4:45 P.M. had arrived, the time set for consideration of the annexation of the Northland Estates Addition, and opened the hearing.

The City Clerk reported that Resolution No. 62-542, giving notice of the proposed annexation, was published in the Modesto Tribune on November 22 and 29, 1962, and notices mailed to all property owners in the area, and other interested persons, on December 10, 1962. No written protests to the proposed annexation were filed with the City Clerk.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

ORDINANCE NO. 555-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE NORTHLAND ESTATES ADDITION TO THE CITY OF MODESTO"

was introduced and adopted and ordered published as required by the Charter. (Effective immediately upon adoption)

Moved by Mitchell      Seconded by VanderWall

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton

HEARING ON PROPOSED ANNEXATION OF THE GOULD ADDITION      4-30

Mayor Hammond announced that the hour of 4:50 P.M. had arrived, the time set for consideration of the proposed annexation of the Gould Addition, and opened the hearing.

The City Clerk reported that Resolution No. 62-<sup>567</sup>~~452~~ giving notice of the proposed annexation was published in the Modesto Tribune on December 6 and 13, 1962, and notices mailed to all property owners in the area and other interested persons on December 10, 1962. No written protests to the proposed annexation were filed with the City Clerk.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

ORDINANCE NO. 556-C.S. entitled

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

was introduced and adopted and ordered published as required by the Charter. (Effective immediately upon adoption)

Moved by Shastid      Seconded by VanderWall

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton

CONSIDER SERVING SHERWOOD FOREST NO. 2 SUBDIVISION WITH CITY WATER

Copies of a memorandum from the Director of Public Works, dated January 7, 1963, subject, "Request for Water Service - Sherwood Forest No. 2 Subdivision," and a memorandum from the City Manager, dated January 7, 1963, subject, "City Policy on Subdivisions and Annexations - Water Service," were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes.

In his memorandum, dated January 7, 1963, the Director of Public Works indicated that the developers of proposed Sherwood Forest No. 2 Subdivision, containing 39.4 acres, and located immediately north of Sherwood Forest Subdivision, have inquired as to the City's interest in providing water service to this subdivision on a flat rate basis. If the City will provide water on this basis, the developers have indicated willingness to install ornamental street lights to city standards, install street trees, pay the park fees required by the city's code and pay water connection fees based on outside-the-city rates. The subdividers are not willing to agree to annex to the City, nor acquire water from the City if water service for residential use is to be metered. Del Este water is available to the subdivision. The Director of Public Works recommended that the City agree to provide city water service to the subdivision in accordance with the proposal of the developers, which would require a code revision to allow the sale of water outside the city limits on a flat-rate basis.

The City Manager read memorandum, dated January 7, 1963, subject, "City Policy on Subdivisions and Annexations--Water Service." The memorandum referred to the Council's July 23, 1962 request that the staff review and report on existing Council policies concerning subdivisions and annexations, and suggested that the Council consider adoption of a policy of charging the same city water rates outside as inside the city, and no longer requiring annexation agreements as a condition of service.

The City Manager suggested that the Council also consider a similar change in policy in connection with sewer service outside the City, particularly in areas where trunk lines are already in existence, or can be easily extended.

It was Councilman Shastid's opinion that annexation agreements should be obtained, whether or not exercised.

Robert Bomberger, developer of Sherwood Forest No. 2 Subdivision, spoke briefly in support of his request, stating that both the City and the subdivision would benefit by city water service.

Councilman Shastid suggested that the City Attorney submit a report on the standards of water service being furnished outside the city limits from a standpoint of fire protection, stating that it might be possible, by working with the County, to have water lines in areas which will conceivably be annexed within a short period of time, be developed to meet city fire protection standards.

The City Attorney stated that the City had no jurisdiction over subdivisions developed outside the city limits unless subdivided under city regulations.

City controls over private water companies within the city limits were outlined by City Attorney Grimes.

The City Manager said that a copy of Resolution No. 61-358, which establishes council policy for water service from the municipal water system in the Modesto urban area, would be furnished each council member by the City Clerk.

Councilman Shastid requested that the Council be informed of the estimated cost of extending water service to Sherwood Forest No. 2 Subdivision.

By Order of the Chair, the matter was held over for one week.

HEARING ON PROPOSED ANNEXATION OF THE YOUNG ADDITION 7-19

Mayor Hammond announced that the hour of 4:55 P.M. had arrived, the time set for consideration of the proposed annexation of the Young Addition, and opened the hearing.

The City Clerk reported that Resolution No. 62-566, giving notice of the proposed annexation, was published in the Modesto Tribune on December 6 and 13, 1962, and notices mailed to all property owners in the area and other interested persons on December 10, 1962. No written protests were filed with the City Clerk.

No one in the audience asked to be heard and Mayor Hammond declared the hearing closed.

ORDINANCE NO. 557-C.S. entitled

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

was introduced and adopted and ordered published as required by the Charter. (Effective immediately upon adoption)

Moved by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton

HEARING ON REQUIREMENT OF CURBS AND GUTTERS, LOT E OF BLOCK 2016, AND PORTIONS OF LOTS G & H, BLOCK 2016

Mayor Hammond announced that the hour of 5:00 P.M. had arrived, the time set for consideration of the proposed requirement of curbs and gutters at the above locations, and opened the hearing.

The City Clerk reported that notices of the hearing were posted in the area and the owners notified of the hearing by the Public Works Department.

Mary Graybill, 1106 South Hart Road, owner of property located at 119 Wilson, stated that she and her husband were not notified of the curb and gutter requirement until construction began in the neighborhood; that she and her husband both resented this fact since they felt that neighborhood discussion of the matter might have resulted in construction of badly needed sidewalks at the same time; that she and her husband also resented the fact that they were told by a contractor that they might as well construct curbs and gutters at the same time as their neighbors, as they would be forced to do so since more than fifty per cent of the owners in the block had contracted for such installation.

Mrs. Graybill said that it was later found that less than 50% of the property owners had contracted to have the work done. This complaint was repeated by Mr. Graybill and Mr. Norman Fletcher, other property owners involved, later in the meeting.

The City Attorney stated that the private contractor soliciting the neighborhood to install curbs and gutters had no direct

instruction from the City to do so; that the notice received from the City gives the property owner an opportunity to be heard, and have the work done privately; that if the work is not arranged for by the property owner, the City causes it to be done, the cost of construction being assessed against the property, and the owner being billed for the construction costs along with his property taxes.

Jesse Graybill, 1106 South Hart Road, stated that he and his wife were financially unable to meet the costs of constructing the curbs and gutters at this time; that a postponement until later in the year would give them an opportunity to meet the obligation. He also stressed the need for sidewalks in the block.

Director of Finance Bird stated that if the City caused the work to be done, the assessment covering the improvements would appear on the next tax bill, with one-half the charge payable by December 10, 1963 and one-half in April, 1964.

The Council suggested that Mr. Graybill discuss with the staff the matter involving the contractor, and with the Director of Parks and Recreation his request regarding removal of trees on his property at 119 Wilson Street.

Mr. Norman Fletcher, owner and operator of Norman's Fine Foods, located at the corner of Wilson Street and Yosemite Boulevard, stated that since the regrading of Wilson Street a severe ponding problem has been created at his place of business; that installation of standard curbs along the Wilson Street side of his business will eliminate one-fourth of his parking area and therefore of his business, and will create a traffic hazard when the area is inundated. He requested permission to install a drive-over curb instead of a standard curb, and to blacktop the area. He said that this would permit his customers to park in a raised, dry area during the rainy season.

Director of Public Works Ray stated that when the initial complaint was received on the flooding of this area to a depth of eleven inches, a check of the grade of Yosemite Boulevard and the grade of Wilson Street indicated that four inches was the maximum depth water in the gutter on Wilson Street could reach before it flowed over the high point on Yosemite Boulevard. He said that he checked the problem personally at 1:00 A.M. during the last storm, and that the water in the gutter on Wilson at its widest point at this time was four to five feet.

Upon questioning, Mr. Ray stated that withholding installation of the curbs and gutters until storm drainage is provided in the area would have to be authorized by the Council, as existing regulations require construction when fifty per cent or more of a block is improved. He also stated that Mr. Fletcher was presently using the public right of way for parking.

#### RESOLUTION NO. 63-9

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 2016, LOT E AND BLOCK 2016, PORTION LOTS G AND H)

Introduced by Mayor Hammond

Seconded by Johansen

Ayes: Johansen, Mitchell, Shastid, Tabbert, Mayor Hammond

Noes: VanderWall

Absent: Patton

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 503 COFFEE ROAD

Director of Public Works Ray stated that the owner of property located at 503 Coffee Road has requested that sewer service be provided at this location, has signed the agreement containing the usual requirements, and has agreed to pay the outside sewer rates. Upon questioning, Mr. Ray stated that the service could be provided at no cost to the City.

## MOTION

That the request for sewer service to property located at 503 Coffee Road be approved

Moved by VanderWall      Seconded by Johansen      Unanimously carried

APPROVAL OF BILLS FROM THE COUNTY FOR PRISONER CARE FOR THE MONTH OF NOVEMBER, 1962

## MOTION

That bills from Stanislaus County for the care of prisoners for the month of November, 1962, in the amount of \$393.12 be approved

Moved by Tabbert      Seconded by VanderWall      Unanimously carried

CONSIDER CONTRACT WITH COATES, HERFURTH AND ENGLAND FOR QUADRENNIAL REVALUATION OF EMPLOYEES' RETIREMENT SYSTEM

The City Manager stated that the State Employees' Retirement Law provides that an actuarial investigation of the assets and liabilities of the system be made every four years, contribution rates for retirement purposes being confirmed or adjusted from this evaluation. The proposed contract for this service with the firm, Coates, Herfurth and England, Consulting Actuaries, establishes a fee of \$400 for this study as of June 30, 1962. The last evaluation was made as of June 30, 1958.

## RESOLUTION NO. 63-10

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COATES, HERFURTH AND ENGLAND, CONSULTING ACTUARIES, FOR QUADRENNIAL REVALUATION OF STATE EMPLOYEES' RETIREMENT SYSTEM

Introduced by Shastid      Seconded by VanderWall

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton

RESOLUTION APPROVING LEASE AGREEMENT FOR RENTAL OF CITY OWNED PROPERTY

The City Attorney stated that the proposed agreement covers the rental of city owned property located at 607½ 11th Street to S.J. MacDonald, doing business as MacDonald Signs, on a month to month basis at the rate of \$100 per month, beginning December 27, 1962. This property was recently purchased by the City as a part of the proposed site for the police-communications building.

## RESOLUTION NO. 63-11

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND S.J. MacDONALD, DBA MacDONALD SIGNS, FOR THE RENTAL OF CITY OWNED PROPERTY AT 607½ 11TH STREET

Introduced by Tabbert      Seconded by Shastid

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

ESTABLISHMENT OF POLICY FOR THE INSTALLATION OF PLANT MATERIALS AND OTHER MATERIALS IN THE STREET RIGHT OF WAY

By Order of the Chair, this matter was held over for two weeks.

MOTION ACCEPTING GIFT OF MATERIALS FROM BROADWAY THEATER LEAGUE FOR IMPROVEMENTS AT CHILDREN'S PARK

MOTION

That acceptance of gift from the Broadway Theater League constituting materials for additional paving around the wading pool, and a plastic covered fence, be approved

Moved by Shastid Seconded by Johansen Unanimously carried

CONSIDER INTERIM P-D ZONING FOR THE SPENCER ADDITION 10-78

Director of Planning Fey stated that annexation of the Spencer Addition located on the corner of California and Spencer Avenues, approximately eight acres in size, was approved by the Council December 10, 1962; an application has been filed by the developer for an Interim Planned Development Zone, (12), to permit development of a multiple-family project on the property. Planning Commission Resolution No. 872 recommends that the Council approve the interim zoning requested.

The City Attorney stated that an ordinance was needed to amend Section 31 of the Zoning Map to establish interim zoning on the property, to be adopted as an emergency measure under Section 722 of the Charter.

ORDINANCE NO. 558-C.S. entitled

"AN ORDINANCE AMENDING SECTION 31 OF THE ZONING MAP OF THE CITY OF MODESTO TO ESTABLISH INTERIM ZONING FOR CERTAIN PROPERTY LOCATED THEREON NEWLY ANNEXED TO THE CITY (SPENCER ADDITION)"

was introduced, adopted and ordered published as required by the Charter. (Effective immediately upon adoption)

Moved by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

RESOLUTION NO. 63-12

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR INTERIM PLANNED DEVELOPMENT ZONE (I) P-D (12) (SPENCER ADDITION)

Introduced by Johansen Seconded by VanderWall

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

APPROPRIATION TRANSFERS

The City Manager stated that the following appropriation transfers were needed: \$1,500 from the General Fund, General Reserve (101-600) to Insurance and Retirement, Group Health Insurance (426-65); \$7 from Parking and Traffic, Office Supplies (209-57) to Parking and Traffic, Group Health Insurance (426-57); \$22 from Service Working Capital Fund (512), Service (48), M & R Bldgs. & Grounds (224) to Service (48), Group Health Insurance (426).

## RESOLUTION NO. 63-13

## A RESOLUTION APPROVING APPROPRIATION TRANSFERS

Introduced by Shastid      Seconded by VanderWall

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton

MATTERS FOR THE GOOD OF THE COMMUNITYMonty Lukov, Executive Vice President, Home Builders Association

Mr. Lukov read a letter addressed to Mayor Hammond from John Kirkpatrick, past president of the Home Builders Association, expressing his gratitude to the Council for a job well done during 1962.

The letter was ordered filed.

REPORT OF TALK GIVEN BY CITY ATTORNEY GRIMES

The City Attorney reported that he recently gave a talk on the legal aspects of purchasing to the Northern California Purchasing Agents, Valley Group, the Program Chairman of which was Ernest Dunham, Modesto City Purchasing Officer.

REPORT ON APPOINTMENT OF RUSSELL FEY, PLANNING DIRECTOR

The City Manager announced the appointment of Russell Fey as Planning Director of the City of Modesto.

REPORT BY CITY MANAGER CONCERNING ANALYSIS OF PLANNING DEPARTMENT

The City Manager asked the Council to consider the hiring of an outside consultant to make an analysis of the Planning Department with a view to simplifying and streamlining procedures, increasing efficiency, etc.

Councilman Mitchell suggested that the County might be contacted to have a similar analysis at the same time, which might result in streamlining city-county planning procedures.

## MOTION

That the staff bring back a concise report on the hiring of an outside consultant to make an analysis of planning department procedures

Moved by VanderWall      Seconded by Shastid      Unanimously carried

REQUEST BY CITY MANAGER FOR TIME OFF

## MOTION

That the request of the City Manager for intermittent time off for personal reasons during the next few weeks be approved

Moved by VanderWall      Seconded by Johansen      Unanimously carried

REPORT ON POLICE-COMMUNICATIONS BUILDING

Deputy City Manager Keefe stated that a telegram has been received from Representative John J. McFall stating that no allocations have been made under the Public Works Acceleration Program since the initial grants in October, 1962; that the next allocations are expected shortly. He said that three sets of the final plans and specifications for the police-communications center building have been received, are being reviewed by the staff and will be passed on to the Council Public Projects Committee for review.

CONSIDER APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Mayor Hammond requested that Council members submit names of possible candidates for appointment to the various boards and commissions.

A report indicating the expiring terms of various boards and commissions members was furnished the Council by the City Clerk.

By Order of the Chair, the matter was held over for one week.

ADJOURNMENT

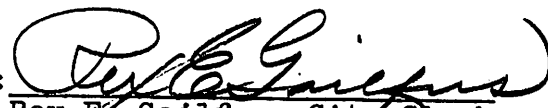
MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Johansen      Unanimously carried

The meeting adjourned at 6:45 P.M.

ATTEST:

  
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert,  
VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend Ray Singer gave the invocation.

#### APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular meeting of December 26, 1962 and the special meeting of January 3, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

#### COMMUNICATION FROM TEXACO OIL COMPANY APPEALING THE DECISION OF THE CITY BUILDING INSPECTOR, DENYING THE REQUEST FOR A 50-FOOT SIGN AT THE CORNER OF SIXTH AND G STREETS

At the request of the Texaco Oil Company, and with the consent of the Council, this matter was held over for one week.

#### CONSIDER AWARD OF CONTRACT FOR CONSTRUCTION OF AERATION FACILITIES AT SEWAGE TREATMENT PLANT

At the request of the City Manager, and with the consent of the Council, this matter was held over for one week.

#### CONSIDER AWARD OF CONTRACT FOR PRINTING OF REVISED CODE PAGES 1-15

The City Clerk reported that one bid only was received for printing revised pages of the Code, from Willey Printing Company for \$10.82 per page. Bids were solicited from seven local printing companies. He recommended that the bid of Willey Printing Company be accepted.

#### RESOLUTION NO. 63-14

A RESOLUTION ACCEPTING THE BID OF WILLEY PRINTING COMPANY FOR THE PRINTING OF REVISED AND SUPPLEMENTAL CODE PAGES FOR THE CALENDAR YEAR 1963.

Introduced by VanderWall      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

#### CONSIDER AWARD OF BID FOR PURCHASE OF PORTABLE ROTARY TYPE COMPRESSOR

The City Manager stated that the lowest responsible bid for a portable rotary type compressor was submitted by the Rix Company in the amount of \$3,976. He recommended that the bid be accepted.

Upon questioning, Director of Public Works Ray said that the bid of Laurence Myers Concrete Form and Equipment Company was approximately

\$500 lower than the bid submitted by the Rix Company but did not meet specifications.

RESOLUTION NO. 63-15

A RESOLUTION ACCEPTING THE BID OF RIX COMPANY, INC. FOR ONE PORTABLE ROTARY TYPE COMPRESSOR, LeROI RG2E, FOR THE TOTAL SUM OF \$3,976, INCLUDING TRADE-IN

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF MERCURY VAPOR STREET LIGHTING SYSTEM AT MODESTO JUNIOR COLLEGE

By Order of the Chair, this matter was removed from the agenda until cleared.

ORDINANCE AMENDING SECTION 5-6.103 OF ARTICLE 1 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWER SERVICE

The City Attorney stated that the proposed ordinance changes the wording of Section 5-6.103 of Article 1 of Chapter 6 of Title V of the Modesto Municipal Code to clarify its meaning, by changing the Section to begin "Anything to the contrary contained in this chapter notwithstanding . . ." He recommended that the ordinance be adopted.

ORDINANCE NO. 559-C.S. entitled

"AN ORDINANCE AMENDING SECTION 5-6.103 OF ARTICLE 1 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO WASTE DISPOSAL"

was introduced and ordered published as required by the Charter.

Moved by VanderWall      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

PRELIMINARY REPORT ON SIGN REGULATIONS

By Order of the Chair, this matter was held over for one week.

CONSIDER SEWER SERVICE TO FIVE PROPERTIES ON COFFEE ROAD -- (A) 432 COFFEE ROAD; (B) NORTHWEST CORNER OF SCENIC & COFFEE; (C) 454 COFFEE ROAD; (D) 446 AND 450 COFFEE ROAD; AND (E) 447 COFFEE ROAD

A proposed resolution approving sewer service to the above parcels of property on Coffee Road, requested by the County, was read by the City Attorney. This matter was discussed by the Council January 7, 1963 and carried over to the present meeting. The proposed resolution approves sewer service to the properties subject to the conditions that the property owners agree to annex to the City when requested to do so by the City; that permits be obtained from the City Building Inspection Official to connect to the sewer system; that all required sewer connection and inspection fees be paid; that the property owners will pay ~~inside city rates; outside city rates to apply in the event of failure to~~ upon request of the City; and compliance with city building regulations.

## RESOLUTION NO. 63-16

A RESOLUTION APPROVING SEWER SERVICE TO FIVE (5) PARCELS OF PROPERTY ON COFFEE ROAD DUE TO THE PROPOSED WIDENING AND IMPROVEMENT OF COFFEE ROAD

Introduced by Johansen      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

CONSIDER SERVING SHERWOOD FOREST NO. 2 WITH CITY WATER

A memorandum from the Director of Public Works, dated January 11, 1963 subject, "Water Service to Sherwood Forest No. 2 Subdivision," was distributed to the Council.

The City Manager stated that the request of the developers of Sherwood Forest No. 2 Subdivision that city water service be furnished the subdivision at inside-city rates without agreement to annex to the City, was discussed by the Council at its January 7, 1963 meeting.

The City Attorney stated that if the Council wished to change its policy regarding this matter, an ordinance eliminating the section of the Code requiring meters for all outside-the-city water services would have to be adopted; that the policy would have to be general to avoid discrimination.

Councilman Mitchell stated that if the Council wished to consider elimination of meters outside the City, some information should be furnished the Council as to how the change will affect existing metered areas from a financial standpoint.

It was suggested that carrying the matter over for one week would give the Council an opportunity to review the report submitted by the Director of Public Works.

MOTION

That the matter be held over for one week

Moved by Shastid      Seconded by Patton      Unanimously carried

CONTINUATION OF HEARING ON PROPOSED ANNEXATION OF THE FRANCEK ADDITION

Mayor Hammond announced that the hour of 7:45 P.M. had arrived, the time set for continuation of the hearing on the proposed annexation of the Francek Addition, and opened the hearing.

The City Clerk read a letter from Frank J. and Mary J. Francek withdrawing their objection to the annexation of the Francek Addition, which objection was presented to the Council at its January 7, 1963 meeting.

A memorandum from the City Attorney, dated January 14, 1963, subject, "Francek Addition: Withdrawal of Application for Annexation by Frank J. and Mary J. Francek," constituting an opinion pertaining to the request of Mr. and Mrs. Francek to withdraw their application for annexation of the Francek Addition, was distributed to the Council. The Opinion indicated that the petitioners did not have authority to withdraw their application under the provisions of Section 35313 of the Government Code; that although they owned the largest portion of the

land to be annexed, the assessed valuation of their property did not constitute one-half the value of the territory proposed to be annexed; that it was necessary that the Council proceed with the annexation proceedings, using its discretion as to whether or not the annexation should be approved or disapproved.

ORDINANCE NO. 560-C.S. entitled

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

was introduced and adopted and ordered published as required by the Charter. (To be effective immediately upon adoption)

Moved by Mitchell      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

CONSIDER APPROVING PAYMENT FOR ERECTION AND REMOVAL OF CHRISTMAS DECORATIONS

McHenry Village Merchants Association - \$1,051;  
Ulrich Shopping Center - \$400;

Director of Finance Bird stated that the McHenry Village Merchants and Ulrich Shopping Center have submitted invoices verifying the amounts requested above for the purchase and/or refurbishing, erection and removal of Christmas decorations for the past Christmas season. Funds in the above amount have been budgeted. He said that the requests for payment are based on the provisions contained in Council Resolution No. 62-401 -- that the merchants be reimbursed for 50% of the cost of refurbishing decorations, and actual costs of erection and removal of the decorations be based on a formula of 20 cents per lineal front foot.

MOTION

That payment to McHenry Village Merchants Association in the amount of \$1,051 and to Ulrich Shopping Center in the amount of \$400 be approved

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR NORTHLAND ESTATES NO. 1 SUBDIVISION

Assistant Director of Public Works Campbell stated that all documents have been received and fees paid, and the final map filed with the City Clerk; that Northland Estates No. 1 Subdivision contains twelve acres and is located on Woodrow Avenue between McHenry Avenue and Tidewater Southern Railroad. The City Manager recommended that the agreement and final map be approved.

RESOLUTION NO. 63-17

A RESOLUTION APPROVING THE FINAL MAP OF THE NORTHLAND ESTATES NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Shastid      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN E. HIRLEMAN  
TO CONSTRUCT A SUBTRUNK SEWER ON NORWEGIAN AVENUE TO SERVE BROOKDALE  
PARK NO. 3 SUBDIVISION

Director of Public Works Ray stated that Brookdale Park No. 3 Subdivision is located immediately east of Revard Manor, and Sunrise Avenue, and north of Norwegian Avenue. The area is annexed to the City.

He said that it is necessary to construct a subtrunk sewer line in Norwegian Avenue east from Potter Avenue to serve this subdivision, and ultimately a general area comprised of approximately 91.2 acres.

RESOLUTION NO. 63-18

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN E. HIRLEMAN, JR. FOR THE CONSTRUCTION OF A SUBTRUNK SEWER TO SERVE BROOKDALE PARK NO. 3 SUBDIVISION

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO'S NEIGHBOR-  
HOOD CHURCH -- PROTECTION OF EXISTING SEWER SYSTEM      2-92

The City Manager stated that the proposed agreement protects the overloading of the city sewer system prior to the construction of a permanent sewer system in the area of Woodrow Avenue near Tully Road; provides that Modesto's Neighborhood Church will dedicate a 50' x 150' easement in the southwest corner of its parking lot in which the City can construct and maintain such equipment as it deems necessary to relieve any overloading condition in the existing city sewer system; provides for the deposit of a savings and loan certificate for \$15,000 to guarantee construction of such equipment if deemed necessary by the City.

Upon questioning, Mr. Ray stated that the agreement originally under consideration with Modesto's Neighborhood Church contained no provision for discontinuance of service because of underloading, but only if it failed to meet the terms and conditions of the agreement, which still exist. The Church has now proposed two agreements, the first of which is presently under consideration to provide for a bond and land, to provide for pre-treatment facilities, if necessary, or any other facilities which may become necessary in the event of overloading. He said that reorganization of the agreements was required in order for the Church to obtain FHA approval for the project, which could not be obtained under the conditions set forth in the agreement originally proposed.

RESOLUTION NO. 63-19

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO'S NEIGHBORHOOD CHURCH FOR THE PROTECTION OF THE EXISTING CITY SEWER SYSTEM

Introduced by VanderWall      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO'S NEIGHBORHOOD CHURCH - FOR SEWER SERVICE

Director of Public Works Ray stated that the proposed agreement provides sewer service to Modesto's Neighborhood Church, and corresponds with the agreement originally proposed and approved by the Council, except for the provision that the Church will provide pre-treatment facilities required in the event of overloading of the existing sewer system, which was incorporated in the agreement approved by the Council in the previous item. Upon questioning, Mr. Ray said that no expenses were involved on the part of the City.

RESOLUTION NO. 63-20

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO'S NEIGHBORHOOD CHURCH FOR SEWER SERVICE TO A SENIOR CITIZENS' DEVELOPMENT AT WOODROW AVENUE AND TULLY ROAD

Introduced by Shastid      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

HEARING ON APPEAL OF FILLES DE JESUS, NOTRE DAME CONVENT - REZONING OF 16 ACRES, LOT 10, FRESNO TRACT      2-125

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the appeal by the Filles de Jesus, Notre Dame Convent to the decision of the Modesto City Planning Commission, denying its request for rezoning Lot 10 of the Fresno Tract, approximately 16 acres, located between Granger Avenue and Modesto Irrigation District Lateral No. 3, and between the Tidewater Southern Railroad Tracks and Our Lady of Fatima Church property, and opened the hearing.

The City Clerk reported that notices were posted and delivered in the area on January 2, 1963. No written protests were filed with the City Clerk.

A transcript of Planning Commission proceedings of October 15, 1962 and the adjourned meeting of the Modesto Planning Commission of December 4, 1962, a copy of the minutes of each of the above meetings, and a copy of Resolution No. 876 denying the application of the Filles de Jesus, Notre Dame Convent for an amendment to the zoning map were introduced and filed with the record of the minutes.

Attorney Frank Ruggieri, representing the appellants, referred to Planning Commission Resolution No. 876, stating his belief that the reasons set forth in the resolution were not the reasons for the denial; and that even if the reasons given were in fact the reasons for denial they were clearly inconsistent with prior planning commission action, unsupportable and without substance. He referred the Council to the transcript of the Planning Commission meeting for the real reasons why the application was denied, listing the following: (1) The refusal by the applicant to answer certain questions regarding financing. Mr. Ruggieri said that a ruling was subsequently made by the City Attorney that it was improper for the Planning Commission to inquire as to the source of financing and other financial questions. (2) The need for hospital beds -- Mr. Ruggieri said that there was considerable discussion in the transcripts with respect to whether or not more hospital beds were needed in Modesto. He declared that the feasibility report submitted by the appellant did support the need for additional

hospital beds in the Modesto area, in accordance with the building schedule presented. (3) The conclusion that there was no need for additional medical office space in the Modesto area - Mr. Ruggieri commented on the specific interest of the office space owners polled in limiting their competition. (4) The skepticism regarding the experience and ability of Attilio Donato to produce the plan submitted, the questioning of the source of funds, qualifications of the architect, and other matters not properly a part of consideration of the application

Mr. Ruggieri requested that the Council take whatever action was necessary to reverse the action of the Planning Commission to permit the developers of the project to proceed with the development.

The City Attorney stated that the Council had an absolute right to disagree with the decision of the Planning Commission, noting that the legal opinions he might express had no bearing on the merit or demerit of the proposed project. He said that it was entirely within the jurisdiction of the Planning Commission to require a feasibility report and to consider the need for the project. Mr. Grimes explained the concept of planned development zoning, which gives the Planning Commission and the Council an opportunity to consider all of the ramifications and aspects of zoning for a particular need or use; that in planned development, proposed uses must be set forth with elevations, plot plan, and various other aspects; that it was completely within the jurisdiction of the Planning Commission to consider the need as it relates to the general health, safety and welfare of the community. In connection with Mr. Ruggieri's comments regarding the reasons given by the Planning Commission in denying the application, the City Attorney said that the Planning Commission is entitled to base its reasons on the evidence given, and whether the Council agreed with the reasons set forth was another matter; that the reasons as given were supported by some substantial evidence in the transcripts and were therefore satisfactory.

A sketch of the proposed planned development was shown the Council by Paul Birmingham, engineer for the project.

Entrances to the proposed development and neighborhood traffic problems were discussed. Mr. Birmingham stated that the only entrance to the project would be on Northern Boulevard, with a chained entrance on Granger Avenue for emergency use only (fires, earthquakes, etc.); that this emergency entrance was required by the State Fire Marshal. He said that the developers plan, when Briggsmore Avenue and Northern Boulevard become one-way streets, to construct a bridge across the M.I.D. canal which separates the two streets, at the main entrance of the hospital; that the developers would be willing to submit a bond to guarantee the installation of traffic signals at this point, and were willing to place this provision in the planned development agreement.

The City Manager pointed out that this crossing was not proposed by the City, was not necessary to serve normal traffic, and construction of the signals would be on the same basis as the construction of the bridge.

Director of Parking and Traffic Carmody discussed present and future traffic on Granger Avenue, and explained the difference between the term "expressway" as applied locally to Modesto's planned periphery routes and as used in other areas to connote high-speed, non-access traffic ways.

The City's policy of limited access on Northern Boulevard and Briggsmore Avenue was discussed.

Councilmen Johansen and Shastid expressed concern over lack of firm assurance to the community that the development would be completed as originally planned, and not left partially constructed for any reason.

Councilman Mitchell spoke of the concern of the Planning Commission, as shown in the transcript of the meeting, in the event a permit was granted and the ultimate scheme was not carried to completion, over granting priority to some of the commercial developments, with the hospital itself to be constructed as a second or third phase of the development. It was his opinion that the development phases should be cleared in advance to provide assurance to the community that construction of the commercial portion of the development will not have priority, with the rest of the development failing to materialize for one reason or another.

Mr. Birmingham stated that he assumed responsibility for the original development schedule presented to the Planning Commission; that it was so presented because the office building was the simplest to design; that the plans for the hospital would require about two years for completion because of the intricacies of technical design needs and federal and state clearances. He said that the application had been amended so that no construction could begin until the building permits for the hospital were obtained, and then further amended to guarantee that the actual foundation of the hospital would be constructed before building permits for any of the other buildings were requested. Mr. Birmingham said that the developers felt that the hospital and the rest of the center should be built before work was done on the medical research building.

Councilman Mitchell questioned whether a community the size of Modesto could support a clinic research laboratory, stating that there should be some clear advance understanding that the City would not be authorizing later substitution of another commercial use if it proved to be infeasible to construct the medical research building.

Mr. Birmingham asked that the records show that there was no intention on the part of the developers to substitute a commercial activity in lieu of the medical research building.

Mr. Birmingham listed some of the commercial uses proposed for inclusion in the project. He said that as yet there was no specific agreement with the agency which it was hoped would occupy the medical research building; that it was impossible to negotiate further for an actual agreement until the rezoning is approved.

The City Attorney stated that the question raised by Councilmen Shastid and Johansen was discussed at length by the Planned Development Subcommittee of the Planning Commission, and after considerable discussion it had been determined that it was not feasible to require a bond to guarantee completion of a planned development, and that the subcommittee had suggested to the Planning Commission that the zoning text be amended to require a performance bond to guarantee the performance of public improvements - street dedications, curbs, gutters, etc.

Mayor Hammond pointed out that a planned development zoning granted on McHenry Avenue failed to meet the time schedule and reverted back to its original zoning. It was his opinion that the Council's immediate concern was stage development appropriate to assure orderly completion of each phase.

At the request of the Council, Director of Planning Fey discussed the possible effects of the rezoning on the area adjacent to the proposed development.

The Council asked to what degree the developers planned to go into the wholesale drug business and manufacturing. Director of Planning Fey stated that it was brought out at the Planning Commission meeting that it was proposed to manufacture orthopedic appliances and other items relating to hospital and medical uses.

The City Attorney stated that the Planning Commission, if it approved the planned development, would have the right to approve any one, a combination, or all of the uses proposed within the concept of a planned development zone.

The availability of suitable sites for this project in other parts of the City was discussed. Director of Planning Fey mentioned specific sites adjacent to the City.

Mr. Willard J. Leuthard, 520 Tokay Avenue, representing the Stanislaus County Hospital Association, stated that hospitals were not run-of-the-mill business as were filling stations, attorneys' offices, etc., and should not be in direct competition with each other. He referred to page 6 of the recommendations of a feasibility survey prepared by the Governor's Committee on the Study of Medical Aid and Health, which suggests that any proposals for construction of a major hospital facility be reviewed by a local hospital planning council.

Andrew J. Kulina, 1736 Carlton Avenue, stated that he lived in the immediate neighborhood of the proposed project, and favored approval of the requested planned development.

No one else in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

Director of Planning Fey stated that access to Granger Avenue seemed to be the major criticism at this point, and if the application was to be approved, the chain proposed across the Granger Avenue drive would resolve this problem; that if the proposed uses were acceptable to the Council, with the proposed control of access, a sufficient basis would exist for approval of the planned development zone. It was his opinion that ultimate architectural details would not be precisely as shown on the plans, but would be worked out within the concept of the approved plan; that any changes in proposed uses would have to go back to the Planning Commission, and subsequently to the Council, for consideration, thus affording protection to the interests of the community as a whole.

Mayor Hammond stated that in his opinion, the location of the area was such that it would not harm the residential characteristics of the area, but he requested staff assistance in assuring that the proposed developmental phases of the project would be established to begin with the hospital, and followed by regular stages of development to enable the entire project to proceed in an orderly manner to completion.

#### MOTION

That the staff be instructed to prepare documents overruling the decision of the Planning Commission, and requesting further report and recommendation of the Planning Commission as required by Section 10-2.2114 of the Municipal Code, the resolution to further request the staff, with the assistance of the Planning Commission, to help establish a desirable plan of stage development to enable the project to proceed in an orderly manner to completion

Moved by Mayor Hammond      Seconded by Johansen

The motion carried, Councilman Shastid dissenting.

CONSIDERATION OF ELECTRICAL CODE ORDINANCE

Mayor Hammond announced that the hour of 8:30 P.M. had arrived, the time set for consideration of a proposed electrical code ordinance and opened the hearing. This matter was previously considered by the Council at its December 3 and 17, 1962 meetings.

Ron Camp, Chairman of the Electrical Committee established to review the City's electrical code, stated that the Committee was in accord with the proposed revisions to the electrical code with the exception of the proposed changes permitting the use of romex, in conformance with county standards, which change he believed would downgrade city standards. Mr. Camp referred to a letter from the Building Inspection Department of Turlock, copies of which were furnished the Council. He asked the Council to consider the contents of the letter before making a final decision on the proposed ordinance.

Assistant Director of Public Works Campbell stated that two sections of the proposed ordinance had been reworded by the City Attorney upon the recommendation of the Electrical Committee. Because of questions raised as to enforcement and other problems which might arise in connection with subsection (af) of Section 9-3.110, Special Requirements, pertaining to erection or remodeling of general assembly area buildings, it was generally agreed to delete this subsection from the proposed ordinance at this time.

Bill Coleman, representing the National Electrical Contractors' Association, and Galen Young, representing Modesto electrical workers, spoke briefly against the sections of the proposed ordinance pertaining to a more extensive use of romex.

Monte Lukov, representing the Home Builders' Association, spoke briefly in favor of the proposed ordinance.

## ORDINANCE NO. 561-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE ELECTRICAL CODE"

was introduced and ordered published as required by the Charter.

Moved by Johansen            Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None            Absent: None

CONSIDER RENTAL OF PARKING SPACES AT THE POLICE-COMMUNICATIONS BUILDING SITE

The City Manager stated that property purchased by the City as a site for the police-communications center building includes a parking lot with sixteen spaces, which have been rented by the previous owners for \$5 per month per space. He recommended the City continue to rent the parking spaces at the same rate per month until existing prepaid rentals expire (April, 1963), or until such time as the property is needed for construction, whichever is sooner.

## MOTION

That the staff be directed to proceed on the lease of parking spaces as recommended by the City Manager

Moved by Shastid            Seconded by Mitchell            Unanimously carried

Councilman Johansen was excused from the meeting.

RESOLUTION APPROVING AGREEMENT FOR RENTAL OF CITY-OWNED PROPERTY PURCHASED FOR FUTURE PARK SITE ADJACENT TO CATHERINE EVERETT ELEMENTARY SCHOOL

The City Manager said that the proposed agreement covers the rental of the park site adjacent to Catherine Everett Elementary School to Earley Ellerd for the period January 1 to December 31, 1963 for 20% of the gross proceeds of crops produced on the property. Mr. Miller recommended that the agreement be approved.

RESOLUTION NO. 63-21

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND EARLEY ELLERD FOR THE RENTAL OF CITY OWNED PROPERTY (FUTURE CATHERINE EVERETT PARK SITE) FOR THE PERIOD FROM JANUARY 1, 1963 TO DECEMBER 31, 1963

Introduced by Shastid      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None                  Absent: Johansen

Councilman Johansen returned to the meeting.

REQUEST FOR SEWER SERVICE TO PROPERTY AT 828 BRIGGS AVENUE 13-82

The City Manager stated that Michael Farinacci, owner of property located at 828 Briggs Avenue, has requested that sewer service be furnished the property. Mr. Farinacci has agreed to the usual city requirements. The property is not contiguous to the City. Mr. Miller recommended that the sewer service be approved.

MOTION

That the request for sewer service to property located at 828 Briggs Avenue be approved

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

LEGISLATIVE MATTERS

The City Manager stated that the State Legislature is presently in session, and that information regarding legislation of concern to the City will be presented to the Council.

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Population of Modesto - State Department of Finance Special Census

The City Manager stated that a report from the State Department of Finance indicates that the official population of the City of Modesto is 41,050, as of December 1, 1962.

CONSIDER REQUEST BY DIRECTOR OF PARKING AND TRAFFIC FOR PERMISSION TO HELP CITY OF MANTECA WITH TRAFFIC PROBLEM

## MOTION

That the request of Director of Parking and Traffic Carmody to help Manteca resolve a truck traffic problem be approved

Moved by Shastid      Seconded by Mitchell      Unanimously carried

REPORT ON PLANNING BY THE CITY MANAGER

The City Manager read the following statement, dated January 14, 1963, subject, "Manager's Report to Council on Personal Plans,":

"This is a report on some planning that I have been doing with and for the Millers. Out of this planning has come a decision to change my 'pace.' Therefore, I wish to advise you that I should like to terminate my service with the City as City Manager at an early date agreeable to the Council.

"Approximately twenty years of my life have been spent in public service and another fifteen in private business. Next June my wife and I will celebrate our 30th wedding anniversary. My almost twelve years with the City of Modesto have all been busy, happy years, and I have enjoyed them immensely. While I do not plan to 'retire,' I do want to have more time for my family and for many activities and interests for which there has never been enough time.

"We like Modesto and Modestans, and this will continue to be our home. We want to do some traveling, I may do some consulting work on a part-time basis, and it would be wonderful to have time to do some fishing or painting as the spirit moves. I do hope to continue to participate actively in the People-to-People program, particularly as it relates to Latin-America countries and to our Sister City, Barranquilla, Colombia. International understanding is, I am convinced, of tremendous importance to all Americans and to people everywhere. I hope that I may be able to make some small contribution to 'people understanding.'

"I want to thank the Mayor and the members of the City Council from the bottom of my heart for all you have done to make these years as happy and productive as they have been. If I were going to continue working for a city on a regular basis, I would want it to be right here. Modesto has been blessed with wonderful people on its City Council and on its Boards and Commissions. It has as fine a staff as any city anywhere and a strong and able Deputy City Manager. They can carry the operations of the city forward pending selection of the new City Manager. I am grateful to all of them for what they have done for the City and for me.

"If it is agreeable to the Council, I would, therefore, like to look forward to being relieved of my duties with the city in about three months, or sooner if this appears desirable."

Mayor Hammond stated that he had enjoyed eight years of close association with Mr. Miller; that the City greatly appreciated the help and guidance given by him during the City's tremendous growth in the past years.

Councilman VanderWall stated that the Mayor had ably expressed the Council's feelings and Mr. Miller would be missed by the entire City.

PRESENTATION OF THE MONTHLY FINANCIAL STATEMENT FOR DECEMBER, 1962

The monthly financial statement for December, 1962 was presented to the Council and ordered filed.

CENTRAL VALLEY DIVISION, LEAGUE OF CALIFORNIA CITIES QUARTERLY MEETING

Mayor Hammond reminded the Council of the Central Valley Division, League of California Cities quarterly meeting in Merced, Thursday, January 24, 1963 at 6:30 P.M.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

It was the decision of the Council that it would meet in executive session at the end of the meeting to consider appointments to Boards and Commissions.


ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 10:57 P.M.

ATTEST:   
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers, 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond  
Councilman Patton arrived at 4:05 P.M.

Absent: Councilmen: Shastid

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

Reverend G. Cantrell gave the invocation.

COMMUNICATION FROM TEXACO OIL COMPANY APPEALING THE DECISION OF THE CITY BUILDING INSPECTOR, DENYING THE REQUEST FOR A 50-FOOT SIGN AT THE CORNER OF SIXTH AND G STREETS

An appeal to the decision of the City Building Inspector denying the request of the Texaco Oil Company for a permit to erect a 50-foot sign at the corner of Sixth and G Streets was read by the City Clerk.

The City Attorney stated that Section 9-2.26 of the Municipal Code establishes a 35-foot height limitation for pole signs, with the Council authorized to permit erection of signs in excess of this limitation in the event an applicant can prove that a pole sign in excess of this limitation will not interfere with the public health, safety or welfare. He said that when the height limitation of signs was considered by the Sign Committee, it felt that while a 35-foot limitation might be satisfactory as a general rule, there should be an area of flexibility because of blockage factors, or other reasons, which would prevent the sign from being seen at a 35-foot elevation.

Howell Williams, District Sales Representative for Texaco Oil Company, Sacramento, stated that his company plans to build a modern service station at the corner of Sixth and G Streets at a cost of approximately \$60,000, designed primarily to take care of northbound traffic on the freeway, as well as the Modesto area; that because of uneven terrain, and the speed of traffic on the freeway, a 50-foot sign would be needed to alert northbound drivers of the presence of the service station as they cross the Tuolumne River Bridge; that it was planned to put the letters in vertical position; that a height limitation of 35 feet would require a change in the design, with the letters placed in a horizontal position.

The City Manager suggested that the request be handled as a policy matter rather than an individual request, as there would unquestionably be others of a similar nature.

Upon questioning, Mr. Williams said that his company is ready to proceed with construction of this station.

Councilman Mitchell suggested that the staff make a study of the plans of the freeway, the angle of approach, and whether or not a 35-foot sign will be visible to freeway traffic. He pointed out that this was the first request of this kind received in connection with the freeway, and since the Council's action would establish a precedent, the Council should not rush into a decision without more knowledge of the topography of the area along the freeway.

## MOTION

That the matter be referred to the staff for investigation and report, and held over for one week to permit attendance of the entire Council

Moved by Mitchell      Seconded by Tabbert      Unanimously carried

LETTER FROM SIMON HOLTHAM RE: OFFER OF PROPERTY FOR SALE TO CITY OF MODESTO

A letter from Simon Holtham, one of the heirs of the Tucker Estate, 601 Maze Boulevard, dated January 14, 1963 offering the sale of a parcel of land 50' x 100' located on I Street, next to the alley and adjacent to the City Hall Parking Garage for \$65,000 was read by the City Clerk. The offer will stand until February 18, 1963.

## MOTION

That the staff be authorized to further investigate the offer of sale of property, including a preliminary appraisal

Moved by Johansen      Seconded by VanderWall      Unanimously carried

LETTER FROM JAMES F. SCHAAL, CAPTAIN, SALVATION ARMY, THANKING COUNCIL FOR ALLOWING SPACE FOR CHRISTMAS KETTLE HOUSE

A letter from Captain James F. Schaal, dated January 12, 1963, thanking the Council for permitting the Salvation Army to place its Christmas Kettle House in front of the S. H. Kress Company Store on 10th Street during the Christmas season was read by the City Clerk.

The letter was ordered filed.

LETTER FROM STATE DEPARTMENT OF FINANCE REPORTING THAT NEW CITY OF MODESTO POPULATION, EFFECTIVE DECEMBER 1, 1962 IS 41,050

The City Manager stated that a letter from Walter P. Hollmann, Senior Research Technician for Population Studies, dated January 11, 1963 officially establishes the estimated population of the City of Modesto on December 1, 1962 as 41,050.

The letter was ordered filed.

LETTER FROM DWIGHT WAIT, CHAIRMAN, CAMELLIA SOCIETY OF MODESTO RE: CAMELLIA SHOW

A letter from Dwight Wait, Chairman, Camellia Society of Modesto, dated January 16, 1963 requesting that the City Parks and Recreation Department be permitted to advise and assist the Society with its Camellia Show as has been done in the past, was read by the City Clerk. Mr. Wait also asked that the Council approve contribution of a suitable trophy for the show. The City Manager stated that the City furnished a trophy for the last show.

Mrs. W. R. Verner, 409 Severin, thanked the Council for its assistance last year.

## MOTION

That the City participate in the Camellia Show on the same basis as last year

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

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## MOTION

That the week of March 11-17, 1963 be proclaimed Camellia Week

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

CONSIDER ADDING SUPERVISING TABULATING EQUIPMENT OPERATOR TO THE CITY'S POSITION CLASSIFICATION PLAN WITH PAY INTERMEDIATE BETWEEN JUNIOR ACCOUNTANT AND ACCOUNTANT

With the consent of the Council, this matter was held over.

PRESENTATION OF PERSONNEL COMMISSION RECOMMENDATIONS ON SALARIES FOR CITY EMPLOYEES, TO BE EFFECTIVE JANUARY 1, 1963 BY JAMES R. MORGENSEN, CHAIRMAN

A letter from the Modesto Personnel Commission, dated January 11, 1963, containing Personnel Commission salary recommendations for city employees; was read by James R. Morgensen, Chairman of the Modesto Personnel Commission, a copy of which is on file with the record of the minutes. Attached to the letter was a chart of classifications and salary ranges recommended by the Personnel Commission to be made effective as of January 1, 1963.

The City Manager read a statement which indicated that in line with established policy, the Personnel Commission had not included in its studies the salaries of the Department Heads, the Deputy City Manager and employees appointed directly by the City Council, and recommending that equivalent consideration be given to those employees, excluding the Council appointees. Such increases would entail an additional cost of \$5,000 per year, or \$2,500 for the balance of this fiscal year.

Councilman Tabbert asked if city employee fringe benefits--retirement, sick leave and vacation--were considered in comparing salaries of the city and private industry.

Mr. Morgensen stated that a comprehensive study of fringe benefits was not made this year - that an exhaustive study was made a year or two ago and he did not believe that there were any appreciable recent changes in local fringe benefits.

The City Manager stated that as a result of that study, city employees' holidays were decreased and vacation schedules reduced.

## MOTION

That the matter be held over for one week for further study

Moved by Tabbert      Seconded by VanderWall      Unanimously carried

Mayor Hammond asked that Councilmen wishing information on any particular matter contact the staff.

Councilman Patton requested that a report be furnished indicating the pay increases given city employees in the past ten years, percentage-wise.

Councilman Mitchell suggested that a report also be submitted giving the condition of the budget and funds which might be available or appropriated for this purpose.

Councilman VanderWall requested that the report of additional funds needed include the recommended increases for Department Heads and Council appointees.

Councilman Johansen suggested that an executive session be held this week to consider salary increases for Department Heads.

CONSIDER AWARD OF CONTRACT FOR CONSTRUCTION OF AERATION FACILITIES AT SEWAGE TREATMENT PLANT

The City Manager stated that bids for the construction of aeration facilities at the Sewage Treatment Plant were opened October 2, 1962 and award withheld, with the consent of the low bidder, pending clearance of an application for a federal grant under the Accelerated Public Works Program. Mr. Miller said it now appeared that these additional funds will not be forthcoming in time to be used for construction of the aeration facilities this year, if at all. The City Manager stated that budgeted city funds in the amount of \$99,000, plus the federal grant of about \$22,000 approved earlier from funds earmarked for sewage disposal facilities would be more than sufficient to cover the contract price of \$101,300. He recommended that construction of the aeration facilities proceed on this basis. He said that a letter was needed from the U. S. Department of Health, Education and Welfare confirming the \$22,000 grant, which would be furnished upon receipt of Council intent to proceed with the construction of the aeration facilities on this basis. He suggested that consideration of this matter be continued at an adjourned meeting Wednesday, January 23, 1963 at 11:45 A.M., by which time he believed that the letter of confirmation from the above agency would be received.

MOTION

That the Council expresses its intent to proceed with the construction of the aeration facilities at the Sewage Treatment Plant on the basis outlined by the City Manager.

Moved by Johansen      Seconded by VanderWall      Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE FAIR ADDITION

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed annexation of the Fair Addition, and opened the hearing.

The City Clerk reported that Resolution No. 62-600, giving notice of the proposed hearing was published in the Modesto Tribune on November 22 and 29, 1962, and notices mailed to all property owners in the area and other interested persons, on December 10, 1962. No written protests were filed with the City Clerk.

Director of Planning Fey stated that the proposed annexation covered the west side of McHenry Avenue frontage, basically commercial properties extending from the Suburban Lodge Motel up to Roseburg Avenue, approximately 9½ acres.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

ORDINANCE NO. 562-C.S. entitled

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

was introduced and adopted, and ordered published as required by the Charter. (Effective immediately upon adoption)

Moved by VanderWall      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 559-C.S. ESTABLISHING RATE PROCEDURE FOR SERVICE OUTSIDE CITY LIMITS (WASTE DISPOSAL)

ORDINANCE NO. 559-C.S.

"AN ORDINANCE AMENDING SECTION 5-6.103 OF ARTICLE 1 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO WASTE DISPOSAL"

introduced January 14, 1963 and having been published as required by the Charter, was moved and adopted. (Effective February 20, 1963)

Moved by Johansen Secoded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

ADOPTION OF ORDINANCE NO. 561-C.S. AMENDING PROVISIONS OF THE ELECTRICAL CODE

ORDINANCE NO. 561-C.S.

"AN ORDINANCE AMENDING CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE ELECTRICAL CODE"

introduced on January 14, 1963, and having been published as required by the Charter, was moved and adopted. (Effective February 20, 1963)

Moved by VanderWall Secoded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Shastid

RESOLUTION OVERRULING DECISION OF THE PLANNING COMMISSION AND REFERRING THE APPLICATION OF CORPORATION FILLES DE JESUS, NOTRE DAME CONVENT FOR PLANNED DEVELOPMENT ZONE, P-D, FOR A MEDICAL CENTER BACK TO THE PLANNING COMMISSION FOR FURTHER REPORT AND STUDY

The City Attorney said that a proposed resolution has been prepared as directed by the Council, and copies furnished the Council and the applicants prior to the meeting.

The proposed resolution was read by the City Attorney.

The following changes in the proposed resolution were proposed and approved by the Council:

Paragraph 2: At the suggestion of Councilman Mitchell a portion of Paragraph 2 was changed to read from "...no extension will be granted and property shall revert back to R-1 zoning;" to "...no extension will be granted without the approval of the Planning Commission and Council;"

Paragraph 10: That the word "maximum" be inserted, the paragraph to begin "That the maximum square footage requirements...;"

Paragraph 13: Mr. Birmingham, Engineer for the applicants, questioned the wording, "and the release date of said bond is to coincide with the completion date of Phase 1." The City Attorney stated that this paragraph would be amended to delete the wording quoted above;

Paragraph 9: At the suggestion of Councilman Mitchell, this paragraph was modified to indicate that "no pole, protruding, illuminated or exterior signs be permitted..." Mr. Mitchell said that without the modification, it might be construed to restrict the use of interior neon signs indicating particular uses.

The proposed resolution was adopted, as amended above.

RESOLUTION NO. 63-23

A RESOLUTION OVERRULING THE DECISION OF THE PLANNING COMMISSION DENYING AN APPLICATION FOR AN AMENDMENT TO SECTION 17 OF THE ZONING MAP TO RECLASSIFY FROM ONE-FAMILY ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D, (CORPORATION FILLES DE JESUS, NOTRE DAME CONVENT), REQUESTING A FURTHER REPORT AND STUDY FROM THE COMMISSION AS REQUIRED BY SECTION 10-2.2114 OF THE MUNICIPAL CODE, AND SUSPENDING THE DECISION OF THE COUNCIL UNTIL SUCH TIME AS THE COMMISSION RENDERS A FURTHER REPORT

Introduced by Mitchell      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

PRELIMINARY REPORT ON SIGN REGULATIONS      5-0

With the consent of the Council, this matter was held over for one week.

CONSIDER SERVING SHERWOOD FOREST SUBDIVISION NO. 2 WITH CITY WATER

The City Manager stated that this matter was previously considered by the Council at the January 7 and 14, 1963 meetings and carried over to the present meeting to give the Council an opportunity to review the report submitted by the Director of Public Works, subject, "Water Service to Sherwood Forest No. 2 Subdivision," dated January 11, 1963.

The City Manager briefly reviewed a memorandum from the Director of Finance, subject, "Financial Analysis of the Water Utility Operation," prepared at the request of the Council. The memorandum indicated that the annual net income from the City Water Department is about \$360,000, or a 10% return on its investment.

The developers of Sherwood Forest No. 2 Subdivision, located outside the city limits, have requested city water be furnished the subdivision at inside-city rates without the usual agreement to annex to the City. Del Este Water Company service is also available to the subdivision.

Upon questioning, the City Attorney stated that this matter could not be handled as an exception, as the Code provides that all outside water service be metered.

The City Manager stated that a change in policy would affect about twenty metered properties inside the City and a like amount outside the City.

Whether or not water service to outlying areas on a flat rate basis would lessen the incentive for those areas to annex was discussed.

The City Attorney stated that he had prepared a proposed emergency ordinance eliminating the mandatory outside-the-city meter requirements.

## ORDINANCE NO. 563-C.S. entitled

**"AN ORDINANCE AMENDING SECTION 11-1.05 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES AND REGULATIONS"**

was introduced and adopted and ordered published as required by the Charter. (Effective immediately upon adoption)

Moved by Patton                      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None                      Absent: Shastid

Director of Public Works Ray stated that an additional \$50,000 would probably be needed to cover the cost of installation of water mains for the remainder of the 1962-63 fiscal year; that this increase over the amount budgeted was due to the large volume of subdivision activity in the Modesto area; that the possibility of a need for additional funds for this purpose beyond the amount budgeted was reported to the Council at the budget hearings. Upon questioning, Mr. Ray said that it would cost approximately \$27,100 to construct mains within Sherwood Forest No. 2 Subdivision, \$2,770 for installing 1" services to the 99 lots, and \$6,100 for extending a ten inch main to the subdivision. He pointed out that the costs of labor are already budgeted.

The City Manager stated that the actual cost to the City, after reimbursements which will be made by connection fees as the area develops, will be about \$9,000; and that annual revenue will be about \$4,455.

Robert Bomberger, developer of Sherwood Forest No. 2 Subdivision, spoke briefly, giving comparative installation costs for water service to the subdivision if provided by the City and if by a private water company. He said that the net installation costs quoted by the private water company were considerably less than the City's, but this was due to the fact that a main is already available to serve the subdivision; also, smaller mains are used, which in his opinion were not as desirable from a fire protection standpoint.

**MOTION**

That the staff be directed to proceed to serve Sherwood Forest No. 2 Subdivision with water service, as recommended by the Director of Public Works and City Manager

Moved by VanderWall                      Seconded by Mitchell                      Unanimously carried

**CONSIDER PROPOSAL FOR ADMINISTRATIVE ANALYSIS OF PLANNING DEPARTMENT**

The City Manager stated that at the direction of the Council, informal bids were solicited for an administrative analysis of the Planning Department, and recommended that the offer of Griffenhagen-Kroeger be accepted to perform the service.

Mr. Kroeger, representing the above named firm, said that he believed it unwise to prescribe a study of the department in advance; that it was better to approach the problem with an inquiring mind. He outlined his understanding of the service to be performed - an analysis of the organization and operational methods of the Planning Department for determination of sufficiency and economy of service, and that under these general terms emphasis would be put where needed after problems were determined. Mr. Kroeger stated that a maximum fee should be determined in advance and suggested that billing be made

on a per diem rate of \$200 and expenses against a maximum of \$2,750, with work to begin within ten days and be completed within six weeks. Mr. Kroeger said that he would perform the analysis personally. He briefly reviewed types of analyses performed by his organization.

MOTION

That the employment of Griffenhagen-Kroeger to make an analysis of the Planning Department on the terms outlined above be approved and written agreement submitted to Council for approval

Moved by VanderWall      Seconded by Patton      Unanimously carried

The City Manager stated that he would like to give the analysis particular attention, and that secretarial and other available help would be offered to assist with the analysis.

CONSIDER CURB CUTS FOR DRIVEWAYS

The City Manager stated that on December 4, 1961 the staff was directed to recommend Code changes in curb cut provisions for business driveways; that after study and discussion, the staff has found that present code requirements appear to be adequate. He recommended that the matter be removed from the agenda.

By Order of the Chair, it was directed that the matter be removed from the agenda.

DISCUSSION OF COUNCIL POLICY RELATING TO THE ENCROACHMENT INTO THE SIDEWALK AREA BY INDIVIDUALS WHO CONSTRUCT WALLS AND PLANTERS FOR THE PURPOSE OF BEAUTIFYING THEIR PROPERTY

MOTION

That Items 16 and 17 of the agenda be continued to Monday, January 28, 1963 at 8:00 P.M.

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

CONSIDER ESTABLISHMENT OF POLICY FOR THE INSTALLATION OF PLANT MATERIALS AND OTHER MATERIALS IN STREET RIGHT OF WAY

By motion under Item 16, this matter was continued to Monday, January 28, 1963 at 8:00 P.M.

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASONS OF ITS ANNEXATION TO THE CITY OF MODESTO (ATHENS NO. 2 ADDITION)

RESOLUTION NO. 63-24

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (ATHENS NO. 2 ADDITION)

Introduced by VanderWall      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-  
 DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE  
 CITY OF MODESTO (NORTHLAND ESTATES ADDITION)

## RESOLUTION NO. 63-25

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-  
 DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE  
 CITY OF MODESTO (NORTHLAND ESTATES ADDITION)

Introduced by Johansen      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-  
 DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE  
 CITY OF MODESTO (GOULD ADDITION) 7-70

## RESOLUTION NO. 63-26

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-  
 DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE  
 CITY OF MODESTO (GOULD ADDITION)

Introduced by VanderWall      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-  
 PARADISE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION  
 TO THE CITY OF MODESTO (YOUNG ADDITION)

## RESOLUTION NO. 63-27

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-  
 PARADISE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION  
 TO THE CITY OF MODESTO ( YOUNG ADDITION)

Introduced by Tabbert      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-  
 DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE  
 CITY OF MODESTO (CRESTVIEW NO. 2 ADDITION)

## RESOLUTION NO. 63-28

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-  
 DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE  
 CITY OF MODESTO (CRESTVIEW NO. 2 ADDITION)

Introduced by Mitchell      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

ACCEPT IMPROVEMENTS IN WILLOW ESTATES NO. 1 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND

The City Manager stated that the City Engineer has certified that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department, all inspection fees paid, and that it would be in order to accept the improvements as complete and to authorize the City Clerk to release the subdivision improvement bond posted to guarantee the improvements. He recommended that the work be accepted.

RESOLUTION NO. 63-29

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FILED TO GUARANTEE IMPROVEMENTS IN WILLOW ESTATES NO. 1 SUBDIVISION

Introduced by VanderWall      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

VILLAGE

ACCEPT IMPROVEMENTS IN MONTGOMERY/NO. 3 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND

The City Manager stated that the City Engineer has certified that all work required by the subdivision agreement for Montgomery Village No. 3 Subdivision has been completed to the satisfaction of the Public Works Department, all inspection fees paid, and that it would be in order for the Council to accept the improvements as complete and authorize the City Clerk to release the improvement bond posted to guarantee the improvements. He recommended that the work be accepted.

RESOLUTION NO. 63-30

A RESOLUTION AUTHORIZING THE RELEASE OF THE GLENS FALLS INSURANCE COMPANY SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN MONTGOMERY VILLAGE NO. 3 SUBDIVISION

Introduced by Johansen      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

APPROVAL OF BILLS FROM THE COUNTY FOR PRISONER CARE FOR THE MONTH OF DECEMBER, 1962

The City Manager stated that bills have been received from the County for prisoner care for the month of December, 1962 in the amount of \$187.20 and recommended that they be approved for payment.

MOTION

That payment of bills in the amount of \$187.20 for prisoner care for the month of December, 1962 be approved

Moved by VanderWall      Seconded by Patton      Unanimously carried

CONSIDER IMPROVING RAILROAD GRADE CROSSING PROTECTION ON H STREET

The City Manager stated that a memorandum from the Director of Parking and Traffic, dated January 11, 1963, subject, "Railroad

Crossing Protection - SPRR at H Street," indicates that the Southern Pacific Company has agreed to energize the two easterly tracks at the H Street crossing, thus permitting all of the tracks on which trains cross on H Street to operate the wigwag signals, the City and the Southern Pacific Company each to pay \$620, one-half the cost of the improvement. The City will seek reimbursement of one-half of its share, or \$310, from the Public Utilities Commission.

Director of Parking and Traffic Carmody stated that the installation of the fence by Dean Jones, Inc., behind his property, and the incidence of accidents at this crossing, emphasize the need for additional protection.

#### MOTION

That the City be authorized to financially participate in the energizing of the two easterly tracks at the H Street crossing

Moved by Johansen      Seconded by Tabbert      Unanimously carried

#### REQUEST FOR ADDITIONAL APPROPRIATION FOR EQUIPMENT RENTAL IN THE PARKING FUND

By Order of the Chair, the matter was held over for one week.

#### CONSIDER AGREEMENT BETWEEN CITY OF MODESTO AND SAMUEL VAUGHN DRAGOO FOR THE PURCHASE OF A PARK SITE EAST OF SHERWOOD FOREST SUBDIVISION BY THE CITY

The City Manager stated that the proposed agreement covers the acquisition of a park site east of Sherwood Forest Subdivision of approximately 6.677 acres at a cost of \$26,708, plus closing costs, well within the amount budgeted for the purchase of the site.

#### RESOLUTION NO. 63-31

#### A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SAMUEL VAUGHN DRAGOO FOR THE PURCHASE OF A PARK SITE EAST OF SHERWOOD FOREST SUBDIVISION

Introduced by Tabbert      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

#### RESOLUTION APPROVING RENTAL OF CITY OWNED PROPERTY

#### RESOLUTION NO. 63-32

#### A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT A. AND PHYLLIS J. DUTRO FOR THE RENTAL OF CITY OWNED PROPERTY AT 1801 TULLY ROAD (Rental of \$50 per month, commencing January 20, 1963)

Introduced by VanderWall      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

#### CONSIDER RECOMMENDED MODIFICATION OF DEVELOPMENT SCHEDULE FOR P-D(7) MODESTO NEIGHBORHOOD CHURCH      8-10

The City Attorney stated that the development schedule for the

Modesto Neighborhood Church expired on January 15, 1963 and that Planning Commission Resolution No. 881 recommends an extension of the limits imposed by the development schedule, to provide that construction begin on or before August 1, 1963 and be completed on or before August 1, 1964.

RESOLUTION NO. 63-33

A RESOLUTION EXTENDING THE LIMITS IMPOSED BY THE DEVELOPMENT SCHEDULE APPROVED AS PART OF PLANNED DEVELOPMENT ZONE, P-D(7) (MODESTO'S NEIGHBORHOOD CHURCH)

Introduced by Johansen      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

CONSIDER RECOMMENDATION TO REZONE PROPERTY FROM P-D(8) TO P-D (13)

RESOLUTION NO. 63-34

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 31 OF THE ZONING MAP TO REZONE A PARCEL SIX ACRES IN SIZE ON THE EAST SIDE OF EMERALD AVENUE FROM P-D (8) TO P-D (13) (MacDannald, Raines, Hassapakis & Ollar)

Introduced by Patton      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

February 11, 1963 at 8:05 P.M. in the Council Chambers, City Hall, was set as the time and place for hearing.

CONSIDER RECOMMENDED REZONING OF HELM PROPERTY ON McHENRY AVENUE, ZONING MAP 21, FROM R-1 TO C-2

RESOLUTION NO. 63-35

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 21 OF THE ZONING MAP TO RECLASSIFY FROM ONE-FAMILY ZONE, R-1, TO GENERAL COMMERCIAL ZONE, C-2, PROPERTY ON THE EAST SIDE OF McHENRY AVENUE BETWEEN ROSEBURG AND ORANGEBURG AVENUES (Helm Property)

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

February 11, 1963 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER ELECTION MATTERS

The City Clerk stated that it is proposed to ask the County Board of Supervisors to furnish all services, facilities, supplies and equipment of the Registration and Election Department of the County Clerk's office to handle election matters relating to the processing and handling of the City's absentee ballots. Mr. Gailfus stated that

this was deemed more efficient, inasmuch as a preponderance of the candidates will be running for school district offices outside the city limits, from which each absentee ballot is checked, and registration records are located at the County Clerk's office.

The City Attorney stated that no additional costs would be charged the City for this service.

RESOLUTION NO. 63-36

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO FURNISH CERTAIN SERVICES, FACILITIES, SUPPLIES AND EQUIPMENT OF THE REGISTRATION AND ELECTION DEPARTMENT OF THE COUNTY CLERK'S OFFICE IN CONNECTION WITH THE CITY'S ABSENTEE BALLOTS FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD APRIL 16, 1963

Introduced by Mitchell      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

LEGISLATIVE MATTERS - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

The City Manager stated that Howard Gardner, League of California Cities, has requested that Modesto assist in a People to People Program in Los Angeles on April 8 and 9, 1963.

MOTION

That the City Manager be authorized to assist in the People-to-People Program to be held in Los Angeles April 8 and 9, 1963 as requested by the League of California Cities

Moved by Johansen      Seconded by VanderWall      Unanimously carried

REVIEW OF POLICE-COMMUNICATIONS BUILDING PLAN

The City Manager stated that word has been received from Congressman McFall that there is no assurance that the City's application for a federal grant in connection with the construction of a police-communications center building will be forthcoming from presently appropriated federal funds; that if the Council wished to place a bond issue for the construction of the building on the April 16th ballot, determination should be made within two or three weeks at the latest.

By Order of the Chair, the plans and specifications for the police building were referred to the Public Projects Committee for review.

REQUEST OF CITY ATTORNEY TO SELL LAW BOOKS - UNANIMOUS CONSENT ITEM

MOTION

That the request of the City Attorney to sell law books entitled, "Current Tax Analysis" by Rabkin and Johnson be approved, the proceeds to be placed in the City Treasury

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

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REPORT ON LITIGATION BETWEEN M.I.D. AND CITY OF MODESTO - UNANIMOUS  
CONSENT ITEM

The City Attorney said he noted in a newspaper article that the Modesto Irrigation District has authorized its legal counsel to proceed with the preparation of a petition for hearing by the California Supreme Court in connection with M.I.D. vs. City of Modesto litigation regarding the placement of overhead electrical facilities.

REPORT BY CITY ATTORNEY ON ADOPTION AND RATIFICATION OF NEW CITY  
CHARTER AND EFFECTIVE DATE

The City Attorney reported that the Charter is now effective, having been ratified by the State Legislature and filed with the Secretary of State on January 14, 1963, the effective date of the new Charter.

The question of whether the alternate Charter proposals pertaining to the duties of the Mayor and an increase in pay for Council members would be placed on the April 16th ballot was discussed.

The City Attorney stated that at the September 17, 1962 meeting, the Council, by motion, declared its intent to place the two alternative propositions on the ballot at some subsequent election if the Charter carried.

By Order of the Chair, it was directed that the matter of the alternate Charter proposals be placed on next week's agenda.

FINANCIAL REPORT OF THE WATER UTILITY OPERATION

The City Manager stated that this report was discussed earlier in the meeting in connection with Item 14 of the agenda. A copy of the report was ordered filed with the record of the minutes.

CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS

Reappointment of John Tatoyan to City Personnel Commission

RESOLUTION NO. 63-37

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION (John Tatoyan for the period January 1, 1963 to January 1, 1967)

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

Reappointment of Hugh P. Barton to City Personnel Commission

RESOLUTION NO. 63-38

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION (Hugh P. Barton for the period January 1, 1963 to January 1, 1967)

Introduced by VanderWall      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

Reappointment of Alvin H. Turner to City Personnel Commission

## RESOLUTION NO. 63-39

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO CITY PERSONNEL COMMISSION (Alvin H. Turner for the period January 1, 1963 to January 1, 1966)

Introduced by VanderWall      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

Reappointment of Dedrick G. Denison to City Planning Commission

## RESOLUTION NO. 63-40

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO CITY PLANNING COMMISSION (Dedrick G. Denison for the period January 1, 1963 to January 1, 1967)

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

Reappointment of Ben F. Hollinger to Modesto City Board of Zoning Adjustment

## RESOLUTION NO. 63-41

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT (Ben F. Hollinger for the period January 1, 1963 to January 1, 1967)

Introduced by VanderWall      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

Reappointment of Ronald B. Camp to City Board of Electrician Examiners

## RESOLUTION NO. 63-42

A RESOLUTION REAPPOINTING MEMBER OF THE MODESTO CITY BOARD OF ELECTRICIAN EXAMINERS (Ronald B. Camp for the period January 1, 1963 to January 1, 1967)

Introduced by VanderWall      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Shastid

Appointment of Anne R. Woolley to Modesto Library and Culture Commission

## RESOLUTION NO. 63-43

A RESOLUTION APPOINTING MEMBER OF THE MODESTO LIBRARY AND CULTURE COMMISSION (Anne R. Woolley for period January 1, 1963 to January 1, 1967)

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Shastid

Appointment of John D. Hynes to Modesto Library and Culture Commission

RESOLUTION NO. 63-44

A RESOLUTION APPOINTING MEMBER OF THE MODESTO LIBRARY AND CULTURE COMMISSION (John D. Hynes for the period January 1, 1963 to January 1, 1967)

Introduced by VanderWall          Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Shastid

The City Attorney stated that two more vacancies remained in the Library and Culture Commission, to be filled by individuals living outside the City and qualified electors of the Modesto High School District.

EXPRESSION OF APPRECIATION TO MRS. MARY JOHNSON AND HERBERT G. FLORCKEN FOR SERVICES RENDERED COMMUNITY AS MEMBERS OF BOARD OF LIBRARY TRUSTEES

RESOLUTION NO. 63-45

A RESOLUTION EXPRESSING APPRECIATION TO MRS. MARY JOHNSON FOR SERVICES RENDERED TO THE COMMUNITY WHILE SERVING AS A MEMBER OF THE BOARD OF LIBRARY TRUSTEES OF THE McHENRY PUBLIC LIBRARY

Introduced by Johansen          Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Shastid

RESOLUTION NO. 63-22

A RESOLUTION EXPRESSING APPRECIATION TO HERBERT G. FLORCKEN FOR SERVICES RENDERED TO THE COMMUNITY WHILE SERVING AS A MEMBER OF THE BOARD OF LIBRARY TRUSTEES OF THE McHENRY PUBLIC LIBRARY

Introduced by Johansen          Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Shastid

QUARTERLY MEETING OF CENTRAL VALLEY DIVISION LEAGUE OF CALIFORNIA CITIES MEETING

Mayor Hammond announced that the quarterly meeting of the Central Valley Division League of California Cities would be held in Merced, Thursday, January 24, 1963 at 6:30 P.M.

Deputy City Manager Keefe stated that the next quarterly meeting is scheduled in Modesto on the fourth Thursday in April. He said that adequate meeting facilities were not available on that night, and that an attempt would be made to change the date to a time when they would be available. There were no objections by the Council.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to January 23, 1963  
at 11:45 A.M.

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 6:14 P.M.

ATTEST:



Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 11:45 A.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Vice Mayor VanderWall acting as Mayor Pro Tempore in the absence of Mayor Hammond.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, Mayor pro tempore VanderWall

Absent: Councilmen: Shastid, Mayor Hammond

RESOLUTION ACCEPTING BID OF NORTH BAY CONSTRUCTION COMPANY FOR CONSTRUCTION OF AERATION FACILITIES AT SEWAGE TREATMENT PLANT

Deputy City Manager Keefe read a letter from the United States Department of Health, Education and Welfare, San Francisco, signed by E. H. Thouren, dated January 21, 1963, authorizing the award of a contract to North Bay Construction Company, the lowest responsible bidder, for the construction of aeration facilities at the Sewage Treatment Plant, Phase A, in the amount of \$101,300. The City Manager stated that the low bidder was willing to proceed on this basis.

RESOLUTION NO. 63-46

A RESOLUTION ACCEPTING THE BID OF NORTH BAY CONSTRUCTION COMPANY FOR CONSTRUCTION OF AERATION FACILITIES AT THE SEWAGE TREATMENT PLANT (Accepting the bid on Item 1 only, and rejecting all bids received for Item 2)

Introduced by Mitchell      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Shastid, Mayor Hammond

PERSONNEL COMMISSION SALARY RECOMMENDATIONS FOR CITY EMPLOYEES

James R. Morgensen, Chairman, Personnel Commission, stated that he would be unable to attend the Council meeting of January 28, 1963 because of a military commitment, and suggested that he be permitted to present a further report on salary recommendations at this time.

At the suggestion of the Council, Mr. Morgensen agreed to present his report to the Council in written form. He did say that by action taken since his initial appearance before the Council, the Personnel Commission has recommended that no changes be made in any of the fringe benefits (overtime, holidays and vacations); that the Personnel Commission letter submitted to the Council earlier in the week was a complete recommendation of the Personnel Commission.

A report from the Personnel Director reviewing pay increases given city employees for the past ten years, percentagewise, was distributed to the Council.

REPORT ON POLICE-COMMUNICATIONS BUILDING

Deputy City Manager Keefe stated that he reported at the January 21, 1963 Council meeting that federal appropriations for this area available under the Public Works Acceleration Act had been exhausted, but that he received word from San Francisco that the City's application was being processed in Washington, they were hopeful that it

would be approved, and a decision should be available within three weeks.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Patton      Unanimously carried

The meeting adjourned at 11:59 A.M.

ATTEST:   
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert,  
VanderWall, Mayor Hammond

Absent: Councilmen: None

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

Reverend J. Paul Miller gave the invocation.

#### APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular meeting of January 7, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

#### COMMUNICATION FROM STATE COMPENSATION INSURANCE FUND - MANFORD PAGE CLAIM

The City Clerk summarized a letter received from Robert L. Toney, Claims Adjuster, State Compensation Insurance Fund, dated January 22, 1963 informing the City that Manford E. Page, a city employee, has filed an application with the Industrial Accident Commission for compensation claimed to be due him as a city employee, resulting from an injury which occurred on January 12, 1962, and that the State Compensation Insurance Fund would represent the City at the hearing.

The letter was ordered filed.

#### CLAIM OF CLARK HOLDER AGAINST THE CITY OF MODESTO

The City Attorney stated that Clark Holder has filed a claim against the City in the amount of \$100 for a Brittainy Spaniel dog allegedly lost from the City Pound on January 5, 1963. He recommended that the claim be rejected and referred to the insurance adjuster for handling.

#### RESOLUTION NO. 63-47

#### A RESOLUTION REJECTING THE CLAIM OF CLARK HOLDER AGAINST THE CITY OF MODESTO

Introduced by Shastid                      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None                      Absent: None

#### FURTHER CONSIDERATION OF THE TEXACO OIL COMPANY REQUEST FOR A SIGN VARIANCE AT CORNER OF 6TH AND G STREETS

The City Manager stated that this matter was considered at the January 21, 1963 meeting and held over to the present meeting, with the staff directed to make a study of the topography of the area

along the freeway, the angle of approach, and whether or not a 35-foot sign would be visible to freeway traffic.

Director of Parking and Traffic Carmody displayed two slides illustrating points where visibility of such a sign would be impaired or obscured, noting factors of foliage or freeway curvature, all of which have been pointed out to the applicant.

Mr. Inselman, representing the Texaco Oil Company, stated that the applicant now wished to request permission to erect a 74-foot sign instead of a 50-foot sign.

The City Manager stated that the staff has been authorized to enhance freeway entrances to the City by means of fountains and possibly rest stops; that it was hoped that the entrances would be attractive enough to induce travelers to stop and visit the City. He said he did not believe a sea of signs along the freeway, each competing with the other, would fit in with plans for attractive entrances. Councilman Shastid concurred.

Councilman Johansen asked if the staff still felt that the present provision of the Code limiting ground signs to a maximum of 35 feet should apply to the freeway area. The City Manager pointed out that this matter would be discussed later in the meeting in connection with proposed revisions of the sign ordinance.

Mayor Hammond stated that the City's position should be flexible enough to recognize and meet changing conditions; that the freeway will pose problems which should be given consideration. It was his opinion that the Council should take no action until after the problems posed by the freeway are reviewed, both in connection with the request at hand, and others which will develop in connection with businesses adjacent to the freeway.

Upon questioning, the City Manager stated that no check had been made with the City of Fresno as to how it has handled sign problems arising from a depressed freeway; that it was hoped that during discussion of the sign ordinance later in the meeting, the Council would indicate what specific additional information it desires from the staff.

Councilman Mitchell stated that the interests of residents of the area should be considered, pointing out that a 74-foot sign was equivalent to a seven-story building, that the service station would presumably be open seven days a week, and possible 24 hours a day, that it was his understanding that the City had indicated to the area residents, when the freeway route was selected, that every effort would be made to minimize noise, traffic, etc. He suggested the possibility of alternatives, such as the State perhaps being willing to install signs indicating street turnoffs at points where community services would be available.

Height and area limitations of roof signs listed on page ten of Ordinance No. 1113-N.S. were discussed.

#### MOTION

That the application of Texaco Oil Company for a 74-foot sign at the corner of Sixth and G Streets be denied until such time as the City's sign ordinance is reviewed

Moved by Shastid      Seconded by Johansen      Unanimously carried

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CONSIDER ADDING SUPERVISING TABULATING EQUIPMENT OPERATOR TO THE CITY'S POSITION CLASSIFICATION PLAN, WITH PAY INTERMEDIATE BETWEEN JUNIOR ACCOUNTANT AND ACCOUNTANT

The City Manager stated that the proposed position classification of Supervising Tabulating Equipment Operator is not an additional position, but takes the place of a position now authorized (Accountant); that it has not been possible to fill this Accountant position with a qualified person also experienced in tabulating equipment operation, but a man with considerable tabulating equipment experience has been found, who does not qualify as Accountant. A salary savings will result.

RESOLUTION NO. 63-48

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO  
(Adding Supervising Tabulating Equipment Operator to the Classification Plan)

Introduced by Shastid      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: None

PRESENTATION OF PERSONNEL COMMISSION RECOMMENDATIONS ON SALARIES FOR CITY EMPLOYEES TO BE EFFECTIVE JANUARY 1, 1963 BY JAMES R. MORGENSON, CHAIRMAN

(a) Letter from Don Chadwick, President, Employees' Association

Copies of a letter from Don Chadwick, President, Modesto City Employees' Association, dated January 21, 1963, subject, "Salaries," were distributed to the Council prior to the meeting, a copy of which is on file with the record of the minutes.

A report from Mr. Morgenson, Chairman of the City Personnel Commission, dated January 24, 1963, requested by the Council at its January 23, 1963 adjourned regular meeting, was furnished the Council prior to the meeting.

Mr. Morgenson was questioned by the Council on various phases of the report, namely, the increase of the cost of living index as not being a sufficient factor in determining salary increases; any internal inequities which might be caused by the recommended raises and require readjustment next year; the shortage of qualified personnel in certain technical fields; the source of funds for the proposed increases; the basis and justification for the 7½% increase proposed for police and fire department personnel.

Mayor Hammond proposed a motion that the salary increase recommendations of the Personnel Commission be approved, except that the recommended salary increases for fire and police department personnel be reduced from 7½% to 5%, the motion being seconded by Councilman Johansen.

Councilman Shastid proposed, seconded by Councilman Patton, that the motion be amended to indicate acceptance of the Personnel Commission's recommendations, but that the recommended increases each be reduced by 2½% -- the employees recommended for a 2½% increase remain at their present level; those recommended for a 5% increase be reduced to a 2½% increase; those recommended for a 7½% be reduced to 5%.

Upon questioning, the City Manager stated that funds for the proposed salary increases were available in the General Reserve Fund, plus miscellaneous salary savings amounting to approximately \$20,000.

The status of the General Reserve Fund was discussed, the City Manager reminding that these funds were used to pay cash for the site and plans for the proposed police-communications center building.

Whether salary increases should be considered with the budget hearings instead of in January was discussed.

#### RESOLUTION NO. 63-49

A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING THE COMPENSATION FOR POSITIONS IN THE CITY SERVICE  
(approving the salary increases recommended by the Personnel Commission, except that recommended salary increases for fire and police department personnel are reduced from 7½% to 5%)

Introduced by Mayor Hammond      Seconded by Councilman Johansen

#### PROPOSED AMENDED MOTION

That the main motion be amended to provide that the recommendations of the Personnel Commission as to each position be accepted, but that each recommended increase be reduced by 2½% -- the employees recommended for a 2½% increase remain at their present level; the recommended 5% increases be reduced to 2½%; the 7½% recommendations be reduced to 5%

Moved by Shastid      Seconded by Patton

Personnel Officer Mitchel, upon questioning, stated that under Councilman Shastid's proposed amended motion, cost to the City would be approximately \$22,000 for a six-months period; under the motion proposed by Mayor Hammond, salary increases for a six-months period would cost approximately \$42,000; approval of increases proposed by the Personnel Commission would cost about \$50,000 for a six-months period.

Upon roll call upon the amended motion, the votes were as follows:

Ayes: Johansen, Patton, Shastid

Noes: Mitchell, Tabbert, VanderWall, Mayor Hammond

The proposed amendment to the main motion was declared defeated.

Upon roll call vote upon the main motion, the votes were as follows:

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: Patton, Shastid

#### HEARING ON COUNCIL POLICY RELATING TO ENCROACHMENT INTO SIDEWALK AREAS AND PLANTING MATERIALS IN STREET RIGHTS OF WAY

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the Council's policy relating to encroachment into sidewalk areas, and the planting of materials in street rights of way, and opened the hearing.

Copies of a memorandum prepared by Director of Parks and Recreation Cowie, dated January 2, 1963, subject, "The Installation of Plant

Materials and Other Landscape Materials in the Street Right of Way," were furnished the Council, and summarized by the City Manager. The following recommendations were submitted for Council consideration:

- (1) That only lawn or lawn-like material be planted in the planting strip (with the exception of City street trees);
- (2) That substitutes for lawn could be concrete or concrete material such as concrete with exposed aggregate (small gravel), bricks in concrete, concrete with brick or redwood dividers, providing the dividers do not extend above the grade of the concrete, or other similar approved materials;
- (3) That there be no more than one inch difference in grade between any lawn or curb or sidewalk;
- (4) That concrete building blocks be permitted to be placed within the street-tree planting box as shown on plan entitled, "Typical Street-Tree Planter Box Plan," the top of such blocks to be even with the level of sidewalk and curb. (These blocks allow air and water to reach tree roots and some may be removed as the tree grows.)

The memorandum indicated that some variations in these proposed standards might be permitted if specifically approved by the Council. Mr. Cowie recommended in the memorandum that the installations be permitted wherever reasonable and feasible, so long as the City is held harmless from accidents caused by this type of landscape beautification.

The City Manager stated that in many instances, various encroachments and plantings in public rights of way have existed at the time of annexation of the area to the City, and a number of cases have come to the attention of the Council.

Under existing policy, permission to make new installations of a similar nature within the City have been denied.

A memorandum prepared by the Director of Public Works, dated January 25, 1963, subject, "Encroachments in the Sidewalk areas of Modesto City Streets," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The memorandum indicated the need of a clearly defined policy, or rules and regulations governing encroachments into sidewalk areas of city streets (walls, planters, etc.) and the installation of plant materials in the portion of street rights of way between the curb line and the property line; that as a result of previous Council discussions, a general practice has been followed that encroachments existing prior to a certain time, such as the annexation date, would be permitted to remain, but no new encroachments allowed. Mr. Ray stated in his memorandum that clarifying policy in this matter would improve public relations between the City and residents, and would permit the staff to equitably carry out the rules and regulations of the City pertaining to encroachments.

Mr. Ray stated that for the past five years, the staff has been working on the basis that encroachments existing before a certain date were permitted to remain; but it has been discovered that what the Council adopted as policy five years ago does not appear in the minutes. As a result, Mr. Ray said that the staff has no firm City regulation on which to base, <sup>enforcement</sup> but uses a section of the State Government Code which outlines city liability in case of injuries resulting from dangerous or defective conditions of public property. Mr. Ray recommended that any policy adopted by the Council be uniformly applied and retroactive. Three alternatives were listed in his January 25 memorandum: (1) That no encroachments of any nature be permitted; (2) That no restrictions be provided for encroachments; and

(3) That only certain specified types of encroachment be permitted under specified conditions.

Councilman Shastid introduced a motion, seconded by Councilman Mitchell, that permission be granted to residents to beautify their properties wherever reasonable and feasible, so long as the City shall not be liable for injuries to persons and property resulting from this type of beautification; that all existing encroachments and plantings be permitted to remain; that the recommendations outlined in memorandum of Director of Parks and Recreation Cowie, dated January 2, 1963, subject, "The Installation of Plant Materials and Other Landscape Materials in the Street Right of Way," be approved as the City's general policy.

Councilman Mitchell stated that he doubted if the City could require each resident to agree to hold the City harmless from any law suits that might develop, because of subsequent changes in ownership, etc.; it was his opinion that beautification should be permitted if no safety hazards are involved and with the understanding that the installations will be removed in the event sidewalks are required.

A question was raised by Councilman Tabbert as to determination of hazardous conditions and the manner in which these conditions could be corrected.

Councilman Mitchell suggested that the motion introduced by Councilman Shastid be amended to direct the staff to prepare a resolution along the lines proposed in the motion, to permit further review by the Council of any details which may have been overlooked.

Upon questioning, Mr. Ray stated that the motion as proposed covered only the installation of materials as outlined in Mr. Cowie's memorandum, and he believed that under certain conditions, walls in some locations could be placed in the rights of way and still permit ample space for sidewalks and other types of improvements.

Councilman Shastid stated that it was the intent of his motion to outline a general policy and that variations would be considered by the Council on an individual basis.

Mr. Ray said that if the Council wished, an ordinance could be drafted incorporating both the installation of plant material and other landscape materials and encroachments in the public rights of way.

Councilman Shastid further amended his motion to permit the staff to include in the documents prepared anything that the staff felt it desirable to recommend.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

#### MOTION

That the staff prepare appropriate documents to set forth a policy that permission be granted to residents to beautify their properties wherever reasonable and feasible, so long as the City shall not be liable for injuries to persons and property resulting from such beautification; that all existing encroachments and plants be permitted to remain; that the recommendations outlined in memorandum of Director of Parks and Recreation Cowie, dated January 2, 1963, subject, "The Installation of Plant Materials and Other Landscape Materials in the Street Right of Way," be approved as the City's general policy, with variations to be considered by the Council on an individual basis; that the staff prepare documents incorporating the above for Council review, adding any other features the staff recommends for consideration

Moved by Shastid      Seconded by Mitchell      Unanimously carried

PRELIMINARY REPORT ON SIGN REGULATIONS

Copies of a memorandum, dated December 10, 1962, prepared by the City Attorney, subject, "Report on Sign Regulations," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Mayor Hammond suggested that the report be referred to the Council Public Projects Committee for preliminary review and recommendation.

Harvey Berglund, representing Ryan Advertising, Inc., said his firm would be glad to sit in on discussions of the sign regulations at Committee level.

## MOTION

That the Report on Sign Regulations be referred to the Public Projects Committee for review and recommendation; that it also review and submit a recommendation on the matter of signs along the freeway

Moved by Tabbert      Seconded by VanderWall      Unanimously carried

The City Clerk was directed to notify Mr. Berglund and local sign companies when a meeting is scheduled by the Public Projects Committee to discuss the sign ordinance.

ACCEPT IMPROVEMENTS IN CRESTWOOD TERRACE SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND

The City Manager reported that the City Engineer has certified that all work required by the subdivision agreement has been completed to the City's satisfaction, all inspection fees have been paid, and it would be in order to accept the improvements and authorize the City Clerk to release the improvement bond. He recommended that the work be accepted.

## RESOLUTION NO. 63-50

A RESOLUTION AUTHORIZING THE RELEASE OF CASH DEPOSIT FILED TO GUARANTEE IMPROVEMENTS IN CRESTWOOD TERRACE SUBDIVISION

Introduced by Shastid      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

ACCEPT IMPROVEMENTS IN SHERWOOD MANOR NO. 2 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND 8-115

The City Manager reported that the City Engineer has certified that all work required by the subdivision agreement has been completed to the City's satisfaction, all inspection fees paid, and that it would be in order to accept the improvements and authorize the City Clerk to release the improvement bond. He recommended that the work be accepted.

## RESOLUTION NO. 63-51

A RESOLUTION AUTHORIZING THE RELEASE OF CASH DEPOSIT FILED TO GUARANTEE IMPROVEMENTS IN SHERWOOD MANOR NO. 2 SUBDIVISION

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

APPROVAL OF SUBDIVISION AGREEMENT AND FINAL MAP FOR BRENTWOOD ESTATES  
UNIT NO. 1 SUBDIVISION

(a) The City Manager stated that Brentwood Estates Unit No. 1 Subdivision contains 8.10 acres and is located between Carver and Prescott, south of Rumble Road; the subdivision agreement has been signed and all fees paid. He recommended that the final map be approved.

(b) Consider subtrunk sewer agreement

Director of Public Works Ray stated that Brentwood Estates Unit No. 1 Subdivision is located in an area where subtrunk sewers have been gradually extended as subdivisions develop; that there is a short area between the proposed subdivision and the last one to the south, which accounts for the high percentage of advance contribution on the part of the City. (\$10,800 to be advanced by City; Subdivider's share, \$1,900) He said that by another agreement, this subdivision will pay the City \$4,909 to cover previous advances made by the City on the section of the subtrunk to the south of this point; that when the subdivision between Brentwood Estates Unit No. 1 Subdivision and the City is developed, it will pay back most of the City's advance.

RESOLUTION NO. 63-52

A RESOLUTION APPROVING THE FINAL MAP OF THE BRENTWOOD ESTATES UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Noes: None Absent: None  
Hammond

RESOLUTION NO. 63-53

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVE HANNAH, RICHARD SMITH, AND GEORGE KLEMM FOR CONSTRUCTION OF SUBTRUNK SEWER

Introduced by VanderWall Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Noes: None Absent: None  
Hammond

REPORT ON SUPERINTENDENT OF STREETS ON COST OF CONSTRUCTION OF CURB AND GUTTER AT 218 WALDEN STREET (BLOCK 212, PORTION OF LOT 4.)

The City Manager stated that a report submitted by Director of Public Works Ray indicates that the cost of construction of curbs and gutters at 218 Walden Street, Modesto, totals \$142, the amount to be assessed against the property.

February 11, 1963 at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REQUEST FOR ADDITIONAL APPROPRIATION FOR EQUIPMENT RENTAL IN THE PARKING FUND

Director of Parking and Traffic Carmody stated that equipment rental charges for the small sweeper used to clean parking lots were increased from \$90 to \$190 per month after the item was budgeted, and the increase inadvertently overlooked before the budget was adopted. He said that the rental has increased because his department is using the equipment more, and the rental rate has doubled. He requested that an appropriation transfer of \$600 be approved to handle the increased rental for the balance of the fiscal year.

Deputy City Manager Keefe stated that when the sweeper was originally purchased, it was on the basis that the sweeper would be used by the Department of Parking and Traffic 50% of the time, and the balance of the time by other departments. The sweeper has not proven suitable for other uses, so is used solely by the Parking and Traffic Department. The rental rate to that department was therefore raised.

## RESOLUTION NO. 63-54

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$600 FOR EQUIPMENT RENTAL CHARGES (SWEEPER)  
(From Parking Fund, General Reserve (209-600) \$600; To Equipment Rental (218-57) \$600)

Introduced by Shastid                      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None                      Absent: None

APPROPRIATION TRANSFERS(a) Repair of Alarm System (Fire Department)

The City Manager stated that the Chief Electrician has reported that the cable supplying the alarm circuits to the west side of the City has deteriorated beyond repair and must be replaced (Cable on G Street from the alley between 10th and 11th Streets to the alley between 6th and 7th Street, approximately 1260 feet). Cost of materials is approximately \$1,425, and cost of labor, about \$570, to be done with city forces.

(b) Grade Crossing Protection, H Street (Parking and Traffic)

The City Manager stated that the Council approved the grade crossing protection at the H Street railroad crossing at the last meeting, and a transfer of \$620 was necessary to pay for the City's share of the cost.

## RESOLUTION NO. 63-55

A RESOLUTION APPROVING APPROPRIATION TRANSFERS FOR REPAIR OF ALARM SYSTEM (FIRE DEPARTMENT) AND GRADE CROSSING PROTECTION, H STREET (From Special Fund for Capital Outlays, General Reserve (321-600), to Grade Crossing Protection, H Street, \$620; From General Reserve (600) to Alarm Replacement (503), \$1,425)

Introduced by Shastid                      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None                      Absent: None

CONSIDER CONSTRUCTION OF PEDESTRIAN BRIDGE CROSSING M.I.D. LATERAL NO. 3 AT SHERWOOD AVENUE

The City Manager stated that a pedestrian bridge crossing M.I.D. Lateral No. 3 is needed at Sherwood Avenue to accommodate school children, who are presently using a private wooden bridge which is about to be removed. The proposed bridge will cost about \$1,500. Mr. Miller said that there are no public crossings across the canal between McHenry and College Avenues, except at the Tidewater Southern Railroad Tracks.

## MOTION

That the staff be authorized to proceed with the construction of a pedestrian bridge across M.I.D. Lateral No. 3 at Sherwood Avenue

Moved by Shastid                      Seconded by Johansen                      Unanimously carried

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND AVENUE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (FRANCEK ADDITION)

RESOLUTION NO. 63-56

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND AVENUE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO

Introduced by Shastid            Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None            Absent: None

CONSIDER WATER SERVICE TO HOLT BROTHERS DEVELOPMENT ON SOUTH SIDE OF WHITMORE ROAD 700 FEET EAST OF CROWS LANDING ROAD

Director of Public Works Ray reported that Holt Brothers are completing installation of a Caterpillar sales and service agency on Whitmore Road, and have requested that city water service be furnished the area; that in order to serve the property, it would be necessary for the City to construct approximately 1,760 feet of ten-inch water main on Whitmore Road, east from the City's present main which serves C.V.C. property, at a cost of about \$7,000 (labor and materials).

Mr. Ray said that Holt Brothers have offered to pay one-half the cost of installation (with a maximum of \$3,500) instead of the usual connection fee; that a well was drilled on the property before the firm realized that water service might be obtainable from the City; that the firm has expressed a desire to continue to use its well for irrigation of trees proposed to be planted on the entire property, the metered city water to be used for the plant and regular landscaping (an area of about 14,000 square feet). Mr. Ray stated that he believed this to be a reasonable and equitable proposal and recommended that the staff be authorized to prepare plans and an agreement to proceed on the basis outlined.

Upon questioning, Mr. Ray said that Holt Brothers, Inc. has not expressed willingness to annex, nor was this matter brought up by the staff. He said that although specific data was lacking, it was estimated that the proposed metered water service to the firm would result in annual revenue to the City of about \$150, and that it was therefore proposed, because of the expense to the City of installing the main, that, while the private well is used, the firm should pay at least \$600 per year for water services. He pointed out that once the water main is laid, it will be possible to serve all of the 1,200 foot frontage on Whitmore between the railroad and Holt Brothers property.

Mayor Hammond stated that since there did not appear to be sufficient return to justify the large investment by the City, it might be in order to ask Holt Brothers, Inc. to agree to annex to the City whenever it becomes feasible to do so; that if water service was provided without requiring a commitment to annex, the City would be committing itself to furnish water to the entire area with the burden of costs involved passed on the general tax payers, and without city benefit of sales tax revenues.

Parker Holt, president of Holt Brothers, Inc., stated that he did not wish to commit his firm to agree to annex to the City at this time.

## MOTION

That the staff be authorized to negotiate further with Mr. Holt toward agreement by the firm to put up one-half the cost, or \$3,500, and to annex to the City, with a 90-day time limitation established for negotiation

Moved by Shastid      Seconded by Patton      Unanimously carried

RECOMMEND GRANTING OF UNCLASSIFIED USE PERMIT TO MODESTO MEDICAL DEVELOPMENT COMPANY

RESOLUTION NO. 63-57

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO MODESTO MEDICAL DEVELOPMENT COMPANY FOR EXPANSION OF HOSPITAL FACILITIES

Introduced by Shastid      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

February 18, 1963 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

LEGISLATIVE MATTERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Award of bid to George Reed for construction of sanitary sewer and water line carrier pipe crossing freeway at Clayton Avenue - Unanimous Consent Item

The City Manager stated that five bids were received for construction of the sanitary sewer and water line carrier pipe crossing the freeway at Clayton Avenue, the low bid submitted by George Reed in the amount of \$5,481. He recommended that award be made to the low bidder.

RESOLUTION NO. 63-58

A RESOLUTION ACCEPTING THE BID OF GEORGE REED FOR CONSTRUCTION OF SANITARY SEWER AND WATER LINE CARRIER PIPE CROSSING FREEWAY AT CLAYTON AVENUE

Introduced by Shastid      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

Councilman Shastid was excused from the meeting.

INTERSTATE COMMERCE COMMISSION HEARING - PACKAGED WINE RATES - UNANIMOUS CONSENT ITEM

The City Manager reported that the Interstate Commerce Commission has permitted reduced rates on bulk wine to the Midwest but has refused to permit a comparable reduction of packaged wine rates pending an investigation. A hearing has been set in San Francisco on February 5th. Mr. Miller said that all of the wineries in the area are affected, together with related industries; that the County and Chamber of Commerce were both taking a stand on the matter.

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A proposed resolution petitioning the Interstate Commerce Commission to approve the proposed reduced rates on packaged wine was read by the City Manager.

RESOLUTION NO. 63-59

A RESOLUTION REQUESTING THE INTERSTATE COMMERCE COMMISSION TO APPROVE THE PROPOSED REDUCED RATES ON PACKAGED WINE

Introduced by VanderWall      Seconded by Mitchell

Ayes:    Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes:    None                  Absent:    Shastid

Councilman Shastid returned to the meeting.

LETTER FROM ARMANDO ECHEVERRIA, BARRANQUILLA, UNANIMOUS CONSENT ITEM

A letter from Armando Echeverria from Barranquilla, Modesto's sister city, was read by the City Manager. The letter told of the pending visit to Modesto of Carlos Recio, who will arrive in Modesto on January 30, and will outline a proposed plan of "exchange" of students and adults between Barranquilla and Modesto. The letter indicated that an invitation would be forthcoming for Mayor Hammond to visit Barranquilla during the carnival season.

INTRODUCTION OF JERRY MILLER AND VICTOR ECHEVERRIA

The City Manager introduced his son, Jerry Miller, and Victor Echeverria to the Council.

APPROVAL OF CONTRACT WITH GRIFFENHAGEN-KROEGER FOR REVIEW OF PLANNING DEPARTMENT

RESOLUTION NO. 63-60

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GRIFFENHAGEN-KROEGER, INC., FOR REVIEW OF ORGANIZATION AND OPERATIONS OF CITY PLANNING DEPARTMENT

Introduced by Johansen      Seconded by Patton

Ayes:    Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes:    None                  Absent:    None

REQUEST FOR PERMISSION TO BE ABSENT FROM THE UNITED STATES - COUNCILMAN PATTON - UNANIMOUS CONSENT ITEM

MOTION

That the request of Councilman Patton to leave the United States be approved

Moved by Mayor Hammond      Seconded by Johansen      Unanimously carried

REPORT ON AUDIT OF FINANCE DEPARTMENT CASH BALANCES (CITY AUDITOR)

A report, dated January 23, 1963, prepared by the City Clerk and Auditor in conjunction with Frank Lowry, representing Nattinger and Lowry, giving the results of an unannounced audit, was submitted to the Council, a copy of which is on file with the record of the minutes. The audit was made at the direction of the Council at its October 8, 1962 meeting.

Upon questioning, Director of Finance Bird stated that the City's inactive accounts earned  $3\frac{1}{2}\%$  interest.

Councilman Shastid asked if any studies have been made of refinancing municipal bonds at a lower interest rate. Mr. Bird replied that it was his understanding that there would be very little advantage to the City in refinancing series bonds, but that he would check into the matter further and report to the Council if it was found to be advantageous.

The City Clerk was directed to submit reports of future audits to the Council in the same manner.

REPORT ON ACQUISITION OF THE PROPOSED COMMUNITY PARK SITE ADJACENT TO GRACE DAVIS HIGH SCHOOL

The City Manager stated that <sup>at</sup> the December 17, 1962 Council meeting, the staff, by motion, was instructed to submit a proposal for the joint utilization of the proposed Davis High School community park and Whitmore Park in an effort to eliminate any duplication of facilities, on the basis of a community park approximately thirteen acres in area. A report with plans attached for both a 21-acre and a 15-acre community park was submitted to the Council.

Mr. Miller said it was important that a decision on this matter be made as soon as possible, since the City has submitted an application to the federal government for a grant under the Open Space Land Program for the purchase of 20.496 acres.

The application for the grant was discussed. Upon questioning, Mr. Miller stated that most of the land for the proposed park site has already been purchased.

Councilman Mitchell stated that a Council Committee was meeting with the Schools to discuss the advisability of having parks near schools; that in his opinion, Council action should be withheld until after this meeting.

A letter from Harry D. Wiser, Superintendent, Modesto City Schools, recommending the acquisition of the proposed park area adjacent to Grace M. Davis High School, was read by the City Manager.

MOTION

That Council action be withheld until after the Committee and Schools meet to discuss advisability of having parks located near schools

Moved by Mitchell    Seconded by VanderWall    Unanimously carried

CONSIDER ALTERNATE MEASURES PROPOSED FOR AMENDMENTS TO THE NEW CITY CHARTER

The City Attorney stated that at the September 17, 1962 meeting, the Council, by motion, directed that the Charter Review Committee be asked to assist in placing information pertaining to the proposed charter amendments before the public (proposed increases in compensation to the Mayor and Councilmen, and changes in duties of the Mayor) and, by separate motion, declared its intent to place the two alternative propositions on the ballot for vote of the people at a subsequent election if the charter carried. Mr. Grimes said that the new charter was now effective.

Letters from Lois Ritter and Mrs. John L. Mensinger, members of the Charter Review Committee, dated January 28 and January 25, 1963, respectively, requesting that the alternate proposals be placed on the April 16, 1963 municipal election ballot, were read by the City Clerk.

Mayor Hammond stated that the Council made no specific commitment to place the propositions on the April 16 ballot; that personal expressions by Councilmen on the subject did not constitute action of a majority of the Council; that one of the reasons why the motion was worded to indicate the intent of the Council to place the propositions on the ballot of a subsequent election was to preclude the possibility of the propositions becoming issues of a heated campaign in a general municipal election and considered on this basis rather than on their own merit.

Mayor Hammond and Councilman Shastid both expressed their personal opposition to both propositions.

#### MOTION

That the two alternative proposals recommended by the Charter Review Committee be placed on the April 16, 1963 General Municipal Election Ballot

Moved by Mitchell      Seconded by Tabbert      Unanimously carried

The City Attorney stated that necessary documents would be prepared and presented to the Council.

#### MOTION

That the Council adjourn to executive session

Moved by Shastid      Seconded by VanderWall      Unanimously carried

The Council adjourned to executive session at 10:45 P.M. and reconvened at 11:40 P.M.

#### RESOLUTION NO. 63-61

A RESOLUTION FIXING THE COMPENSATION FOR SPECIFIED POSITIONS IN THE CITY SERVICE (Approving a 5% salary increase to all department heads and Council appointees, except the City Manager and Deputy City Manager, effective January 1, 1963)

Introduced by VanderWall      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

#### EFFECTIVE DATE OF RESIGNATION OF CITY MANAGER

City Manager Miller stated that if agreeable to the Council, his resignation would be effective April 30, 1963.

#### ANNOUNCEMENT OF APPOINTMENT OF DEPUTY CITY MANAGER KEEFE AS CITY MANAGER UPON TERMINATION OF SERVICE OF CITY MANAGER MILLER

Mayor Hammond announced that the position of City Manager has been offered to and accepted by Deputy City Manager Keefe, upon the termination of service of Mr. Miller.

ADJOURNMENT

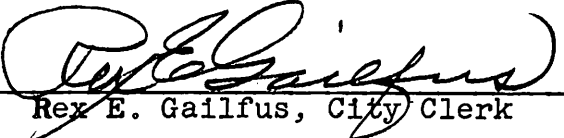
MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 11:53 P.M.

ATTEST:

  
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: Patton, Shastid

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

Reverend Charles Treffry gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received a copy of the minutes of the January 14, 1963 meeting and the same being available for public inspection, and there being no objections, the minutes were approved.

#### LETTER FROM LEE DAVIES CONCERNING ROTARY CONVENTION IN MODESTO - UNANIMOUS CONSENT ITEM

A letter from Lee Davies, notifying the Council of a Rotary Conference to be held in Modesto February 21-22-23, 1963 and requesting that courtesy automobile stickers be distributed by the police to all out-of-town guests entitling them to free parking wherever city parking meters are located, was read by the City Clerk. It was the opinion of Mr. Davies that the loss of meter revenue would be more than offset by the goodwill generated.

Councilman VanderWall, Chairman of the Public Projects Committee, stated that it was agreed by the Committee that if approved by the Council, the stickers might be issued on a trial basis, with a report of observation and reaction to be furnished by the Police Department.

Councilman Mitchell recommended that permission be granted on a trial basis, and that the reactions of the merchants and townspeople be obtained; that if the venture proved successful, more permanent ground rules be established.

He expressed the hope that citizens would agree that this was a friendly gesture to out-of-town people; that benefit to the merchants would be reflected in shopping by the out-of-town guests.

Mr. Davies stated that the convention was being held at the S.O.S. Club, and the Governor's Ball at the Elk's Club, both places having parking facilities; that the free parking privileges would be utilized mainly by wives of the delegates shopping during the day.

#### MOTION

That the request for free parking privileges for out-of-town Rotary Conference guests be approved, both for offstreet and onstreet parking, on a trial basis, the Police Department to furnish a report of observation and reaction

Moved by Tabbert      Seconded by VanderWall      Unanimously carried

LETTER FROM HARRY D. WISER, SUPERINTENDENT, MODESTO CITY SCHOOLS, RE:  
INTERSECTION OF TULLY AND ORANGEBURG AVENUES 1-72

A letter from Harry D. Wiser, Superintendent, Modesto City Schools, dated January 23, 1963 was summarized by the City Clerk. Copies of the letter were furnished the Council prior to the meeting. Mr. Wiser pointed out the heavy vehicular and pedestrian traffic at the intersection of Tully Road and Orangeburg Avenue, adjacent to Fremont Elementary School, stating that he has been authorized by the Board of Education to request that the funds presently budgeted by the City for the installation of traffic signals at this intersection and the widening of Tully Road north of the Orangeburg intersection in the fiscal year 1963-64, be kept in the budget for completion of the work during this period.

By Order of the Chair, the staff was directed to advise Mr. Wiser that the installation of traffic signals at Tully and Orangeburg is being given high priority in proposed allocation of 1963-64 budget funds.

LETTER OF RESIGNATION FROM BOARD OF ZONING ADJUSTMENT BY W.M. NICHOLS

A letter from W. M. Nichols, dated January 29, 1963, tendering his resignation as a member of the Board of Zoning Adjustment because of a company transfer to Emeryville, California, was read by the City Clerk.

RESOLUTION NO. 63-62

A RESOLUTION COMMENDING WILBUR M. NICHOLS FOR SERVICES RENDERED TO THE CITY OF MODESTO

Introduced by VanderWall      Seconded by Mitchell

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton, Shastid

The City Clerk was directed to furnish Mr. Nichols with a certificate of service.

RESOLUTION APPROVING SPECIFICATIONS AND CALL FOR BIDS FOR AUTOMOTIVE EQUIPMENT 1-100

The City Manager stated that the specifications cover the replacement of six police cars, one station wagon, two sedans, four pickups, and two dump trucks. All items are budgeted. Mr. Miller said that an additional pickup was budgeted, but not included in the present call for bids; that other possibilities in lieu of a pickup were being considered in connection with the next fiscal year budget.

RESOLUTION NO. 63-63

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR AUTOMOTIVE EQUIPMENT

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton, Shastid

February 26, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AN ORDINANCE ADDING SECTION 5-3.02 TO CHAPTER 3 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO PASTEURIZATION OF MILK

The City Manager stated that the proposed ordinance was prepared at the request of the Health Officer and adds a section that previously existed in the Code and inadvertently deleted at the time Health Department recommendations for revision of code provisions relating to health and sanitation were approved.

Dr. Westphal, City and County Health Officer, recommended that the ordinance be adopted.

ORDINANCE NO. 564-C.S. entitled

"AN ORDINANCE ADDING SECTION 5-3.02 TO CHAPTER 3 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO PASTEURIZATION OF MILK"

was introduced and ordered published as required by the Charter.

Moved by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton, Shastid

RESOLUTION PROPOSING CHARTER AMENDMENTS TO BE PLACED ON THE APRIL 16TH 1963 ELECTION BALLOT

The City Attorney reviewed the proposed resolution.

RESOLUTION NO. 63-64

A RESOLUTION PROPOSING CHARTER AMENDMENTS ON THE MOTION OF THE COUNCIL, CALLING A SPECIAL MUNICIPAL CHARTER AMENDMENT ELECTION IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL TO AMEND THE CHARTER OF SAID CITY BY AMENDING SECTION 601 OF ARTICLE VI RELATING TO POWERS AND DUTIES OF THE MAYOR; ADDING SECTION 604 TO ARTICLE VI RELATING TO SALARY FOR THE MAYOR; AND AMENDING SECTION 703 OF ARTICLE VII RELATING TO COMPENSATION FOR COUNCILMEN; FIXING THE DATE OF SAID ELECTION, THE MANNER OF HOLDING THE SAME AND PROVIDING FOR NOTICE THEREOF; AND CONSOLIDATING SAID SPECIAL MUNICIPAL CHARTER AMENDMENT ELECTION WITH THE GENERAL MUNICIPAL ELECTION TO BE HELD APRIL 16, 1963

Introduced by Mitchell      Seconded by VanderWall

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton, Shastid

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (FAIR ADDITION)

RESOLUTION NO. 63-65

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (FAIR ADDITION)

Introduced by Tabbert      Seconded by Johansen

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton, Shastid

CONSIDER PROPOSAL FOR SETTLEMENT OF CONDEMNATION CASES INVOLVING CITY OF MODESTO VS. ASHER, ET AL, NO. 78283, (HELEN C. ASHER); CITY OF MODESTO VS. ASHER, ET AL, NO. 78284, (KENNETH C. AND HELEN C. ASHER)

The City Attorney stated that condemnation suits were filed against Helen C. Asher and Kenneth C. and Helen C. Asher, in connection with the acquisition of rights of way for the widening of Tully Road, and that Mrs. Asher has agreed to settle her interest in both parcels for a total sum of \$1,000. Mr. Grimes said that this would still leave unsettled the interest of Mr. Asher in one parcel (Case No. 78284); that since it has not been possible to locate Mr. Asher, he has been served by publication of summons.

Upon questioning, Mr. Grimes said that it was proposed to go to trial in the matter involving Mr. Asher, and that \$100 appeared to be the maximum exposure of the City for his interest in the right of way.

It was Councilman Mitchell's opinion that a breakdown of the proposed settlement of \$1,000 to Mrs. Asher should be established to enable the court to consider Mr. Asher's one-half interest on the basis of the City's settlement with Mrs. Asher.

By Order of the Chair, the matter was held over for one week to permit the City Attorney to contact Mrs. Asher's attorney on this matter.

RESOLUTION REFERRING THE PROPOSED SMALL ADDITION ANNEXATION PETITION TO THE PLANNING COMMISSION

The City Manager stated that the proposed Small Addition annexation contains 1.336 acres and is located east of Sunset Avenue, adjacent to the Ball Park.

RESOLUTION NO. 63-66

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS SMALL ADDITION

Introduced by Johansen      Seconded by VanderWall

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton, Shastid

RESOLUTION REFERRING THE PROPOSED PRESCOTT CHURCH ADDITION ANNEXATION PETITION TO THE PLANNING COMMISSION

The City Manager stated that the proposed Prescott Church Addition contains 4.8 acres and is located at the northeast corner of Rumble and Prescott Roads.

RESOLUTION NO. 63-67

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS PRESCOTT CHURCH ADDITION

Introduced by VanderWall      Seconded by Tabbert

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton, Shastid

CONSIDER AGREEMENT FOR WATER SERVICE TO SHERWOOD FOREST NO. 2  
SUBDIVISION 3-9

The City Manager stated that the proposed agreement between the City and John E. Hirleman, Jr., provides for the posting of a cash bond in an amount equal to the total cost of labor and materials for the installation of water lines in Sherwood Forest No. 2 Subdivision (\$23,800), prior to the filing of the final map.

RESOLUTION NO. 63-68

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN E. HIRLEMAN, JR. FOR WATER SERVICE TO SHERWOOD FOREST NO. 2 SUBDIVISION

Introduced by Mitchell      Seconded by Johansen

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton, Shastid

REQUEST FOR REFUND OF BUSINESS LICENSE TAX

Director of Finance Bird reported that a request has been received from Thrifty Green Stamps, Inc., for a refund of business license tax in the amount of \$124.71 for the quarter ending September 30, 1962. The tax was erroneously calculated at a rate of 1% instead of 1 mill. He recommended that the refund be approved.

RESOLUTION NO. 63-69

A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF BUSINESS LICENSE FEE TO THRIFTY GREEN STAMPS, INC. FOR THE TAX PERIOD ENDED SEPTEMBER 30, 1962

Introduced by Johansen      Seconded by Tabbert

Ayes: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton, Shastid

REPORT ON PROGRESS BEING MADE ON PROPOSED ANNEXATION OF THE NORTH STAR ESTATES SUBDIVISION

Director of Planning Fey stated that no replies were received to a letter sent to inhabitants of the North Star Estates Subdivision encouraging the initiation of inhabited annexation proceedings.

A letter from A. L. Flory, Developer of North Star Estates, dated February 4, 1963, requesting annexation proceedings be instituted for an area to be known as North Wood Estates and an area known as North Star Estates was read by the City Clerk.

The City Manager stated that consent for the commencement of proceedings for the annexation of North Star Estates Subdivision was denied by the Council at its November 26, 1962 meeting by Resolution No. 62-565.

By Order of the Chair, the letter was referred to the staff for study and report to the Council.

LEGISLATIVE MATTERS

The City Manager stated that the League of California Cities has requested that each city designate an official to be responsible for expressing the view of the City on League bulletins or other notices

of legislation when such expression is needed during the period between Council meetings. Mr. Miller said that he has been so authorized to act in the past on matters where a position or policy has been established earlier by the Council, subject to a more firm determination at the next Council meeting.

#### MOTION

That the City Manager be designated the responsibility for expressing the view of the City on League bulletins or other notices of legislation during periods between Council meetings, checking where necessary with the Mayor or the Council Public Relations Committee, and subject to firm determination at the next Council meeting

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

#### MATTERS FOR THE GOOD OF THE COMMUNITY

##### Water Damage at Stanislaus County Court House

Councilman Mitchell suggested that the City offer assistance to the County in recovering from recent water damage by the temporary use of available office space, assistance in drying out records, etc. He said it might be well to check the City Hall's water system to make sure that a similar disaster does not befall the City.

#### MOTION

That the staff be authorized to offer assistance to the County as outlined by Councilman Mitchell

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

##### Outline of Plan of Carlos Recio Echeverria from Barranquilla

Councilman Mitchell stated that Carlos Recio Echeverria, a visitor from Modesto's Sister City, Barranquilla, has submitted a plan whereby Modesto children will visit Barranquilla for a three-months period during the summer vacation period, with the thought in mind that Modesto families of the children involved will reciprocate by welcoming Barranquilla children into their homes for a like period during their summer vacation (November, December and January). He said that two Councilmen have expressed interest in the plan, and hoped that others in the community would do likewise. The plan would continue from year to year. He pointed out that there would be no expense to the City, as transportation costs would be borne by the families involved.

The City Manager said that Mr. Recio's proposal was considered at a meeting of the Sister City Committee last Thursday evening and much interest expressed, although no formal action was taken; that a public meeting would be held February 5, 1963 at 8:00 P.M. in the multi-purpose room of the City Hall, with Mr. Recio explaining the plan in detail.

Mr. Miller stated that Mr. Recio showed motion pictures of a past Mardi Gras celebration, and it was his understanding that a special invitation would be extended to Mayor Hammond by the Mayor of Barranquilla to attend the Mardi Gras festivities in Barranquilla later this month; that it was also suggested that Modesto enter a float in the parade, which suggestion was approved by the Sister City Committee in principle, with special note made that it was not the Committee's function to raise funds. Mr. Miller said that a fund-raising campaign for the float was underway by various clubs.

Councilman VanderWall suggested that Barranquilla be invited to enter a float in Modesto's Fourth of July parade.

CORRECTION OF STATEMENT RE: ACQUISITION OF DAVIS COMMUNITY PARK BY CITY MANAGER - UNANIMOUS CONSENT ITEM

The City Manager stated that he wished the record of the minutes to indicate a correction on his part to a statement made at the last Council meeting pertaining to the acquisition of land for Davis Community Park -- that he inadvertently stated that the City had already purchased most of the park site instead of stating that the City had acquired an option to buy the property.

NOTICE FROM FEDERAL AVIATION AGENCY ON HEARING RE: RADIO TOWER AT KEYES

The City Manager read a memorandum from Airport Manager Sham which indicated that the Federal Aviation Agency will proceed with the installation of a TVOR facility at the Modesto City-County Airport, with work scheduled to start February 18, 1963; that the F.A.A. has received a notice from the Southern Pacific Company relative to the proposed construction of a steel microwave antenna tower at Keyes, at an elevation of 340 feet. The memorandum indicated that the instrument approach pattern for landing aircraft at the City-County Airport will be approximately over the proposed antenna, which will not only create a hazard but will raise landing minimums from 600 to 800 feet.

The City Manager stated that the F.A.A. has scheduled a hearing on February 14, 1963 at Los Angeles to consider the request of the Southern Pacific Company to erect the 340 foot tower and recommended that the staff be authorized to send a letter to the F.A.A. protesting the height of the tower, and Airport Manager Sham be authorized to represent the City at the scheduled hearing. He said the Southern Pacific Company would be notified of the City's stand and possibly the Company would submit alternative proposals.

Upon questioning, Mr. Sham stated that the tower would have to be moved at least two miles from its presently proposed location to prevent adverse effect on landings at the City-County Airport; that F.A.A. rules permit erection of a tower 161 feet in height.

MOTION

That the staff be authorized to write a letter to F.A.A. protesting the height of the proposed Southern Pacific Company tower, and Airport Manager Sham be authorized to represent the City at the scheduled F.A.A. hearing in Los Angeles on February 14, 1963

Moved by VanderWall      Seconded by Johansen      Unanimously carried

REPORT ON POLICE-COMMUNICATIONS CENTER BUILDING      4-55

Martin Smith, reporter, Modesto Bee, stated that he had received a telephone report from Ed Dickson, a member of the Bee's staff in Washington, D.C., that he had learned from the office of Congressman McFall that the Department of Commerce had approved a federal grant of about \$354,500 for the construction of the police-communications center building in Modesto.

Deputy City Manager Keefe stated that the Public Projects Committee met last Thursday to review the plans and specifications for the building, and decided at that time to make them available for inspection of the entire Council, and to present them for Council approval at next Monday's meeting before sending them back to the architect for minor amendments.

Councilman VanderWall, Chairman of the Public Projects Committee, said that steps were being taken for Mayor Hammond and Councilman Johansen to review the plans and specifications in time to place them on next week's agenda for formal approval.

REPORT TO THE CITY COUNCIL THAT THE T.S.R.R. AREA ALONG VIRGINIA AVENUE HAS BEEN CLEANED UP

The City Manager reported that the area along the Tidewater Southern Railroad tracks on Virginia Avenue has been cleaned up as the result of a complaint received from Dr. Richard Gaard on November 12, 1962.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to February 7, 1963 at 4:00 P.M.

Moved by VanderWall            Seconded by Mitchell            Unanimously carried

The meeting adjourned at 4:57 P. M.

ATTEST:   
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California.

Due to lack of a quorum, the City Clerk adjourned the meeting to February 7, 1963 at 4:35 P.M., at which time the meeting was opened by Vice Mayor VanderWall, presiding as Mayor pro tempore in the absence of Mayor Hammond.

The City Clerk called the roll and there were

Present: Councilmen: Mitchell, Shastid, Tabbert, VanderWall

Absent: Councilmen: Johansen, Patton, Mayor Hammond

#### CONSIDERATION OF AMENDMENT TO SIGN ORDINANCE

Mayor pro tempore VanderWall stated that he and Councilmen Mitchell and Tabbert, during the interval between the scheduled adjourned meeting and the present meeting, had discussed proposed revisions to the sign ordinance at committee level, and that Chief Building Official Hermida was now present for Council questioning.

Questions pertaining to the regulation of signs were asked by the Council and answered by Mr. Hermida as follows:

Flashing and revolving signs -- Mr. Hermida said that complaints have been received relative to flashing signs interfering with traffic signals, but he believed that flashing signs located in the center of a block were proper and lawful. Before permits are issued for flashing signs, he said the proposed location of the signs are checked, and permits issued only if approved by the traffic engineer. A flashing and revolving sign on 10th Street was subject to numerous complaints and was removed some time ago.

Signs blocking traffic visibility -- Mr. Hermida said that the City has the power to recommend the relocation of signs obscuring traffic visibility, on the judgment of the traffic engineer that the sign creates a traffic hazard.

Permits issued in error -- Mr. Hermida said that in relatively few instances where permits were issued in error, they were subsequently corrected. The City Attorney stated that provisions in the sign ordinance permit the City to take care of this type of correction.

Signs erected in violation to the Code -- The City Attorney read the section of the Code giving the City permission to act in such cases.

General discussion by the Council -- A general discussion was held on the following subjects: (1) The fact that the present sign ordinance has no limitation on the length of a ground sign, only the height being controlled (The Dean Jones sign at the rear of their property on Eighth Street was specifically discussed.); (2) The feasibility of a provision in the sign ordinance requiring that signs located in newly annexed areas must comply with city regulations, the City Attorney stating that this would involve legal problems; (3) Whether or not the County has a sign ordinance and, if so, the possible conformity of city and county sign regulations. Differences of opinion were expressed by members of the staff and Council as to whether or not the County has a sign ordinance, the City Attorney and Mr. Hermida stating that the County did not, and Councilman Mitchell stating that the County's outdoor advertising sign regulations were a part of its zoning ordinance.

Deputy City Manager Keefe stated that at a recent meeting with County representatives, it was brought out that the County had no ordinance governing commercial signs.

Councilman Mitchell suggested that the staff check with Martin Schueller of the County Planning Department, stating that the staff would probably find the County's code restrictions on outdoor advertising signs more strict than those of the City. He mentioned the possibility that county enforcement of its sign regulations might not be as effective as that of the City; that areas annexing to the City might have signs erected unlawfully in the County, thus lacking immunity upon annexation because of an unlawful pre-existing use.

Referring to a sign on McHenry Avenue on property recently annexed to the City, Deputy City Manager Keefe stated that it was determined at the above-mentioned County-City meeting that the sign was erected legally in the County, there being no county ordinance controlling the size or placement of the sign except that it be structurally safe.

#### Removal of Certain Signs (Section 11 of Ordinance No. 1113-N.S.)

This section of the ordinance requires that any sign now or hereafter existing, which no longer advertises a bona fide business conducted, be removed by the owners. Mr. Hermida said that this section of the ordinance was sometimes hard to enforce because of the difficulty in contacting the owner.

Identifying a sign by causing the name of the owner to be placed on the sign was discussed, Councilman Mitchell stating that this did not appear feasible since property and business ownerships change, and in some instances the land and business are under different ownership. He suggested a provision be incorporated in the ordinance that the building permit number be required to be placed on the sign, thus making it easier to detect signs that are erected without benefit of a permit.

Mr. Hermida stated that before signs are erected a permit must be secured from the Building Inspection Department, the fee is paid, the sketch of the sign is checked for conformance with the Code, and upon erection is inspected. He said that considerable time is spent in issuing permits and did not believe that the fees presently in effect were sufficient to cover the time spent in issuing the permits, inspection, enforcement, etc. He suggested that the fees be reviewed, stating that Modesto's fees are lower than those charged by Stockton and several other cities.

#### Wind Pressure and Dead Load Requirements (Section 10, Ordinance 1113-N.S.)

This section provides that any sign or advertising structure, any part of which is sixty feet or more above the ground, shall be designed and constructed to withstand a wind pressure of thirty pounds per square foot; signs erected under sixty feet shall be constructed to withstand a wind pressure of twenty pounds per square foot.

Councilman Mitchell referred to a sign erected in the County, newly annexed to the City, which recently became loose, requiring the assistance of the Fire Department to avert a serious accident.

Mr. Hermida stated that he believed that a section of the sign became loose, not because it was unable to withstand wind pressure, but because of an inadequate mechanical tie-in at the top of the sign.

The design of the sign on the Hotel Covell was described by Mr. Hermida.

Unsafe and Unlawful Signs (Section 8, Ordinance 1113-N.S.)

This section of the ordinance provides that if the Chief Building Official finds that any sign or other advertising structure regulated by the ordinance is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of Ordinance 1113-N.S., if the permittee fails to remove or alter the structure to comply with city standards within ten days after written notice to do so, the sign or other advertising structure may be removed or altered to comply by the Chief Building Official at the expense of the permittee or owner of the property upon which the sign is located. Councilman Shastid asked if, under this section, the City could require that a sign erected in the County to withstand only ten pounds pressure per square foot be altered to meet city standards if annexed to the City.

The City Attorney stated that there were two aspects to the problem, one policy-wise and the other legal.

At the request of the Council, Mr. Grimes said that he would submit an Opinion on this matter.

Mr. Hermida stated that it would be difficult to determine whether or not signs installed while in the County and subsequently annexed to the City were erected to withstand the required wind pressure because of the factors involved, the depth of the foundation, etc.

Councilman Mitchell said the County could be asked to adopt an ordinance conforming with city requirements so that plans would be available to the City for checking when necessary.

Upon questioning, Mr. Hermida said that the uniform building code requires that buildings be designed and constructed to withstand wind pressure of fifteen pounds per square foot up to sixty feet, and twenty pounds above that height.

Councilman Shastid stated that if the City's wind pressure requirements were excessive, they should be reduced to conform with county requirements.

Mr. Hermida replied that because Modesto is located in an earthquake zone, the seismic factor loading must be doubled.

The rigid sign controls of Palm Springs were discussed. Councilman Shastid suggested that a copy of Palm Springs' ordinance be obtained for comparative purposes.

Councilman Mitchell stressed the importance of preventing "leap-frogging" of signs, one over the other, stating that steps should be taken now to prevent an outbreak of over-ambitious competition. It was his belief that this could be accomplished by readily enforceable regulations and cooperation of the sign companies. He noted that a representative of one of the sign companies was in the audience and suggested that representatives of all companies be invited to attend a meeting with the Public Projects Committee to give them an opportunity to air their views concerning the present ordinance, and to offer any improvements they might wish to make.

Councilman Shastid suggested that signs involving a continuous check might be charged an annual license fee.

The City Attorney stated that advertising businesses pay a license fee under business license regulations.

Councilman Mitchell said that during his association with the County, a number of counties were pioneering (he believed successfully) in requiring the abatement of signs which became nonconforming, providing a five-year amortization period prior to removal; that in his opinion, there was no reason why nonconforming signs should remain indefinitely, as neighborhood conditions change, merely because of conformance at the time of erection. He suggested that a provision of this kind be incorporated in the sign ordinance. Councilman Shastid concurred with the suggestion.

Vice Mayor VanderWall suggested that a meeting be scheduled with representatives of the sign companies after the Public Projects Committee has met with the staff, and that prior to the staff-committee meeting, Deputy City Manager Keefe submit a report on the cost of issuing permits, inspections, enforcement, etc. against the revenue derived from the permits issued.

ADJOURNMENT

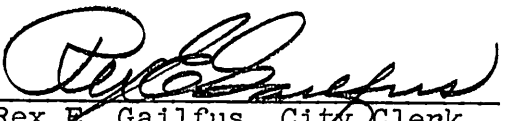
MOTION

That the meeting now in session be adjourned

Moved by Tabbert      Seconded by Mitchell      Unanimously carried

The meeting adjourned at 5:36 P.M.

ATTEST:

  
 Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert,  
VanderWall, Mayor Hammond

Absent: Councilmen: None

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

A moment of silent prayer was observed.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of January 21, 1963 and the adjourned regular meeting of January 23, 1963, and the same being available for public inspection, and there being no objections, the minutes were approved.

#### LETTER FROM HANCOCK AND LUNDGREN, ATTORNEYS AT LAW, REGARDING IMPROVEMENT ASSESSMENT ON PROPERTY OF EMMANUEL A. WILKEN DEEDED TO THE CITY OF MODESTO

A letter from William R. Lundgren of the law firm of Hancock & Lundgren, dated January 31, 1963, subject, Roman vs. Wilken, was read by the City Clerk. The letter requested that the City pay a pro rata share of the district improvement assessment on property dedicated to the City by Mr. Wilken, a sum of \$120. The assessment is payable in May, 1963. The land was dedicated to the City under authority of Planning Commission Resolution No. 560 adopted November 3, 1959, as a provision of a lot split.

The City Attorney read an excerpt from the council meeting minutes of October 8, 1962 entitled, "Consider Settlement of Litigation in the Case of Roman vs. City of Modesto and Wilken, et al." The minutes indicated that at the time of trial, a tentative compromise for stipulative judgment was reached, the basis of the judgment being that the Wilkens would immediately execute a deed conveying a twenty-foot strip right of way to the City; that upon such dedication, the City would remove the stop order with respect to the use of the northerly part of the property by the Romans, that in accordance with usual policy, the City would install curbs and gutters along the Orangeburg Avenue frontage, but that installation would be delayed for a period of two years after entry of judgment; that the three parties involved would share equally in the cost of installation of curbs, gutters and sidewalks on Florida Avenue, and sidewalks along Orangeburg Avenue; that since the oral agreement in court, Mr. Wilken had raised the point that he felt the City should pay a prorated portion of the assessment costs on the 20-foot right of way dedicated to the City in the amount of \$118.35. By motion, the Council moved that the stipulative judgment as entered in court be approved, and the City Attorney was instructed to prepare the necessary documents; that if Mr. Wilken agreed to a waiver of the two-year requirement regarding the construction of improvements on the right of way, the City would waive the prorated assessment cost, or \$118.35; that if Mr. Wilken stood on the stipulation, enforcing the two-year delay in improvement, he would be required to pay the total assessment.

Mr. Grimes said that following the above Council action, he was advised by Mr. Wilken's attorney that his client was unwilling to waive the two-year requirement, the judgment was therefore entered in court, and the case dismissed in accordance with the stipulation reached in court.

Mr. Wilken stated that at the time of the hearing, he did not believe that the waiver of the assessment was discussed at all; that the amount of the cost of installation of curbs and gutters was discussed and agreement reached that the City, Mr. Wilken and Mr. Roman would each pay one-third of the costs.

Mr. Wilken stated that in requesting the two-year limitation in construction of the improvements, it was his thought that he might dispose of the property for business purposes during this period; that setting a fence back and installing curbs and gutters on Orangeburg Avenue would interfere seriously with the desirability of the property for residential purposes, since the widened road would come within seventeen feet of one of the homes. He said it was his understanding that consideration was now being given to rezoning the property for multiple-family uses; that if the City was willing to pay a prorated share of the assessment costs on the right of way dedicated, he would now be willing to waive the two-year requirement.

The matter was discussed by the Council.

Councilman Shastid stated that it should be made clear that the matter under consideration was not connected in any way with a rezoning of the property.

#### MOTION

That the staff be directed to prepare the necessary documents to authorize the payment of a prorated share of the assessment in the amount of \$118.35, on the condition that prior thereto Mr. Wilkin executes necessary papers to waive the limitation provided in the Judgment wherein the City may not improve the property referred to in paragraph 4 of the Judgment within two years after the date of entry of Judgment.

Moved by Mayor Hammond      Seconded by Shastid      Unanimously carried

#### LETTER FROM FRANK ANDREWS REGARDING CITY CHARTER AND THE OPERATION OF ELECTRICAL SYSTEM WITHIN THE CITY

A letter from Frank Andrews dated February 7, 1963, subject, "Living up our City Charter - City to Take Over Electrical System within City of Modesto," was summarized by the City Clerk. Mr. Andrews requested that the City take over and operate the electrical utility. The letter was ordered filed.

#### INTRODUCTION OF MEMBERS OF DOWNEY HIGH SCHOOL GOVERNMENT IN ACTION CLASS

Councilman Mitchell introduced Judy Province and Norma Mitchell, students of the Government in Action Class, Downey High School.

#### ADOPTION OF ORDINANCE NO. 564-C.S. RELATING TO PASTEURIZATION OF MILK

ORDINANCE NO. 564-C.S. entitled

"AN ORDINANCE ADDING SECTION 5-3.02 TO CHAPTER 3 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO PASTEURIZATION OF MILK"

introduced on February 4, 1963 and having been published as required by the Charter, was moved and adopted.

Moved by Johansen                      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

CONSIDER PROPOSAL FOR SETTLEMENT OF CONDEMNATION CASES INVOLVING  
CITY OF MODESTO VS. ASHER ET AL

At the request of the City Attorney, and with the consent of the Council, this matter was held over for two weeks.

CONSIDER APPROVAL OF PROPOSED INFORMATIONAL PAMPHLET CONCERNING PROPOSED  
AMENDMENTS TO THE CITY CHARTER TO BE SUBMITTED AT THE GENERAL MUNICIPAL  
ELECTION, April 16, 1963

An informational pamphlet prepared by the City Clerk, with the assistance of the City Attorney, to be submitted to the electors with the ballot for the April 16, 1963 general municipal election was furnished the Council prior to the meeting.

The City Attorney stated that the pamphlet sets forth the present provisions of the Charter pertaining to the duties of the Mayor and compensation of the Mayor and Councilmen, and the proposed changes, with a brief indication of the reasons set forth by the Charter Review Committee in recommending the changes.

It was Councilman Shastid's opinion that the explanations were biased in favor of the proposed amendments, and since the votes of members of the Charter Review Committee were so closely divided, there should be either no explanations, or the explanation should be both pro and con. Mayor Hammond concurred.

Councilman Mitchell suggested that the Council approve the Charter Amendment Propositions, with the elimination of the last paragraph under Proposition No. 1 and the last paragraph listed under Proposition No. 3 and, time permitting, invite the Charter Review Committee to either support the proposed amendments, or submit majority and minority reports setting forth the reasons for the division of opinion within the Committee.

The matter was generally discussed by the Council.

MOTION

That the heading of the proposed informational pamphlet be unchanged; that the last paragraph of Proposition No. 1 be deleted; that the last paragraph of Proposition No. 3 be deleted; that with these changes, the informational pamphlet be approved

Moved by Shastid                      Seconded by VanderWall                      Unanimously carried

CLAIM OF THE CITY AGAINST DANIELS CONSTRUCTION COMPANY IN CONNECTION  
WITH PERFORMANCE OF ITS CONTRACT FOR SEWAGE AND INDUSTRIAL WASTE  
TREATMENT WORKS ENLARGEMENT

Copies of a memorandum from the Director of Public Works dated February 4, 1963, subject, "Defective Materials and/or workmanship used by Daniels Construction Co. in their Contract for Sewage and Industrial Waste Treatment Works Enlargements," and a memorandum from the

City Attorney dated February 5, 1963, same subject, were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes.

Upon questioning, Mr. Ray said that the painting subcontractor orally agreed last year to take care of the defective work in November, 1962, as soon as the summer industrial season was concluded, but failed to keep a promise to present the agreement in writing; that no answers to final letters have been received from either Daniels Construction Company or the subcontractor.

#### MOTION

That the City Attorney be authorized to initiate appropriate legal action against Daniels Construction Co. and to collect the claim

Moved by Shastid      Seconded by Johansen      Unanimously carried

#### RESOLUTION APPROVING EXTENSION OF TIME FOR FILING OF FINAL MAP OF WYLDEWOOD PARK SUBDIVISION

At the request of the City Manager, this matter was dropped from the agenda.

#### RESOLUTION ACCEPTING AS COMPLETE STOCKTON FENCE COMPANY'S CONTRACT FOR THE CONSTRUCTION OF CHAIN LINK FENCE AT THE CORPORATION YARD SITE (BLOCKS 433 AND 434)

The City Manager stated that a memorandum from the City Engineer indicates that all work connected with the construction of a chain link fence at the Corporation Yard Site has been completed and that it would be in order for the Council to accept the work as complete and to authorize the City Clerk to file a notice of completion. The contract bid price was \$2,638.75; total cost of work done, \$2,519.40; work was completed February 1, 1963.

#### RESOLUTION NO. 63-70

A RESOLUTION ACCEPTING THE CONSTRUCTION OF A CHAIN LINK FENCE AT THE CORPORATION YARD SITE (BLOCKS 433 AND 434) BY STOCKTON FENCE COMPANY

Introduced by Shastid      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

#### HEARING ON PROPOSED ANNEXATION - DOWNEY PARK ADDITION

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of the Downey Park Addition, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock Daily Journal on January 10 and 17, 1963 and notices mailed to all property owners in the area and other interested persons on January 10, 1963. No written protests were filed with the City Clerk.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

## ORDINANCE NO. 565-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS DOWNEY PARK ADDITION TO THE CITY OF MODESTO"

was introduced and adopted, and ordered published as required by the Charter.

Moved by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

HEARING ON PROPOSED REZONING SIX ACRES OFF EMERALD AVENUE

Mayor Hammond announced that the hour of 8:05 P.M. had arrived, the time set for consideration of the proposed rezoning from Planned Development, P-D (8) to Planned Development Zone, P-D (13), a portion of the Spencer Colony, Lot 5, lying between Modesto Irrigation District Lateral No. 5 and Emerald Avenue, immediately south of Franklin School, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on January 31, 1963 and delivered in the area on February 7, 1963. No written protests were filed with the City Clerk.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

The City Manager stated that Planning Commission Resolution No. 878 recommends an amendment to Section 31 of the Zoning Map to effect the rezoning.

The proposed ordinance was reviewed by the City Attorney.

## ORDINANCE NO. 566-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 31 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MacDannald, Raines, Hassapakis and Ollar)

was introduced and ordered published as required by the Charter.

Moved by VanderWall      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

## RESOLUTION NO. 63-71

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE (P-D)(13) (MacDANNALD, RAINES, HASSAPAKIS AND OLLAR)  
(to become effective simultaneously with Ordinance No. 566-C.S.)

Introduced by Shastid      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

HEARING ON PROPOSED REZONING OF HELM PROPERTY ON McHENRY AVENUE

Mayor Hammond announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the proposed rezoning of the Helm property, located on McHenry Avenue, from One-Family, R-1, to General Commercial Zone, C-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on January 31, 1963 and notices delivered in the area on February 7, 1963. No written protests were filed with the City Clerk.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

Planning Commission Resolution No. 879, adopted January 15, 1963 recommends the rezoning.

Councilman Shastid pointed out the amount of paper work involved which could be avoided if the City's annexation policy was changed to permit property annexed to the City to retain the county zoning existing at the time of annexation.

The City Manager stated that the staff was currently reviewing this matter.

ORDINANCE NO. 567-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HELM)"

was introduced and ordered published as required by the Charter.

Moved by Shastid      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

HEARING ON COST OF CURB AND GUTTER AT 218 WALDEN STREET

Mayor Hammond announced that the hour of 8:15 P.M. had arrived, the time set for consideration of the cost of constructing curbs and gutters at 218 Walden Street, and opened the hearing.

The City Clerk report that notice of cost of construction was filed with the Council by the Director of Public Works on February 4, 1963. Notice was mailed to the owner on January 31, 1963.

The City Manager stated that a report from the Director of Public Works indicates the total amount of the cost to be \$142, the amount to be assessed as a lien against the property.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

## RESOLUTION NO. 63-72

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN (Block 212, Portion of Lot 4)

Introduced by Shastid      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond  
Noes: None      Absent: None

CONSIDER SELLING OLIVE TREES LOCATED IN CALIFORNIA STREET RIGHT OF WAY ADJACENT TO THE CALIFORNIA-FRANKLIN PARK SITE

The City Manager stated that the City plans to remove olive trees located in the street right of way at the California-Franklin Park site; that requests have been received from two individuals to acquire two of the trees. He requested that the staff be authorized to sell the trees.

Director of Parks and Recreation Cowie stated that there were 24 trees in the right of way; that his Department will transplant from 15 to 20 of the trees in the newly constructed park to provide immediate shade; that it is planned to remove the olive trees from the park when younger trees have attained sufficient growth to provide shade. In his memorandum dated January 22, 1963, subject, "Olive Trees in the Street Right of Way, California-Franklin Park Site," Mr. Cowie placed a sale value of \$25 on each surplus olive tree.

A resolution was proposed by Councilman VanderWall, seconded by Councilman Johansen, authorizing the staff to sell any surplus olive trees not required by the City, at the price of \$25 each as recommended by the Director of Parks and Recreation.

## MOTION

That the above proposed resolution be amended to indicate the cost of each olive tree to be as recommended by the Director of Parks and Recreation, if approved by the City Manager

Moved by Shastid      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond  
Noes: None      Absent: None

## RESOLUTION NO. 63-73

A RESOLUTION AUTHORIZING THE SALE OF OLIVE TREES OWNED BY THE CITY OF MODESTO

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

CONSIDER COUNTY FLY CONTROL STUDY COMMITTEE

The City Manager stated that the County is setting up a fly control study committee and has asked the City to designate a representative. Mr. Miller suggested that the City Health Officer be designated as the city representative.

## MOTION

That the City Health Officer be designated as the City's representative on the Fly Control Study Committee established by the County

Moved by Mitchell                      Seconded by Patton                      Unanimously carried

APPLICATION FOR PUBLIC WORKS ACCELERATION ACT FUNDS FOR (1) NORTH  
MODESTO SANITARY SEWER EXTENSION: (2) FIRE STATION AT COLDWELL AND  
KEARNEY AVENUES

The City Manager stated that applications for Public Works Acceleration Act funds for the North Modesto sanitary sewer extension and a fire station at Coldwell and Kearney were prepared at the direction of the Council and were ready for Council consideration.

Deputy Manager Keefe said he noted in a recent newspaper article that President Kennedy has asked Congress to appropriate \$500,000,000 under the Public Works Acceleration Act, which was considered but not approved by Congress last October; in another newspaper article he noted that the H.H.F.A. has stated that not many more applications will be processed because of the excess number at hand. He said that prospects for approval of the applications were not too hopeful.

Upon questioning, Mr. Keefe said that application for funds for the North Modesto sanitary sewer extension covered only Phase I of the plan to provide service to an area extending one-half mile north of Standiford Road, by tying into the existing Emerald Avenue trunk line for an interim period. Before this area is fully developed, approximately one million dollars more would be needed for Phase II, which would provide a new trunk line to the disposal plant.

Director of Public Works Ray indicated on a drawing the proposed area of service totalling approximately 4,200 acres, of which about 1,000 acres can be handled by the present trunk system; any further extension of city sewer service to the north would involve a new system.

Mr. Ray said the sewage treatment plant capacity is sufficient to handle the added sewage resulting from the completion of Phases I and II, and that proposals for additional disposal facilities stem primarily from river flow conditions and not from this proposed extension of sewer service; that it was not possible nor economically feasible to tie in a storm drainage system with the proposed sanitary sewer extension because the trunk system for sanitary sewers are much smaller than required for storm drainage and a tremendous financial burden would be placed on the people of the community if, through combining the systems, treatment of all storm drainage were required. Mr. Ray said that the staff recommends use of some open channels for storm drainage purposes when this area is fully developed because of the economies which can be effected thereby; that storm drainage studies have been made of this area up to Standiford Road, but have not been extended beyond this point.

Upon questioning, Deputy Manager Keefe stated that application could be made for a federal grant for installation of a storm drainage system, but he did not believe that an application for this purpose would merit as serious consideration as one for extension of sanitary sewers; that the application for federal funds for extension of the sewer system is based on the City matching funds by a bond issue.

RESOLUTION NO. 63-74

RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE HOUSING AND HOME FINANCE AGENCY, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE TERMS OF PUBLIC LAW 345, 84TH CONGRESS, AS AMENDED BY THE PUBLIC WORKS ACCELERATION ACT (trunk sewer system in North Modesto)

Introduced by Mitchell      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

RESOLUTION NO. 63-75

RESOLUTION PROVIDING FOR INCREASE IN PLANNED TOTAL EXPENDITURE FOR CAPITAL IMPROVEMENT PROJECTS (\$733,750)

Introduced by Mitchell      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

RESOLUTION NO. 63-76

RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE HOUSING AND HOME FINANCE AGENCY, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE TERMS OF PUBLIC LAW 345, 84TH CONGRESS, AS AMENDED BY THE PUBLIC WORKS ACCELERATION ACT (Fire station at Kearney and Coldwell Avenues)

Introduced by VanderWall      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

RESOLUTION NO. 63-77

RESOLUTION PROVIDING FOR INCREASE IN PLANNED TOTAL EXPENDITURE FOR CAPITAL IMPROVEMENT PROJECTS (\$46,000)

Introduced by VanderWall      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

RESOLUTION REFERRING PETITION FOR ANNEXATION OF CRESTVIEW NO. 3 TO THE PLANNING COMMISSION FOR RECOMMENDATION

The City Manager stated that the proposed Crestview No. 3 Addition comprises 1.429 acres, and is located on Crestview Drive west of Rose Avenue. The property is developed with residences and is served by city water and sewer facilities; it is located in the Modesto School District in which it will remain, and in McHenry-Dry Creek Fire District, from which it will be withdrawn.

## RESOLUTION NO. 63-78

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS CRESTVIEW NO. 3 ADDITION

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

RESOLUTION REFERRING THE ANNEXATION PETITION OF THE LORENZEN PARK ADDITION TO THE PLANNING COMMISSION FOR RECOMMENDATION

The City Manager stated that the proposed Lorenzen Park Addition consists of 16.941 acres located on the west side of Rose Avenue, south of Rose Gardens Subdivision, and is proposed for a residential subdivision. All city services, including water and sewer facilities, can be extended to the area. It is located in the Modesto School District in which it will remain, and in the McHenry-Dry Creek Fire District, from which it will be withdrawn.

## RESOLUTION NO. 63-79

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS LORENZEN PARK ADDITION

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

CONSIDER SALE OF USED "LOCKE MOWER NO. 72," SERIAL NUMBER 16T97-4, AND SPARE PARTS TO THE H.V. CARTER COMPANY FOR APPROXIMATELY \$386, FOR CREDIT AGAINST FUTURE PURCHASES

## RESOLUTION NO. 63-80

A RESOLUTION APPROVING THE SALE OF USED LOCKE MOWER TO H.V. CARTER COMPANY  
(Sale price of approximately \$386 to be applied as credit to future purchases by the City of Modesto)

Introduced by Johansen      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

RECOMMENDATION TO REZONE FROM R-1 TO P-D, PROPERTY LOCATED BETWEEN GRANGER AVENUE AND BRIGGSMORE AVENUE, IMMEDIATELY EAST OF THE TIDEWATER SOUTHERN RAILROAD TRACKS

The City Manager stated that after further consideration of the application of Corporation Filles de Jesus, Notre Dame Convent, the Planning Commission adopted Resolution No. 884 reversing its decision of December 4, 1962 (Planning Commission Resolution No. 876), recommending

the rezoning of the property from Single-Family (R-1) to Planned Development (P-D).

Director of Planning Fey stated that the appendix attached to Planning Commission Resolution No. 884 was a part of this resolution, and if the rezoning was approved by the Council, would become a part of the ordinance approving the planned development zone. The appendix, listing the services and general business uses contemplated in the buildings, with the maximum aggregate square footage for each use, was reviewed by Mr. Fey. He stated that the uses were thoroughly reviewed by all parties involved, and that the recommendations of the Planning Commission relative to phase development were in line with suggestions made by the Council.

Mr. Fey pointed out that the drawings of the project received with the application were not final; that before any construction can start, applicants must obtain a conditional use permit, at which time the final completed drawings are presented, and any uses appearing to be excessive to serve the immediate hospital complex can be controlled by the Board of Zoning Adjustment.

Upon questioning, Mr. Fey stated that the only uses permitted which are not listed in the appendix will be those uses ordinarily found in the operation of a hospital; that a limitation of the square footage of the proposed medical research building was not established.

Paul Birmingham, engineer for the proposed hospital complex, stated that the use listed as "processing, packaging, storing, treating or manufacture of pharmaceutical or medical products" in connection with the proposed research building meant that there might possibly be this type of function in connection with packaging of vaccines developed as a part of the research.

Councilman Shastid referred to Planning Commission Resolution No. 884 pertaining to Development, Phase I -- ". . . construction of Phase I shall commence on or before December 31, 1967 and be completed on or before December 31, 1970," and ". . . Provided that no building permit shall be issued for the allied services building, doctors office building, or laboratory building until such time as the contract for the hospital building has been awarded and the foundation has been poured and approved by the Chief Building Official." He suggested adding further that such permits be made conditional upon completion of the hospital building by December 31, 1970.

Mr. Birmingham spoke briefly against the imposition of further restrictions.

Mayor Hammond stated that in his opinion the requirement that the contract for the hospital building be awarded and the foundation be poured before permits are issued for the other buildings was sufficient safeguard.

The matter was discussed by the Council.

A proposed ordinance reclassifying the property to Planned Development P-D (14) was reviewed by the City Attorney.

ORDINANCE NO. 568-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (CORPORATION FILLES DE JESUS, NOTRE DAME CONVENT)"

was introduced and ordered published as required by the Charter.  
Moved by Mitchell                      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond  
Noes: Shastid                      Absent: None

RESOLUTION NO. 63-81

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (14) (CORPORATION FILLES DE JESUS, NOTRE DAME CONVENT)

Introduced by Mitchell                      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond  
Noes: Shastid                      Absent: None

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED ANNEXATION OF THE SMALL ADDITION

The City Manager stated that the Small Addition contains 1.336 acres, is uninhabited, with development of a rest home proposed. All city services, including water and sewer facilities, can be extended to the area. Planning Commission Resolution No. 892 recommends commencement of annexation proceedings.

RESOLUTION NO. 63-82

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS SMALL ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by VanderWall                      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None                      Absent: None

March 25, 1963 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED ANNEXATION OF THE PRESCOTT CHURCH ADDITION

The City Manager stated that the Prescott Church Addition proposed for annexation is located at the intersection of Prescott and Rumble Roads, and contains 4.8 acres.

The City Manager stated that since the area proposed for annexation cannot be served with city sewer service, and the owners have either drilled a well or propose to do so, there appeared to be little advantage to the City in annexing the area.

By order of the Chair, the matter was held over for one week for further review and report.

LEGISLATIVE MATTERS

The City Manager stated that a brief summary of the City's street deficiencies would be furnished the Council, together with a recent bulletin received from the League of California Cities, which presents current proposals on legislation relating to street deficiencies.

APPROPRIATION TRANSFERS - NONEMATTERS FOR THE GOOD OF THE COMMUNITYCommendation of Tom Moore on his selection as charter member of the Northern California Track and Field Hall of Fame

Councilman Johansen reported that Tom Moore has been selected as a charter member of the recently established Northern California Track and Field Hall of Fame, and that a special dinner was being held in his honor on the evening of February 14. Mr. Johansen said that Mr. Moore, through untiring efforts and hard work, developed the California Relays from an event with local talent to a world famous track meet, attracting participation of famous athletes from all over the world. He read a proposed resolution commending Mr. Moore on his selection as a charter member of the above named Hall of Fame.

## RESOLUTION NO. 63-83

A RESOLUTION COMMENDING TOM MOORE ON HIS SELECTION AS A CHARTER MEMBER OF THE NORTHERN CALIFORNIA TRACK AND FIELD HALL OF FAME, AND RECOGNIZING HIS OUTSTANDING CONTRIBUTIONS TO THE PROMOTION OF THE CALIFORNIA RELAYS

Introduced by Johansen                      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None      Absent: None

REPORT BY CITY ATTORNEY ON STATUS OF MODESTO IRRIGATION DISTRICT VS. CITY OF MODESTO LITIGATION

The City Attorney stated that he read in a newspaper article that the petition for a hearing by the M.I.D. to the State Supreme Court was denied, and that judgment in the case was therefore final.

ANNOUNCEMENT BY MAYOR HAMMOND OF VISIT TO BARRANQUILLA

Mayor Hammond announced that he planned to visit Barranquilla at the invitation of the Mayor of that City, that he planned to leave on February 21, and as a result would not be present at the February 25th council meeting.

## MOTION

That approval be granted Mayor Hammond to leave the country

Moved by Shastid                      Seconded by Johansen                      Unanimously carried

REPORT ON SISTER CITY PROGRAM BY COUNCILMAN MITCHELL

Councilman Mitchell spoke briefly on the people-to-people "exchange" program introduced by Carlos Recio, Barranquilla, during his recent visit to Modesto, stating that his family was honored by an invitation from Mr. Recio that his nine-year old daughter be a guest in Mr. Recio's home as a part of the above program, and that Mr. Recio has also promised

to find a fine family for his son to live with during the same period. Mr. Mitchell made a brief report on a public meeting of the Sister City Committee on the "exchange" program, stating that it was his understanding that there were at least 37 Barranquilla families wishing to participate in the program.

Mayor Hammond said that he was looking forward to meeting some of the families in Barranquilla who have expressed an interest.

RESOLUTION NO. 63-84

A RESOLUTION EXPRESSING THE APPRECIATION OF THE COUNCIL OF THE CITY OF MODESTO FOR THE RECENT VISIT HERE OF SENOR CARLOS RECIO, FROM MODESTO'S SISTER CITY, BARRANQUILLA, COLOMBIA

Introduced by Mitchell

Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond

Noes: None Absent: None

PROPOSED FLOAT IN BARRANQUILLA MARDI GRAS FESTIVAL

The City Manager stated that the Sister City Committee has approved the entry of a float representing the City of Modesto at the Mardi Gras Festival to be held in Barranquilla during the last part of February. Mr. Miller read a letter from Mr. Armando Echeverria pertaining to the float, describing the proposed entry, and indicating a cost of \$800.

The City Manager read a telegram sent to Mr. Echeverria in reply to the above letter. He said that donations for the float were being received from various community organizations and asked for Council approval for the City to act as trustee for the donated funds, with the stipulation that any excess funds be refunded proportionately to the donors.

MOTION

That the City be authorized to act as trustee for funds contributed for construction of a float representing the City of Modesto at the Barranquilla Mardi Gras festival, with any excess funds to be refunded proportionately to the donors

Moved by VanderWall Seconded by Johansen Unanimously carried

REPORT ON WATER LINE INSTALLATION IN VARIOUS SUBDIVISIONS

The City Manager reported the following costs of installation of water lines: (a) Joni Manor, estimated cost, \$3000.98; actual cost \$2,686.47; (b) Sherwood Manor Subdivision No. 2, estimated cost, \$716.60; actual cost, \$569.95; (c) Crestwood Terrace Subdivision, estimated cost, \$1,723.50; actual cost, \$1,588.08; (d) Lorenzen Park No. 1 Subdivision, estimated cost, \$2,275.18, actual cost, \$2,500.60; (e) Saratoga Manor No. 5 Subdivision, estimated cost, \$1,797.75; actual cost, \$1,271.33.

REPORT ON COST OF DEMOLITION AND REMOVAL OF DWELLING LOCATED AT 102 SPRUCE STREET, MODESTO

The City Manager stated that a report from the Director of Public Works indicates the total cost of demolition and removal of the dwelling located at 102 Spruce Street was \$546, the amount to be assessed against the property. Work of demolition was completed January 3, 1963.

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REPORT ON POLICE-COMMUNICATIONS BUILDING

Deputy Manager Keefe recommended that the Council approve the plans and specifications for the police-communications center building and authorize the architect to prepare the call for bids for council approval.

MOTION

That the plans and specifications for the police-communications center building be approved, including suggested corrections, and that the architect be authorized to prepare the call for bids for council approval

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

ADJOURNMENT


MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 9:23 P.M.

ATTEST:

  
REX B. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond  
Councilman Patton arrived at 4:02 P.M.

Absent: Councilmen: Shastid

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

The Reverend Arthur Brohm gave the invocation.

LETTER FROM DIVISION OF HIGHWAYS, STATE OF CALIFORNIA RE: REVISED ESTIMATE OF 5/8 CENTS GAS TAX FUNDS APPORTIONMENT

A letter from A. L. Tschantz-Hahn, Projects Engineer, California Division of Highways, dated February 7, 1963, was read by the City Clerk. The letter listed the revised estimated apportionments for fiscal years 1962-63 and 1963-64 based on a population estimate for Modesto of 41,050, established by the State Department of Finance as of December 1, 1962. The revised estimated apportionments for the two years are: December 1, 1962 to June 30, 1963, \$119,990; July 1, 1963 to June 30, 1964, \$122,320.

The letter was ordered filed.

REQUEST BY KAESTNER AND KAESTNER, INC., ARCHITECTS, FOR A DRIVEWAY VARIANCE - STANISLAUS UNION SCHOOL DISTRICT

A letter from Kenneth K. Kaestner, dated February 11, 1963, subject, "Stanislaus Union School District, Muncy School, Request for Driveway Variance," was read by the City Clerk. The letter requested a variance of the 30-foot maximum limitation for a driveway approach and exit to the school grounds to accommodate bus traffic.

By Order of the Chair, the matter was referred to the staff for review and report.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF MERCURY VAPOR STREET LIGHTING SYSTEM AT THE MODESTO JUNIOR COLLEGE

The City Manager stated that the construction of a mercury vapor street lighting system at the Modesto Junior College on a City-Schools cooperative basis, was approved by the Council at a prior meeting, and that authorization has been received from the School District to proceed with the proposed plans and specifications and call for bids. He said that an appropriation transfer would be presented for Council approval when award of bid is made.

RESOLUTION NO. 63-85

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF MERCURY VAPOR STREET LIGHTING SYSTEM AT THE MODESTO JUNIOR COLLEGE

Introduced by VanderWall      Seconded by Mitchell

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Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Shastid

March 5, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR EXPENDITURE DURING THE 1962-63 FISCAL YEAR AND ALLOCATING THEM FOR CAPITAL OUTLAY PURPOSES AND TRANSFERRING ADDITIONAL FUNDS TO COMPLETE THE PROJECT

At the request of the City Manager, this matter was held over.

ORDINANCE AMENDING CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE BUILDING CODE

Copies of the proposed ordinance were furnished the Council prior to the meeting.

Assistant Director of Public Works Campbell stated that the proposed ordinance adopts, by reference, the 1961 edition of the Uniform Building Code. He said that a review of the City's building regulations was begun in September, 1962 and proposed amendments considered before an open meeting with building contractors on February 7, 1963, at which time several revisions were suggested and incorporated in the proposed ordinance. He briefly reviewed the proposed changes.

ORDINANCE NO. 569-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE BUILDING CODE"

was introduced and ordered published as required by the Charter.

Moved by Johansen          Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Shastid

ORDINANCE AMENDING CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE PLUMBING CODE

Copies of the proposed ordinance were furnished the Council prior to the meeting.

Assistant Director of Public Works Campbell stated that the proposed ordinance adopts by reference the 1961 edition of the Uniform Plumbing Code; that a general review of the City's plumbing regulations was begun in October, 1962, and the proposed amendments discussed at an open meeting with plumbing contractors on February 6, 1963. A number of minor changes were recommended and incorporated in the proposed ordinance. The code changes were briefly reviewed by Mr. Campbell.

ORDINANCE NO. 570-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE PLUMBING CODE"

was introduced and ordered published as required by the Charter.

Moved by VanderWall          Seconded by Tabbert

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Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Shastid

RESOLUTION SETTING A HEARING ON CONFIRMATION OF THE REPORT OF THE DIRECTOR OF PUBLIC WORKS CONCERNING THE WORK OF DEMOLISHING AND REMOVING THE BUILDING LOCATED AT 102 SPRUCE STREET IN THE CITY OF MODESTO 2-17

The City Attorney stated that a report on the cost of demolishing and removing the dwelling located at 102 Spruce Street was presented to the Council at the February 11th meeting, but a date for hearing was not set in accordance with established legal procedure; that a resolution setting the hearing was necessary.

RESOLUTION NO. 63-86

A RESOLUTION SETTING A HEARING ON CONFIRMATION OF THE REPORT OF THE DIRECTOR OF PUBLIC WORKS CONCERNING THE WORK OF DEMOLISHING AND REMOVING THE BUILDING LOCATED AT 102 SPRUCE STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203 (a) OF THE UNIFORM BUILDING CODE, ASSESSING THE COST OF SAID WORK AGAINST THE PARCEL OF REAL PROPERTY, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN (W. J. BROWN)

Introduced by VanderWall          Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Shastid

March 4, 1963 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER PROPOSAL FOR ADDITIONAL DEDICATION BY SOUTHERN PACIFIC ON THE WEST SIDE OF 9TH STREET, AND INSTALLATION OF CURBS, GUTTERS AND SIDEWALKS

A memorandum from Director of Parking and Traffic Carmody, dated February 4, 1963, subject, "Sidewalks and Curbing Along the West Side of 9th Street between H & K Streets," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The City Manager briefly reviewed the memorandum, which indicated that the Southern Pacific has now agreed to the City's proposal that the Company dedicate rights of way along 9th Street, between H and K Streets, for sidewalk purposes, the City to construct the curbs and gutters, the Company to install the sidewalks, the City to issue call for block by block bids for the construction of the sidewalks with award of the bids subject to the approval of both parties.

Mr. Carmody pointed out that the work to be done would be on a state highway which will eventually be dedicated to the City by the State upon completion of the freeway.

MOTION

That the staff be authorized to prepare the necessary documents to proceed as proposed

Moved by VanderWall          Seconded by Patton          Unanimously carried

CONSIDER AUTHORIZING PURCHASE AND MOVING ONE TRANSFORMER STRUCTURE  
AND INSTALLING ONE NEW STRUCTURE

The City Manager stated that rapid subdivision growth has overloaded three of the City's light circuits, and that authorization was needed to purchase one transformer structure and equipment, and to move one transformer structure to another location, to enable the City to get through the balance of this fiscal year. He said that if approved, an appropriation transfer of \$2,400 was necessary.

RESOLUTION NO. 63-87

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE TRANSFORMER STRUCTURE AND EQUIPMENT, AND THE MOVING OF ONE TRANSFORMER TO ANOTHER LOCATION

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

RESOLUTION NO. 63-88

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,400 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, GENERAL RESERVE, TO TRANSFORMERS

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED ANNEXATION OF  
PRESCOTT CHURCH ADDITION

The City Manager stated that this matter was held over from the last meeting, and that the petitioners have indicated that they do not wish to proceed with the annexation at this time. He recommended that the proposed annexation of Prescott Church Addition be dropped.

The City Attorney stated that under the government code, a petition cannot be withdrawn once it is filed, but Section 35007 of the Government Code provides that the legislative body shall have the power to terminate annexation proceedings at any time prior to the date of the hearing.

RESOLUTION NO. 63-89

A RESOLUTION TERMINATING PROCEEDINGS FOR THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY KNOWN AS PRESCOTT CHURCH ADDITION TO THE CITY OF MODESTO, IN ACCORDANCE WITH SECTION 35007 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

Introduced by VanderWall      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

RESOLUTION REFERRING PETITION FOR ANNEXATION OF THE CATHERINE EVERETT  
SCHOOL ADDITION TO THE PLANNING COMMISSION FOR REPORT

The City Manager stated that the proposed Catherine Everett School Addition contains 28.188 acres, is located immediately east of Carver

Road, and includes the adjacent city park site and Wyldewood Park No. 1 Subdivision. The property is proposed for a residential subdivision, a school and a park. All city services can be extended to the area, including water and sewer facilities; if annexed, it will be withdrawn from the Stanislaus Union School District and the Woodland Fire District.

RESOLUTION NO. 63-90

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS CATHERINE EVERETT SCHOOL ADDITION

Introduced by Mitchell      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

APPROPRIATION TRANSFERS - None

LEGISLATIVE MATTERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Mrs. Cecil Woods, 132 North Santa Ana, registered a complaint about an unleashed dog in her neighborhood, which, in Mrs. Woods' opinion, was dangerous to other animals and to children, and was terrifying the neighborhood. Mrs. Woods stated that complaints registered with the Police Department and citations issued by the poundmaster, and appeals to the owners of the animal, have not been effective in removing the dog from the street.

The matter was referred to the staff for handling.

REPORT BY COUNCILMAN PATTON OF SATURDAY EVENING POST ARTICLE RELATIVE TO RECREATIONAL USE OF SCHOOLS

Councilman Patton stated that he had read an article in last week's issue of the Saturday Evening Post relative to the recreational use of schools for physical fitness programs. He suggested that the article be read by the staff with the idea that the City might benefit from suggestions in the article.

The City Manager stated that recreational use of school property has been made in the past to some degree, and a Council Committee is now working with the schools on park problems; that the magazine article would be brought to the attention of the Council Committee for discussion with the Schools, and a report made to the Council following the discussions.

HEARING ON UNCLASSIFIED USE PERMIT - MODESTO MEDICAL DEVELOPMENT COMPANY (ORANGEBURG AND SHERWOOD AVENUES) 3-35

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the request for an unclassified use permit by the Modesto Medical Development Company, to permit expansion of hospital facilities at 333 West Orangeburg Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on February 7, 1963 and notices posted and distributed in the area on February 14, 1963. No written protests to the issuance of the unclassified use permit were filed with the City Clerk.

The property under consideration was indicated on a map by Director of Planning Fey.

The City Manager stated that Planning Commission Resolution No. 883 recommends the granting of an unclassified use permit to the Modesto Medical Development Company for hospital expansion based on the determination that the granting of the permit is required by public necessity, convenience and general welfare.

A plan entitled, "Proposed Doctors Hospital Expansion," as amended in red, dated December 28, 1962, outlining the proposed hospital expansion, on file in the office of the Planning Director, was introduced into the record.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

Councilman Tabbert questioned one of the conditions of Planning Commission Resolution No. 883, requiring that the east parking area be enclosed on the south and east sides with a solid, six-foot, redwood fence, the exact location of the fence to be determined by the Secretary of the Planning Commission, and asked if a right of way problem existed on the east side of the property. He said that since a fence presently existed on the other side of the easement, enclosing the parking area with a fence might contribute to a weed patch between the two fences.

Director of Planning Fey stated that the easement might be used for parking; that this use was dependent upon the nature of the easement; that if the easement could be used for parking it would not be necessary to construct a fence on the east side of the property. Mr. Fey said that information on the easement was being sought by the engineer for the Development Company.

#### RESOLUTION NO. 63-91

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO MODESTO MEDICAL DEVELOPMENT COMPANY FOR HOSPITAL EXPANSION, 333 WEST ORANGEBURG AVENUE

Introduced by VanderWall      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

#### REPORT ON POLICE-COMMUNICATIONS CENTER BUILDING

Deputy City Manager Keefe stated that the plans and specifications for the police-communications center building were submitted to the H.H.F.A. last Tuesday for review; that as soon as clearance has been received from H.H.F.A., a call for bids would be submitted for council approval.

#### REPORT ON MUNICIPAL FINANCE ADMINISTRATION COURSE

A list of 23 city employees taking the Municipal Finance Administration Course was furnished the Council. The City Manager expressed his pleasure over the employee interest shown, stating that it was proposed that the City pay the \$60 enrollment fee for the entire group, the individuals to purchase their own books and pay a \$5 fee for final examinations and certificates. Mr. Miller said that the text books used for the course are being used in over 60 universities for public administration courses.

## MOTION

That the proposal of the City Manager outlined above be approved

Moved by VanderWall      Seconded by Johansen      Unanimously carried

REPORT ON SISTER CITY PROGRAM(a) Resolution designating official representatives

A proposed resolution designating Mayor and Mrs. Don Hammond official representatives of the City of Modesto to the City of Barranquilla during the Mardi Gras Festival was read by the City Manager. He reviewed a similar resolution, also designating Mr. & Mrs. Carroll Steele as official representatives of the City.

## RESOLUTION NO. 63-92

A RESOLUTION OF THE MODESTO CITY COUNCIL EXTENDING GREETINGS TO ITS SISTER CITY, BARRANQUILLA, COLOMBIA, AND ITS CITIZENS, AND DESIGNATING OFFICIAL REPRESENTATIVES OF THE CITY OF MODESTO (Mayor and Mrs. Don D. Hammond)

Introduced by VanderWall      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

## RESOLUTION NO. 63-93

A RESOLUTION OF THE MODESTO CITY COUNCIL EXTENDING GREETINGS TO ITS SISTER CITY, BARRANQUILLA, COLOMBIA, AND ITS CITIZENS, AND DESIGNATING OFFICIAL REPRESENTATIVES OF THE CITY OF MODESTO (Mr. and Mrs. Carroll G. Steele)

Introduced by Johansen      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: Npne      Absent: Shastid

REPORT ON EXISTING CITY STREET DEFICIENCIES

A report from the City Manager, dated February 13, 1963, subject, "Report on Existing City Street Deficiencies," was distributed to the Council prior to the meeting, a copy of which is on file with the record of the minutes. A bulletin from the League of California Cities, dated February 5, 1963, subject, "Senate Bill 344 - Additional Financing of City Streets and County Roads - Revision of Existing 5/8¢ Requirements," was also furnished the Council.

The City Manager stated that this bill will be heard by the Committee on March 5, 1963 and that he has been asked to present information at the hearing, which will be essentially as shown in the report.

The report was ordered filed.

REPORT ON CITY MANAGERS' SPRING CONFERENCE

A brief report on the City Managers' Spring Conference was given by the City Manager. The conference was also attended by Deputy City Manager Keefe. Mr. Miller acted as moderator of a panel discussion on future problems facing cities.

PRESENTATION OF FINANCIAL STATEMENT FOR THE MONTH OF JANUARY, 1963

The Financial Statement for the month of January, 1963, was presented to the Council and ordered filed.

APPOINTMENTS TO BOARDS AND COMMISSIONS - UNANIMOUS CONSENT ITEM

The City Clerk was directed to place this item on the agenda of the March 4, 1963 meeting.

The City Attorney stated that two vacancies exist on the Library and Culture Commission, one to be filled by a registered voter in the City, and the other a registered voter living outside the City, but within the Modesto High School District. A vacancy also exists on the Board of Zoning Adjustment.

DISCUSSION OF QUORUM FOR NEXT MEETING

Councilman Patton announced that he would be absent from the next Council meeting; Mayor Hammond announced that he was leaving for Barranquilla Thursday morning and would be absent from the meeting; Councilman Mitchell stated that he was scheduled to speak on behalf of the City on park matters at a School Board meeting on that evening.

The City Attorney stated that the Charter required that a quorum be present during the entire meeting to act on resolutions.

ADJOURNMENT


## MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Mayor Hammond      Unanimously carried

The meeting adjourned at 4:50 P.M.

ATTEST:

  
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Vice Mayor VanderWall presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Shastid, Tabbert, VanderWall  
Councilman Mitchell arrived at 8:47 P.M.

Absent: Councilmen: Patton, Mayor Hammond

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

A moment of silent prayer was observed.

#### APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular meeting of January 28, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

#### LETTER FROM C. E. DIXON, CHIEF ADMINISTRATIVE OFFICER, COUNTY OF STANISLAUS, RE: CITY OF MODESTO ASSISTANCE DURING THE WATER DAMAGE INCIDENT OF FEBRUARY 2, 1963

A letter from C. E. Dixon, Chief Administrative Officer, Stanislaus County, dated February 14, 1963, was read by the City Clerk. Mr. Dixon expressed the appreciation of the County for the assistance offered and rendered by the city staff following the water damage incident at the Court House on February 2, stating that the demonstration exemplified the mutual assistance philosophy that has existed between the City and County over the years.

The letter was ordered filed.

#### LETTER FROM RICHARD B. EATON, BUSINESS MANAGER, MODESTO CITY SCHOOLS RE: COMPLETION OF SWIMMING-POOLS AT JUNIOR COLLEGE 1-23

A letter from Richard B. Eaton, Business Manager, Modesto City Schools, dated February 18, 1963 stating that the Modesto City Board of Education has formally accepted the swimming pools at the Modesto Junior College at a final cost of \$82,204, was read by the City Clerk. Mr. Eaton requested that the City forward its contribution towards the project in the amount of \$35,000. (In accordance with agreement with Modesto Junior College District, dated November 6, 1961). Funds are budgeted.

#### MOTION

That payment of \$35,000 to the Modesto Junior College District for the City's share of the cost of the swimming pools at Modesto Junior College be authorized

Moved by Johansen      Seconded by Tabbert      Unanimously carried

#### COPY OF TELEGRAM AND NEWS ITEM BY FRANK ANDREWS RE: NEW DON PEDRO DAM

Copies of a telegram from Frank Andrews to the San Francisco Public Utilities Commission, dated February 13, 1963 and a newspaper item entitled, "Does the PUC Need a Lobby?" were furnished the Council prior to the meeting.

The telegram and newspaper clipping were ordered filed.

LETTER FROM THE WOMENS' PROGRESSIVE CLUB RE: USE OF CITY HALL GARDEN AREA FOR ART EXHIBIT APRIL 23, 24 AND 25, 1963

A letter signed by Mrs. Daniel Arena, Mrs. Howard Williams and Mrs. Hugh Merriam, dated February 14, 1963 requesting the use of the City Hall garden area for an art show scheduled for April 23, 24 and 25, 1963, was read by the City Clerk.

MOTION

That the request of the Womens' Progressive Club for the use of the City Hall garden area for an art exhibit April 23, 24 and 25, 1963 be approved, subject to the supervision and assistance of the staff, with the City assuming no responsibility for any phase of the exhibit

Moved by Tabbert      Seconded by Shastid      Unanimously carried

LETTER FROM DICK HUGHES, REALTOR, RE: PROPOSED DEVELOPMENT OF LOT 39 OF BROUGHTON COLONY ON BRIGHTON AVENUE REALIGNMENT ROUTE

A letter from Dick Hughes, realtor, dated February 23, 1963, was read by the City Clerk.

Mr. Hughes stated in his letter that while having a preliminary subdivision map drawn, he found that the City has a proposed realignment of Brighton Avenue running through the middle of the property proposed for subdivision. He requested that the City make a decision on the alignment at this time so that developers of the property can decide on the feasibility of developing the site with new homes.

MOTION

That the letter be referred to the staff for determination, recommendation and report to the Council

Moved by Shastid      Seconded by Johansen      Unanimously carried

LETTER FROM ERVIN W. PHILIPPI AND A PETITION SIGNED BY NEIGHBORS ON REQUEST FOR IMPROVEMENT OF WESTLAND DRIVE

A petition signed by twelve residents of Westland Manor, dated February 15, 1963 requesting the help of the City in connection with storm drainage problems in the area, was read by the City Clerk.

A letter from Ervin W. Philippi, 1317 Westland Drive, dated February 15, 1963 pertaining to the above problem was also read by the City Clerk.

Director of Public Works Ray said that Westland Drive, which intersects Oakwood Avenue immediately east of Carver and south of Orangeburg Avenue, is situated in a low area into which a considerable area drains when rain water overflows the crown of the street to the east of this particular intersection; that the dry wells are inadequate for the large volume of water involved, and two small 6" sanitary sewers located in the area are not designed for and provide little relief for storm drainage purposes.

Mr. Ray stated that complaints from residents in this area were presented to the Council about four years ago, at which time he advised the Council and complainants that as the area developed, there would be less and less capacity in the sanitary sewer for other than domestic sewage.

Referring to the complaint that city forces no longer went out on call to pump the water in the area during severe storms, Mr. Ray said that only a small number of portable pumps are available for use in this type of emergency; that there was no canal nor undeveloped land available in the area into which the excess water could be pumped, and that it was not economical nor feasible to pump the storm waters into the sanitary sewer when the water flows into the sewer by gravity. He further pointed out that disposal of water in sanitary sewers requires treatment of storm waters at the treatment plant, an unnecessary additional load for an already overtaxed facility.

Upon questioning, Mr. Ray discussed the topography of the area. He said that the petition form for a drainage district, as prepared for circulation, covers the general area bounded by Coldwell Avenue on the south, U. S. Highway 99 on the west, Standiford Road on the north, and the Tidewater Southern Railroad on the east; that because of the topography and the fact that the Tuolumne River is the nearest stream into which the storm waters can be drained, it must be a large district. A breakdown of the area into a number of smaller districts would greatly increase the cost of running individual lines to the river.

The following matters in connection with the formation of a drainage district in the area were discussed: The possibility of obtaining federal funds to assist with the project; the comparative size of the proposed district in relation to Improvement District No. 8 (Mr. Ray stating that it was about four or five times greater than District No. 8); the alternative of an open drainage channel to the west of the City; the probable cost of drainage per square foot.

Mr. Ray said that due to the large demand for the report prepared by the Public Works Department, dated October, 1958, subject, "Storm Drainage - a Community Wide Problem," copies were no longer available for distribution; that the staff was now working with a City-County Committee on drainage, and when discussions were complete, an updated and revised report concerning community wide storm drainage problems would be submitted to the Council. He said he was not able to determine when the report would be ready for distribution because of the number of people involved in the study.

Mr. Ray suggested that information based on his discussion this evening, and information pertaining to the formation of a drainage district in the area be furnished the complainants, stating that it was his belief that a drainage district presented the only positive solution to the problem. He further suggested that a photostat of the editorial appearing in the February 20th issue of the Modesto Bee be sent to the parties involved, stating that portions of the editorial were illustrative of problems in this area.

#### MOTION

That the matter be referred to the staff with instructions that adequate information be furnished the signers of the petition, including a photostat of the editorial appearing in the February 20th edition of the Modesto Bee mentioned by the Director of Public Works

Moved by Shastid      Seconded by Johansen      Unanimously carried

#### RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE CONSTRUCTION OF WATER LINES TO SERVE SHERWOOD FOREST NO. 2 SUBDIVISION 3-98

The City Manager stated that the proposed plans and specifications and call for bids for the construction of water lines to serve Sherwood Forest No. 2 Subdivision were prepared in accordance with agreement with the developers approved by Council Resolution No. 63-68. He recommended

that the plans, specifications and call for bids be approved.

Upon questioning, Mr. Ray stated that Sherwood Forest No. 2 Subdivision was located outside the city limits and had not agreed to annex to the City; that funds for the construction of the water lines were not specifically budgeted for this particular project. Mr. Ray said that a fixed sum is budgeted for the year's needs for this purpose, with adjustments made throughout the year as needed for water line materials; that the item requesting an appropriation transfer of \$50,000 for water line extensions covered additional funds for water line materials for the balance of the fiscal year.

Councilman Shastid stated that he was opposed to spending substantial sums of money (\$32,000) on a "leap-frogging" subdivision outside the city limits, which was not willing to annex to the City, when this money could be well spent on worthwhile projects within the City.

The City Attorney stated that the City now has a legal obligation to furnish water to the subdivision because of an agreement between the City and the developer.

#### RESOLUTION NO. 63-94

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF WATER LINES TO SERVE SHERWOOD FOREST NO. 2 SUBDIVISION

Introduced by Johansen      Seconded by Tabbert

Ayes: Johansen, Tabbert, VanderWall

Noes: Shastid      Absent: Mitchell, Patton, Mayor Hammond

The resolution failed to carry for the lack of four affirmative votes as required by the Charter.

Mayor pro tempore VanderWall directed that the matter be placed on next week's agenda.

#### (a) Appropriation Transfer for Water Line Extension

Director of Public Works Ray stated that the \$50,000 appropriation transfer requested covers pending and proposed construction of water lines to subdivisions other than Sherwood Forest No. 2 Subdivision for the balance of the fiscal year, and that he has been advised by the Director of Finance that funds in this account have already been overexpended.

The City Manager recommended that \$25,000 be transferred at this time to take care of water line extension commitments other than Sherwood Forest No. 2 Subdivision.

#### RESOLUTION NO. 63-95

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$25,000 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, ROSE AVENUE TRUNK, VARIOUS TRUNK AND SUB-TRUNK EXTENSIONS TO WATER LINE EXTENSIONS

Introduced by Shastid      Seconded by Tabbert

Ayes: Johansen, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mitchell, Patton, Mayor Hammond

ADOPTION OF ORDINANCE NO. 566-C.S., AMENDING SECTION 31 OF ZONING MAP  
(MacDANNALD, RAINES, HASSAPAKIS AND OLLAR PROPERTY)

ORDINANCE NO. 566-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 31 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (MacDANNALD, RAINES, HASSAPAKIS AND OLLAR)

and  
introduced on February 11, 1963, having been published as required by the Charter, was moved and adopted. (Effective March 27, 1963)

Moved by Johansen      Seconded by Tabbert

Ayes: Johansen, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mitchell, Patton, Mayor Hammond

ADOPTION OF ORDINANCE NO. 567-C.S., AMENDING SECTION 21 OF THE ZONING  
MAP (HELM PROPERTY ON McHENRY AVENUE)

ORDINANCE NO. 567-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HELM)"

introduced on February 11, 1963, and having been published as required by the Charter, was moved and adopted. (Effective March 27, 1963)

Moved by Shastid      Seconded by Tabbert

Ayes: Johansen, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mitchell, Patton, Mayor Hammond

ADOPTION OF ORDINANCE NO. 569-C.S. AMENDING MUNICIPAL CODE RELATING  
TO BUILDING REGULATIONS

ORDINANCE NO. 569-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE BUILDING CODE"

introduced on February 18, 1963 and having been published as required by the Charter, was moved and adopted. (Effective March 27, 1963)

Moved by Johansen      Seconded by Shastid

Ayes: Johansen, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mitchell, Patton, Mayor Hammond

ADOPTION OF ORDINANCE NO. 570-C.S. AMENDING MUNICIPAL CODE, RELATING  
TO PLUMBING REGULATIONS

ORDINANCE NO. 570-C.S. entitled

"AN ORDINANCE AMENDING CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE PLUMBING CODE"

introduced on February 18, 1963 and having been published as required by the Charter, was moved and adopted. (Effective March 27, 1963)

Moved by Tabbert      Seconded by Shastid

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Ayes: Johansen, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mitchell, Patton, Mayor Hammond

CONSIDER DEVELOPMENT OF CITY PARKING LOT ON EAST SIDE OF 9TH STREET  
BETWEEN J & K STREETS

Copies of a memorandum from the Director of Parking and Traffic, dated February 21, 1963, subject, "Proposed City Parking Lot - E/S 9th between J and K Streets," were furnished the Council prior to the meeting. The memorandum proposed that the area on the east side of 9th Street between J and K Streets, now occupied by the Modesto Plymouth Company, be leased by the City for a period of ten years for a parking lot and stated that pledges in the amount of \$3,100 per year have been received from adjacent property owners, with more anticipated.

The City Manager recommended that the proposal be approved in principle, on the basis that sufficient owner-tenant donations be forthcoming to make the project financially safe on the part of the City.

Director of Parking and Traffic Carmody stated that the lot would be available to the City on September 1, with rent of \$550 per month to commence on November 1, 1963. The property is owned by Trust Funds, Incorporated, San Francisco.

Mr. Carmody introduced Mr. Bill Bair, president of the Downtown Merchants Association, Mr. Loeb, Mr. Youngheim, and Mr. and Mrs. Madonna, who worked in cooperation with Mr. Carmody in advancing the plans for the proposed parking site.

Mr. Carmody stated that pledges for the lot have been received from sixteen contributors totalling approximately \$300 per month for the next ten years.

Upon questioning, Mr. Carmody said that a purchase option on the property was not sought, but would be if the Council so directed. Mr. Carmody said that he knew of two fairly recent instances in which unsuccessful attempts were made to purchase the property.

MOTION

That the development of a city parking lot on the east side of 9th Street, between J and K Streets, be approved in principle, and the staff directed, if possible, to negotiate an option for the purchase of the property, and that ample and firm pledges be secured to permit the parking lot to be fully self-supporting

Moved by Shastid      Seconded by Johansen      Unanimously carried

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-  
DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION  
TO THE CITY OF MODESTO (DOWNEY PARK ADDITION)

RESOLUTION NO. 63-96

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-  
DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION  
TO THE CITY OF MODESTO (Downey Park Addition)

Introduced by Johansen      Seconded by Shastid

Ayes: Johansen, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mitchell, Patton, Mayor Hammond

APPROVE APPLICATION FOR MOTOR VEHICLE FUEL TAX FOR MODESTO CITY-COUNTY AIRPORT

The City Manager stated that the 1961 Legislature has revised the formula for allocation of unrefunded motor vehicle fuel tax funds apportioned to airports, the maximum amount available to any one airport now being \$2,500, with the stipulation that any amount received must be expended for airport purposes. To qualify for the funds, the City must deposit in the Special Aviation Fund an amount equal to that paid by the State, and process a "Certificate for Airport Assistance Funds." Mr. Miller said that matching funds have been provided in the current budget and he requested authorization to submit an application for the funds.

MOTION

That the staff be authorized to submit an application for Motor Vehicle Fuel Tax funds for the Modesto City-County Airport for a maximum of \$2,500

Moved by Johansen      Seconded by Shastid      Unanimously carried

CONSIDER RENEWAL OF FIDELITY BOND OF CHARLES V. BIRD (DIRECTOR OF FINANCE)

The City Manager stated that a corporate surety bond in the amount of \$50,000 for the period beginning March 27, 1963 and ending September 10, 1964 has been provided by the New Hampshire Company, covering the performance of the Director of Finance. Mr. Miller said that the termination date of September 10, 1964 has been selected so that all officers' bonds will expire simultaneously and be subject to renewal on the same date. Premium on the bond for the above period is \$346.26.

Director of Finance Bird stated that by having all corporate surety bonds renewable at the same time, it will be possible to incorporate them in a policy for competitive bidding.

The increase in premium cost was explained by Mr. Bird.

RESOLUTION NO. 63-97

A RESOLUTION AUTHORIZING THE RENEWAL OF THE FIDELITY BOND FOR THE DIRECTOR OF FINANCE OF THE CITY OF MODESTO

Introduced by Shastid      Seconded by Tabbert

Ayes: Johansen, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mitchell, Patton, Mayor Hammond

REQUEST FOR EXTENSION OF TIME FOR FILING CAPITAL IMPROVEMENT PROGRAM

The City Manager stated that the Municipal Code provides that the Six-Year Capital Improvement Program shall be submitted by the Planning Commission by May 1. He said that recommendations of the Forward Modesto Committee should be considered by the Planning Commission in drawing up the new program, but will not be available in sufficient time to permit the Planning Commission to meet the May 1 deadline. Mr. Miller recommended that presentation of the current Six-Year Capital Improvement Program be deferred to give opportunity for Planning Commission review of the recommendations of the Forward Modesto Committee. He also pointed out that financing of the police-communications center building will affect this year's capital improvement program, as well as next year's program.

## MOTION

That the extension of time for filing the Capital Improvement Program with the Council be approved as recommended by the City Manager

Moved by Shastid      Seconded by Johansen      Unanimously carried

CONSIDER ESTABLISHING A REVISED SCHEDULE OF CHARGES AND CHANGE IN REGULATIONS PERTAINING TO GOLF RATES

A memorandum from the Director of Parks and Recreation, dated February 20, 1963, subject, "Proposed Changes in Golf Course Rates and Regulations," was furnished the Council prior to the meeting. The proposed changes reduce the categories of available monthly tickets from about ten to three, with the following suggested rates: Family monthly ticket (husband and wife), \$14 from November to January and \$16 from February to October; individual monthly ticket, \$10 from November to January and \$12 from February to October; student tickets, \$4 per month for each and every month; late afternoon rates, \$1 - Pacific Daylight Saving Time (May through October) after 5:00 P.M.; March and April, after 4:00 P.M.; November through February, after 3:00 P.M.

Superintendent of Recreation Grogan discussed the proposed changes, stating that it was hoped they would stimulate more play during normally slow periods, and also provide an anticipated 2% increase in revenue. She said that limiting the number of monthly tickets to three basic classes would also greatly decrease bookkeeping operations.

A proposed resolution adopting the recommended changes was reviewed by the City Attorney.

Upon questioning, Miss Grogan stated that charging reservation fees had been discussed, but was not believed to be justified at present; that if and when the need for a charge arose, it would be presented for Council consideration; that if the proposed changes were approved by the Council, the effect of the change on revenue would be presented to the Council at the budget hearings.

Councilman Tabbert suggested that the matter be held over for one week pending the presence of other Council members.

Mr. Charles Throssell, president of the Modesto Golf Club, stated that the proposed reduction in categories was logical on the basis that a review of a tabulation of the sale of monthly tickets indicates that the most popular classifications are husband-wife, single individual, and student. He pointed out that during fiscal year 1961-62, sale of monthly tickets comprised less than 20% of the total golf course revenue and that the anticipated 2% revenue increase would equal less than \$1,000 for an entire year; that a substantial portion of the anticipated 2% increase would be realized if the proposed changes were made effective March 1.

## MOTION

That action on the matter be held over for one week

Moved by Tabbert      Seconded by VanderWall      Unanimously carried

REPORT ON PROPOSAL TO REMOVE PUMP AND SHAFT OF WELL NO. 23 LOCATED AT DRYDEN PARK GOLF COURSE

The City Manager stated that this matter was presented to the

Council for its information - that the pump at Well No. 23 was vibrating and would have to be removed to determine the cause of the trouble; that removal would cost approximately \$200, and additional funds might be needed for repairs.

Councilman Shastid questioned the necessity of placing an ordinary maintenance item with an estimated cost of \$200 on the agenda.

The City Manager stated that it was placed on the agenda primarily for informational purposes; that if there were no objections by the Council, the pump would be pulled, its condition checked and further report made to the Council if funds were needed for repairs.

#### REPORT ON PROPOSED FENCE AT THE CITY-COUNTY AIRPORT

The City Manager submitted a proposal that a barbed wire fence be installed along East Modesto Road at the easterly section of the Modesto City-County Airport to prevent this portion of the airport from being used as a motorcycle hazard riding area. The \$300 cost of installation will be borne by the City. Mr. Miller said that the matter has been discussed with County Administrator Dixon and the City Attorney, and a suggestion made to Mr. Dixon that he check with the County Counsel to make certain that both agencies have the authority to enforce a no-trespassing edict. He recommended that erection of the fence be approved.

#### MOTION

That installation of a barbed wire fence along the easterly section of Modesto City-County Airport be approved

Moved by Shastid      Seconded by Tabbert      Unanimously carried

#### CLEARING OF RUNWAY APPROACHES OF MODESTO CITY-COUNTY AIRPORT - UNANIMOUS CONSENT ITEM

The City Manager stated that the City has been advised by federal authorities that in order to qualify for federal funds for airport lighting, it is necessary to clear the runway approaches at the Airport of a number of old trees in the area; that some of the trees have no value, but a few oak trees are worthy of saving and may be retained if they are topped. He asked for Council approval to top those trees desired to be retained, and removal of the others. He said that the trees would be topped by city forces, with the County furnishing prisoner labor to clear the area.

#### MOTION

That the removal and topping of trees to clear the runway approaches of the Modesto City-County Airport be approved as outlined by the City Manager

Moved by Shastid      Seconded by Tabbert      Unanimously carried

#### CONSIDERATION OF CITY POLICY ON FURNISHING OF SAFETY EQUIPMENT AND REQUIREMENTS FOR ITS USE      6-61

Copies of Personnel Administrative Order No. 17-63-1, subject, "Safety Equipment and Rules for its Use," dated February 13, 1963, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Personnel Officer Mitchel stated that the statement generally presented the policy now in effect, with an added provision to permit the furnishing and requirement of safety helmets for police officers, subject to later Council authorization to purchase the helmets. Mrs. Mitchel

said that the statement has been cleared with the Personnel Commission.

Upon questioning, Mrs. Mitchel said that Modesto has placed second and third in safety contests in competition with cities of comparable size; that this administrative order contained no major variations from the safety policy followed in the past, except for the requirement of helmets for police officers.

Upon questioning, the City Manager stated that requirement of the use of helmets by police officers would be at the discretion of the Police Chief and the City Manager -- that it would not be a hard and fast rule.

RESOLUTION NO. 63-98

A RESOLUTION APPROVING PERSONNEL ADMINISTRATIVE ORDER 17-63-1 IN PRINCIPLE

Introduced by Shastid      Seconded by Mitchell

Ayes: Johansen, Mitchell, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Patton, Mayor Hammond

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED ANNEXATION OF THE LORENZEN PARK ADDITION ( INTERIM ZONING R-2 ) 6-95

The City Manager stated that Planning Commission Resolution No. 899 recommends the commencement of annexation proceedings for the Lorenzen Park Addition and recommends interim R-2 zoning for certain parcels in the Addition.

RESOLUTION NO. 63-99

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS LORENZEN PARK ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Patton, Mayor Hammond

April 8, 1963 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION GRANTING EXTENSION OF TIME IMPOSED BY DEVELOPMENT SCHEDULE FOR P-D (10) - ROBERTS

The City Manager stated that Planning Commission Resolution No. 901, adopted February 19, 1963 recommends the extension of time imposed by the development schedule P-D (10) for the Roberts property as follows: that Phase I be commenced on or before July 1, 1963 and completed on or before April 1, 1964; Phase II to start on or before April 1, 1964 and completed on or before December 1, 1964.

RESOLUTION NO. 63-100

A RESOLUTION EXTENDING THE TIME LIMITS IMPOSED BY THE DEVELOPMENT SCHEDULE APPROVED AS PART OF PLANNED DEVELOPMENT ZONE, P-D (10) (ROBERTS)

Introduced by Tabbert      Seconded by Shastid

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Ayes: Johansen, Mitchell, Shastid, Tabbert, Mayor pro tempore  
VanderWall  
Noes: None Absent: Patton, Mayor Hammond

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED ANNEXATION OF  
THE CRESTVIEW NO. 3 ADDITION

The City Manager stated that Planning Commission Resolution No. 900 recommends commencement of annexation proceedings for Crestview No. 3 Addition.

RESOLUTION NO. 63-101

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS CRESTVIEW NO. 3 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Mitchell Seconded by Johansen

Ayes: Johansen, Mitchell, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None Absent: Patton, Mayor Hammond

April 8, 1963 at 8:05 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED ANNEXATION OF  
THE CATHERINE EVERETT SCHOOL ADDITION

The City Attorney stated that Planning Commission Resolution No. 898 recommends commencement of annexation proceedings for the Catherine Everett School Addition.

Councilman Shastid referred to information indicated on the agenda that "all city services can be extended to the area, including water and sewer facilities." He noted that some time ago he had requested that any costs to the City in connection with the furnishing of water and sewer service to areas proposed for annexation be furnished the Council; that this information was not submitted in connection with this nor the proposed Lorenzen Park Addition. He requested that this information be included on the agenda on all future annexations.

RESOLUTION NO. 63-102

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS CATHERINE EVERETT SCHOOL ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Tabbert Seconded by Mitchell

Ayes: Johansen, Mitchell, Shastid, Tabbert, Mayor pro tempore  
VanderWall

Noes: None Absent: Patton, Mayor Hammond

April 8, 1963 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

Director of Public Works Ray stated that if an area being annexed has not been developed, and there are no plans for development, there is no way in which the cost of furnishing sewer and water service can be determined.

Councilman Shastid said that in this event a "horseback" estimate could be provided to give the Council a general idea of the City's commitment.

Councilman Shastid proposed a motion that the staff provide a reasonable estimate of the cost to the City of providing water and/or sewer service to areas proposed for annexation, this information to be furnished with the agenda item.

It was Councilman Mitchell's opinion that the motion should be clarified to indicate the timing of the information.

After discussion, Councilman Shastid agreed to amend his proposed motion to indicate that the estimated cost of providing city water and/or sewer services to an area proposed for annexation should be placed on the agenda at the time the matter is set for Council hearing.

#### MOTION

That the staff be directed to provide a reasonable estimate of the cost to the City of providing water and/or sewer service to areas proposed for annexation, this information to be placed on the agenda at the time the matter is set for Council hearing

Moved by Shastid      Seconded by Mitchell      Unanimously carried

#### APPROPRIATION TRANSFERS

Appropriation transfer to Water, Equipment Rental Charges (\$6,000) (50-218) and New Services (50-503) (\$6,000)

Director of Public Works Ray stated that this transfer was necessary to take care of the expansion of the City's water system for the balance of the fiscal year; that it was proposed to transfer \$3,500 budgeted for Sand Trap Station No. 9; \$3,500 from Engineering & Administration, Salaries and Wages, Regular (41-110) \$1,000 from Sewer Equipment Rental Charges (51-218); \$1,000 from Streets, Equipment Rental Charges, (51-218); and Sewage Disposal Utilities (53-210), \$3,000.

#### RESOLUTION NO. 63-103

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$12,000 FOR WATER LINE EXTENSIONS

Introduced by Mitchell      Seconded by Johansen

Ayes: Johansen, Mitchell, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Patton, Mayor Hammond

LEGISLATIVE MATTERS - None

#### MATTERS FOR THE GOOD OF THE COMMUNITY

Report on Rotary Club Conference by Councilman VanderWall

Councilman VanderWall reported that he had received nothing but favorable comments concerning the free-parking permits furnished visiting Rotarians; that over one thousand persons registered for the conference, approximately 900 being from out of town.

Report on Meeting with Board of Education and School Trustees by Councilman Mitchell

Councilman Mitchell reported that he had attended a meeting this evening with the Board of Education and school trustees of the Elementary District; that he had indicated at the meeting that his attendance was by assignment of the Public Projects Committee and he did not purport to speak in behalf of the Council.

He said that a great deal of interest was expressed in his proposal that park and school sites be acquired simultaneously through initial joint purchase; that several points were raised by trustees of outlying school districts pertaining to rumors that plans for purchase of park sites adjacent to their schools had been dropped, whereas they are actually on the City's five-year program. Councilman Mitchell stated he was quite hopeful that simultaneous acquisition of park and school sites would effect a substantial financial savings and at the same time permit more advantageous layouts of school and park facilities.

REPORT ON ELECTION - CANDIDATES FOR MAYOR, COUNCILMEN AND BOARD OF EDUCATION 7-105

A report prepared by the City Clerk listing the nominees for Mayor, Councilman and Board of Education was furnished the Council and a copy filed with the record of the minutes.

REPORT BY CITY ATTORNEY RE: THE EFFECTIVE DATE OF PROPOSED CHARTER AMENDMENTS RELATING TO COMPENSATION OF COUNCILMEN AND MAYOR SHOULD THE PROPOSITIONS BE APPROVED BY THE ELECTORATE AT THE MUNICIPAL ELECTION OF APRIL 16, 1963

The City Attorney stated that after consideration and consultation with Richard Carpenter, general counsel for the League of California Cities, it was his opinion that increases for Councilmen and Mayor, if approved by the electorate at the April 16th election, would be effective as follows: For Councilmen (including the Mayor), two years from the April, 1963 election--\$25 for each meeting, not to exceed \$100 per month; for the Mayor, four years from the April, 1963 election--\$25 for each meeting, not to exceed \$100 per month, in addition to his salary as a member of the Council.

Upon questioning, Mr. Grimes said that a municipal election held before April, 1965, would have no bearing on the effective date of the salary increases.

REPORT ON POLICE-COMMUNICATIONS CENTER BUILDING

(a) Report on police-communications building financing and affect on capital projects

A memorandum from the Director of Finance, dated February 21, 1963, subject, "Capital Projects for the 1962-63 Fiscal Year," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The City Manager stressed the importance of completing or placing under contract capital improvement projects scheduled for fiscal year 1962-63, in order to meet eligibility requirements for H.H.F.A. funds for construction of the police-communications center building. He said that the \$844,093 indicated in the application for federal funds for the police-communications center building as the City's minimum capital improvement program for this fiscal year was considerably below the amount actually appropriated by the Council, but that unless the \$844,093

so specified was actually spent in our current capital improvement program, the federal grant would not be forthcoming.

Deputy City Manager Keefe stated that a thorough review of the Capital Improvement Program was made at this time to be sure that if it is not possible to proceed with some projects budgeted for this fiscal year, plans are made for substitution of alternative projects in time to keep total capital improvement expenditures for this fiscal year at the required level.

The City Manager stated that periodic reports would be made to the Council on the status of the projects.

#### Call for bids

Deputy City Manager Keefe reviewed a letter received from the H.H.F.A. which stated that the bidding documents for the police-communications center building were approved for advertising, subject to the following conditions: (1) That prevailing wage rates be incorporated in the advertised notice to bidders; (2) That the City furnish evidence of Council approval of the plans and specifications.

Mr. Keefe said that the prevailing wage rates would be incorporated in the advertised notice to bidders. He suggested that a resolution approving the plans and specifications for the building as submitted by Architect Milton T. Pfleuger, dated February 21, 1962 and revised February 15, 1963 be approved by the Council to take care of the second condition imposed.

#### RESOLUTION NO. 63-104

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR A POLICE-COMMUNICATIONS CENTER BUILDING FOR THE CITY OF MODESTO

Introduced by Mitchell      Seconded by Johansen

Ayes: Johansen, Mitchell, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Patton, Mayor Hammond

#### RESOLUTION NO. 63-105

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF A POLICE-COMMUNICATIONS CENTER BUILDING

Introduced by Tabbert      Seconded by Mitchell

Ayes: Johansen, Mitchell, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Patton, Mayor Hammond

#### APPOINTMENTS TO BOARDS AND COMMISSIONS - UNANIMOUS CONSENT ITEM

Mayor pro tempore VanderWall directed the staff to place this item on the agenda of March 11, 1963.

#### ADJOURNMENT

#### MOTION

That the meeting now in session be adjourned

Moved by Johansen      Seconded by Tabbert  
The meeting adjourned at 9:35 P.M.

Unanimously carried

ATTEST:   
Rex F. Gailfus, City Clerk

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The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Tabbert, VanderWall,  
Mayor Hammond  
Councilman Patton arrived at 4:05 P.M.  
Absent: Councilmen: Shastid

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

Reverend James Muddle gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meetings of February 4 and 11, 1963, and the same being available for public inspection, and there being no objections, the minutes were approved.

#### LETTER FROM DOROTHY L. STEPHENS, 805 HELEN AVENUE, RE: CONNECTION TO THE SEWER TRUNK LINE AT SPOKANE AND BUTTE AVENUES

A letter from Dorothy L. Stephens, 805 Helen Avenue, dated February 25, 1963 was read by the City Clerk. Mrs. Stephens stated that last December, at her request, the City drew plans to connect her property to the sewer trunk line at Spokane and Butte Avenues; that she has received several bids for the project and has been told by each bidder that cost of the work would be cut approximately in half if she was permitted to cut the depth by four feet. Mrs. Stephens indicated in her letter that the plan was drawn to serve the entire area, but it was her belief, because of a general lack of interest, that it would be years before sewers were generally developed in the area. She requested that she be permitted to construct a line at this time to serve her own interests; that when the time came to install a line for the entire area, she would be cooperative.

By Order of the Chair, the matter was referred to the staff and Council Public Projects Committee for review and report.

#### COMMUNICATION FROM CITY OF OAKDALE RE: ADOPTION OF ASSEMBLY BILLS NO. 316 AND 462

A letter from Mayor David N. Sondeno, Oakdale, dated February 21, 1963 requesting endorsement of Assembly Bills No. 316 and 462, introduced in the California Legislature during the 1963 General Session, was furnished the Council prior to the meeting. Attached to the letter were Resolution No. 7 (1963) City of Oakdale, urging the adoption of Bills No. 316 and 462, and copies of the bills.

By Order of the Chair, the documents were referred to the staff for review and report to the Council.

#### COMMUNICATION FROM JAMES R. MORGENSON, CHAIRMAN, MODESTO CITY PERSONNEL COMMISSION RE: COUNCIL POLICY IN REGARD TO CITY EMPLOYEE SALARY CHANGES

A letter from James R. Morgenson, Chairman, Modesto City Personnel Commission, dated February 20, 1963 suggesting that the Council review Council Resolution 59-456, "A Resolution of Policy of the City Council

Relating to Salaries for City Employees," was read by the City Clerk.

By Order of the Chair, the letter was referred to the Public Relations Committee for review and recommendation.

The staff was directed to furnish each Council member with a copy of Resolution No. 59-456.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF WATER LINE TO SERVE SHERWOOD FOREST NO. 2 SUBDIVISION

The City Manager stated that this matter was carried over from the February 25th meeting, by Order of the Chair, at which time a resolution approving plans and specifications and call for bids for construction of a water line to serve Sherwood Forest No. 2 Subdivision failed to carry because of an insufficient number of affirmative votes.

RESOLUTION NO. 63-106

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF WATER LINE TO SERVE SHERWOOD FOREST NO. 2 SUBDIVISION

Introduced by VanderWall      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

March 19, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AWARD OF BIDS FOR AUTOMOTIVE EQUIPMENT, FISCAL YEAR 1962-63

Bid tabulations covering the call for bids for automotive equipment for fiscal year 1962-63, opened in the City Clerk's office February 26, 1963 at 2:00 P.M. were furnished the Council prior to the meeting, together with a memorandum dated February 28, 1963 from the Director of Finance containing recommendations for award of low bids, as follows:

Dean Jones, Inc. Items 1, 2, 4 and 5, with laminated glass, for a total of \$5,822.08;

Griswold & Wight, Items 11, 12 and 13A (Falcon Station Bus), without laminated glass, for a total cost of \$9,090.93, the Falcon Station Bus to be used by the Planning Department; and

Helm Chevrolet Company, Items 3, 6, 7, 8, 9, 10, 14 and 15, with laminated glass, for a total of \$12,144.22.

RESOLUTION NO. 63-107

A RESOLUTION ACCEPTING THE BID OF DEAN JONES, INC. FOR AUTOMOTIVE EQUIPMENT (As itemized above)

Introduced by Mitchell      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

RESOLUTION NO. 63-108

A RESOLUTION ACCEPTING THE BID OF GRISWOLD & WIGHT FOR AUTOMOTIVE EQUIPMENT (As itemized above)

Introduced by VanderWall      Seconded by Tabbert

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Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Shastid

RESOLUTION NO. 63-109

A RESOLUTION ACCEPTING THE BID OF HELM CHEVROLET COMPANY FOR AUTOMOTIVE EQUIPMENT (As itemized above)

Introduced by VanderWall          Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Shastid

ADOPTION OF ORDINANCE NO. 568-C.S. REZONING CORPORATION FILLES DE JESUS NOTRE DAME CONVENT PROPERTY

ORDINANCE NO. 568-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (CORPORATION FILLES DE JESUS, NOTRE DAME CONVENT)"

introduced on February 11, 1963, and having been published as required by the Charter, was moved and adopted. (Effective April 3, 1963)

Moved by Johansen          Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Shastid

APPROVE LEASE AND PLEDGES FOR MODESTO PLYMOUTH PARKING LOT, EAST SIDE OF 9TH STREET BETWEEN J AND K STREETS

Copies of a memorandum from Director of Parking and Traffic Carmody dated February 28, 1963, subject, "Lease and Pledges - Modesto Plymouth Parking Lot - E/S 9th Street between J & K Streets," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Mr. Carmody reported that pledges exceeding \$300 per month have been received from owner-tenants in the vicinity of the proposed parking lot; that the proposed lease is for a ten-year period beginning September 1, 1963 with payment of the \$550 monthly rental to be effective November 1, 1963. He said that the proposed lot will have forty parking spaces and will open about December 1, 1963, and, upon questioning, that the building presently on the property will be removed.

Terms of the proposed lease were outlined by the City Attorney.

RESOLUTION NO. 63-110

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND TRUST FUNDS, INC. FOR LEASE BY THE CITY OF MODESTO PLYMOUTH PARKING LOT (east side of 9th Street, between J and K Streets)

Introduced by VanderWall          Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None          Absent: Shastid

RESOLUTION ACCEPTING IMPROVEMENTS IN MAYFAIR ESTATES UNIT NO. 2 SUB-DIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUB-DIVISION IMPROVEMENT BOND

The City Manager stated that a memorandum from the Assistant Director of Public Works, dated February 28, 1963 indicates that all work required by the subdivision agreement for Mayfair Estates Unit No. 2 Subdivision has been completed to the satisfaction of the Public Works Department, all inspection fees paid, and that it would be in order for the Council to accept the improvements as complete and authorize the City Clerk to release the subdivision improvement bond in the amount of \$75,000. The City Manager recommended that the work be accepted as complete.

RESOLUTION NO. 63-111

A RESOLUTION AUTHORIZING THE RELEASE OF THE FIREMAN'S FUND INSURANCE COMPANY SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN MAYFAIR ESTATES UNIT NO. 2 SUBDIVISION

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

RESOLUTION ACCEPTING IMPROVEMENTS IN MAYFAIR ESTATES UNIT NO. 1 SUB-DIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUB-DIVISION IMPROVEMENT BOND

The City Manager reported that a memorandum from the Assistant Director of Public Works indicates that all work required by the subdivision agreement for Mayfair Estates Unit No. 1 Subdivision has been completed to the satisfaction of the Public Works Department, all inspection fees paid, and that it would be in order for the Council to accept the improvements as complete and authorize the City Clerk to release the subdivision improvement bond in the amount of \$41,000. The City Manager recommended that the work be accepted as complete.

RESOLUTION NO. 63-112

A RESOLUTION AUTHORIZING THE RELEASE OF THE FIREMAN'S FUND INSURANCE COMPANY SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN MAYFAIR ESTATES UNIT NO. 1 SUBDIVISION

Introduced by Tabbert      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

REPORT OF SUPERINTENDENT OF STREETS ON COST OF CONSTRUCTION OF CURBS AND GUTTERS AT 119 WILSON AVENUE (LOT E, BLOCK 2016)

The City Manager stated that a report from the Director of Public Works, dated February 28, 1963 indicates a total cost of \$188.10 for installing curbs and gutters at 119 Wilson Avenue, the amount to be assessed as a lien against the property. Work was completed on February 25, 1963.

RESOLUTION NO. 63-113

A RESOLUTION SETTING THE TIME AND PLACE FOR HEARING BY THE MODESTO CITY COUNCIL ON THE CONSTRUCTION OF CURB AND GUTTER AT 119 WILSON AVENUE (Lot E, Block 2016)

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Introduced by Mitchell      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

March 18, 1963 at 4:30 P.M. in the Council Chambers, City Hall,  
was set as the time and place of hearing.

RESOLUTION ACCEPTING GRANT OFFER OF THE HOUSING AND HOME FINANCE AGENCY  
FOR THE MODESTO POLICE-COMMUNICATIONS BUILDING 2-43  
(Federal grant not to exceed 50%, or \$354,000)

RESOLUTION NO. 63-114

A RESOLUTION ACCEPTING GRANT OFFER OF THE HOUSING AND HOME FINANCE  
AGENCY FOR THE MODESTO POLICE-COMMUNICATIONS CENTER BUILDING

Introduced by VanderWall      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

CONSIDER ESTABLISHING A REVISED SCHEDULE OF CHARGES AND CHANGE IN REGU-  
LATIONS PERTAINING TO GOLF RATES

The City Attorney stated that this matter was held over from the  
last meeting, and if the proposed golf rate changes were approved by  
the Council they would be effective March 5, 1963.

The City Manager recommended that the rates be approved as proposed.

RESOLUTION NO. 63-115

A RESOLUTION ESTABLISHING RATES AND CONDITIONS FOR PLAY ON THE MODESTO  
MUNICIPAL GOLF COURSE AND THE DRYDEN PARK MUNICIPAL GOLF COURSE AND  
RESCINDING RESOLUTION NO. 62-524

Introduced by Johansen      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

CONSIDER APPROVAL OF CONTRACT FOR ACQUISITION OF RIGHT OF WAY FROM  
GEORGE AND GENEVIE LANE FOR WIDENING OF TULLY ROAD

A proposed agreement between the City and George and Genevieve Lane  
covering the acquisition of right of way for the widening of Tully  
Road was reviewed by the City Manager. Mr. Miller said that under the  
usual city policy, curbs and gutters along the Orangeburg Avenue and  
Tully Road frontage will be installed by the City.

RESOLUTION NO. 63-116

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO  
AND GEORGE LANE AND GENEVIE LANE FOR WIDENING OF TULLY ROAD (Project No.  
55-9, Parcel 6074-5)

Introduced by Mitchell      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

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CONSIDER LEASE FOR 12TH AND I STREET PARKING LOT, NORTHEAST CORNER

The City Manager stated that for the past fourteen months the parking lot at 12th and I Street has been leased by the City on a month to month tenancy; that the landlord has offered a lease to December 31, 1963 at a rental of \$80 per month, \$5 per month more than the City is presently paying. Mr. Miller recommended that the proposed lease be approved.

RESOLUTION NO. 63-117

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND TITLE INSURANCE AND TRUST COMPANY FOR RENTAL OF REAL PROPERTY TO THE CITY OF MODESTO (12TH AND I STREET PARKING LOT, NORTHEAST CORNER) FOR THE PERIOD MARCH 1, 1963 THROUGH DECEMBER 31, 1963

Introduced by VanderWall                      Seconded by Johansen

Ayes:    Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes:    None                      Absent:    Shastid

RESOLUTION AUTHORIZING THE GRANTING TO THE MODESTO IRRIGATION DISTRICT OF A UTILITY EASEMENT ACROSS THE SOUTH BOUNDARY OF PARK ADJACENT TO EVERETT GRAMMAR SCHOOL

The City Manager stated that a utility easement across the south boundary of the park site adjacent to Everett Grammar School is needed by the Modesto Irrigation District in order to provide utilities in the area. Mr. Miller stated that the request has been cleared with the city departments involved, and recommended that the utility easement be granted.

RESOLUTION NO. 63-118

A RESOLUTION AUTHORIZING THE GRANTING OF A UTILITY EASEMENT TO MODESTO IRRIGATION DISTRICT

Introduced by Tabbert                      Seconded by Patton

Ayes:    Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes:    None                      Absent:    Shastid

CODIFICATION OF THE ORDINANCES OF THE CITIES OF HANFORD AND AVALON (CITY ATTORNEY)

The City Attorney stated that his request for permission of the Council to codify the ordinances of the cities of Hanford and Avalon was pursuant to Resolution No. 60-40 relating to outside employment of the City Attorney.

Upon questioning, Mr. Grimes stated that he had codified ordinances for about four cities during the past year. He explained that the work was done under his general supervision and direction, but almost all of the editing, typing, etc. was done by a secretary at her home.

Councilman Johansen stated that he had been questioned by citizens as to whether the City Attorney used any members of the city staff, city machinery, equipment or materials in connection with his outside work. Councilman VanderWall stated that he had been asked similar questions.

Mr. Grimes replied that no members of the city staff, no city equipment or materials were utilized for his outside work; that his

former secretary performed all of the secretarial work connected with this phase of his activities at her home, with the exception of minor telephone calls which he received on rare occasions over the city hall switchboard; that his city time was not spent on outside work, this work being done in the evenings and weekends when required.

Upon questioning, Mr. Grimes said that he did not seek the codification work; that the work was referred to him by the League of California Cities. He said that he performed the codification service to maintain his professional contacts, to improve his professional standing and qualifications, to supplement his compensation as City Attorney, and to furnish a background in the event his services with the City were terminated. He further stated that he was employed as City Attorney in 1951 on the basis that he would not have a full-time private practice like most attorneys, but that he would be allowed to continue with consulting code and charter work so long as it did not interfere with the performance of his duties as city attorney.

Mayor Hammond stated that the Council recognized the basis of Mr. Grimes' appointment as City Attorney, but as representatives of the people of the City, the Council needed the assurance that outside employment at no time interfered with his work as City Attorney, and that none of the facilities of the City were used to carry on his private operations.

Upon questioning, Mr. Grimes said that he believed that the outside codification work might provide advantages to the City from the standpoint of the helpful information and background obtained.

#### MOTION

That the outside employment of the City Attorney to codify the ordinances of the cities of Hanford and Avalon be approved

Moved by Johansen                      Seconded by Patton                      Unanimously carried

#### HEARING ON COST OF DEMOLITION OF BUILDING AT 102 SPRUCE STREET

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the cost of demolition of a building at 102 Spruce Street, and opened the hearing.

The City Clerk reported that all work in demolishing the building at this location, Block 411, Lots 15 and 16, has been completed and the total cost of demolishing and removing the dwelling was \$546, the amount to be assessed as a lien against the property.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

#### RESOLUTION NO. 63-119

A RESOLUTION CONFIRMING THE REPORT OF THE DIRECTOR OF PUBLIC WORKS CONCERNING THE WORK OF DEMOLISHING AND REMOVING THE BUILDING LOCATED AT 102 SPRUCE STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE, ASSESSING THE COST OF SAID WORK AGAINST THE PARCEL OF REAL PROPERTY, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN (W. J. BROWN)

Introduced by VanderWall                      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None                      Absent: Shastid

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RESOLUTION REFERRING PETITION FOR ANNEXATION OF WALNUT ACRES ADDITION TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

The City Manager stated that the Planning Commission has indicated that it would like to have an estimate of the costs for providing water and sewer service to areas proposed for annexation at the time they are referred to the Planning Commission for report and recommendation. He said that this information would be furnished the Planning Commission as requested and made a part of its recommendation to the Council.

Mr. Miller said that the proposed Walnut Acres Addition contains 36.463 acres, is located on the north side of Rumble Road extended, west of Coffee Road, and is proposed for a residential subdivision. City water service can be extended to the area; city sewer facilities are not available. It is located in the Sylvan School District, where it will remain; and in the McHenry-Dry Creek Fire District, from which it will be withdrawn.

RESOLUTION NO. 63-120

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS WALNUT ACRES ADDITION

Introduced by Mitchell      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

RESOLUTION REFERRING PETITION FOR ANNEXATION OF NORTH WOOD ESTATES ADDITION TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

The City Manager stated that the proposed North Wood Estates Addition contains 13.578 acres and is located on the south side of Woodrow Avenue adjacent to Northland Estates Addition east of the Tidewater Southern railroad tracks, and is proposed for a residential subdivision. City water service is available; city sewer service is not. It will remain in the Sylvan School District and be withdrawn from the McHenry-Dry Creek Fire District.

RESOLUTION NO. 63-121

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS NORTH WOOD ESTATES ADDITION

Introduced by Mitchell      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

RECOMMENDATION REGARDING ZONING OF NEWLY ANNEXED AREAS

A report entitled, "Zoning Policy for Newly Annexing Areas," dated February 26, 1963, prepared by Russell Fey, Secretary of the Planning Commission, was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Five alternative policies covering the zoning of newly annexed areas were listed in the report, together with relative advantages and disadvantages of each.

The City Manager stated that the report was prepared at the request of the Council--consideration of whether or not the City should continue with its present policy requiring that areas newly annexed to the City be automatically zoned R-1.

Because of the importance of the matter, the Council directed the staff to place the matter on the agenda each week until such time as a full Council is present to discuss the matter.

The City Manager noted for the record that the recommendation of the Planning Commission is set forth in Planning Commission Resolution No. 905, dated February 26, 1963.

APPROPRIATION TRANSFERS

(a) Financing salary increases - Director of Finance Bird stated that, based on the January, 1963 payroll, the cost of the salary increases for the balance of the fiscal year is \$44,433; that transfers have been prepared providing funds in the various budgets where needed. He said that the transfers do not equal the total increase calculated, because there were salary savings in the budget; that the entire salary increases for this fiscal year have been financed from salary savings, requiring no transfer from the General Reserve Fund.

A proposed resolution covering the appropriation transfers was reviewed by the City Manager.

(b) Maintenance shop at Sewage Treatment Plant - The City Manager recommended that funds for the construction of a maintenance shop at the Sewage Treatment Plant be appropriated from the Sewer Service Fund instead of the Special Fund for Capital Outlays where the funds for this purpose are presently budgeted, and that an appropriation transfer effecting the change be approved.

RESOLUTION NO. 63-122

A RESOLUTION APPROVING APPROPRIATION TRANSFERS (Salary increases and Maintenance Shop, Sewage Treatment Plant)

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

(c) \$25,000 additional water line extensions - Director of Finance Bird stated that the \$25,000 appropriation requested was carried over from the last meeting because of a question arising out of furnishing city water service to Sherwood Forest No. 2 Subdivision.

The City Manager stated that the funds requested will be used for water line extensions for the balance of the fiscal year.

RESOLUTION NO. 63-123

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$25,000 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, ROSE AVENUE TRUNK, TO WATER LINE EXTENSIONS (From Special Fund for Capital Outlays, Rose Avenue Trunk (321-503) to Water Line Extensions (503)

Introduced by Mitchell      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

LEGISLATIVE MATTERS

Senate Bill No. 344 - The City Manager stated that he would appear at the hearing before the Senate Transportation Committee tomorrow when Senate Bill 344 pertaining to additional financing of city streets and county roads by revision of existing 5/8¢ requirements would be discussed.

Proposed Bill in State Legislature - placing firemen under civil service

Deputy City Manager Keefe stated that he had been notified at 3:30 this afternoon that a bill was being presented to the State Legislature at 4:00 P.M. which would place local fire department personnel under civil service, under a system providing terms and conditions equal to those of Part 2, Division 5, Title 2 of the Government Code. Mr. Keefe said he authorized Fire Chief Wemyss to telephone Assemblyman Veneman, who is on the committee, to verify the notification; that it proved to be true, and Mr. Veneman stated he was going to vote against the bill. Mr. Keefe said that the City had received no prior notification from any source that the hearing was pending.

The City Attorney stated that bills are also pending in the Legislature relating to collective bargaining by public employees and control of hours worked by firemen.

MATTERS FOR THE GOOD OF THE COMMUNITYReport on trip to Barranquilla, Colombia by Mayor Hammond

Mayor Hammond spoke briefly on his trip to Barranquilla, stating that the hospitality was far beyond his expectations, with banners over the streets extending him a welcome and a secret service man detailed to look after him during his stay. Seven days were spent in Barranquilla meeting people, touring the various industrial and commercial areas. He said that he was quite impressed with the quality of both legislative and business leadership. One afternoon was spent with the Governor touring the poorer districts of Barranquilla.

Mayor Hammond stated that the Modesto City float, along with two other floats, were so outstandingly beautiful that they were eliminated from the judging; that their time schedule for the parade was a little slow and instead of starting at 2:00 P.M. did not begin until 5:00 P.M., thus affecting the quality of the pictures taken of the parade.

Mayor Hammond said that one of his primary interests was to visit in some of the homes expressing an interest in exchanging students under the plan introduced by Carlos Recio during his recent visit to Modesto. He commented that any Modesto youngster presented with an opportunity to visit Barranquilla in this capacity should not miss the opportunity to do so; that the homes he visited would provide a family atmosphere and supervision affording the youngster enjoyment and profit.

He mentioned briefly a three-day visit to Bogota, stating that at an elevation of 8,000 feet, the City is more lush and green than the San Joaquin Valley, with a great diversity of manufacturing and agricultural activities.

REPORT OF PRELIMINARY BUDGET HEARINGS FOR THE 1963-64 BUDGET

A memorandum entitled, "Budget Calendar for 1963-64," with a "Schedule of preliminary Budget Hearings for 1963-64," dated December 17, 1962 attached, was presented to the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The City Manager invited all interested persons to attend the scheduled hearings.

REPORT FROM SALVATION ARMY OF SERVICES RENDERED FOR QUARTER ENDING DECEMBER 31, 1962

The City Manager stated that a letter report, dated February 21, 1963 was received from Captain James F. Schaal, Commanding Officer, The Salvation Army, covering the welfare activities of the organization for the last quarter of 1962. This report is presented in accordance with an agreement with the City.

The report was ordered filed.

REPORT BY CITY ATTORNEY

The City Attorney read a memorandum, subject, "The City Attorney, an Explanation and Understanding of the Nature of the Animal," from which he quoted the following poem entitled, "The Cautious City Attorney," which appeared in a recent issue of the "Municipal Attorney" published by the Municipal Institute of Law Officers:

"If," said the City Attorney, thoughtful and wise,  
 "And," he continued, rolling his eyes,  
 "But," then he added as he reflected,  
 "However," he was cautious as he protected,  
 "Maybe," he said as he studied the ceiling,  
 "Somehow," he brightened, "I have the feeling,"  
 "Or," it was patent his thought was diverging,  
 "Notwithstanding, it may," ideas came surging,  
 "Perhaps," as he gestured, his manner was grave,  
 "I think," here the Council thought he was brave,  
 "Yet, who can be sure, we must take the chance,"  
 He hunted a match somewhere in his pants.  
 The Councilmen beamed, quite clearly they saw,  
 They were fully informed on what was the law.

REPORT ON WELL NO. 23 AT DRYDEN PARK GOLF COURSE

The City Manager reported that the pump at Well No. 23 located at Dryden Park Golf Course was removed and repaired at a total cost of \$553.46 (which includes the \$200 cost of removing the pump).

Director of Public Works Ray stated that worn bearings were replaced.

REPORT ON VACUUM PUMP AT SEWAGE TREATMENT PLANT NO LONGER OPERATIVE

The City Manager stated that a new vacuum pump has been ordered for use at the Sewage Treatment Plant to replace a pump which is no longer operative, and that it may be necessary to ask for additional funds for maintenance and repairs.

The City Manager stated that because this matter was raised at the last Council meeting, the staff would like clarification as to the necessity of reporting to the Council matters similar to the one presently under consideration. He said that the staff did not wish to bother the Council with too much detail; however, it was deemed wise to present such matters to the Council where it was felt that complications might arise out of a seemingly insignificant item.

Mayor Hammond said that the staff should use its "sense of feel" in determining which matters should be presented to the Council, pointing out that the staff could err in not bringing certain matters to the Council's attention.

The City Manager said that the staff would rather err in bringing too many matters to the attention of the Council.

REPORT ON APPLICATION OF TRANSCONTINENTAL BUS SYSTEM FOR FARE INCREASE

The City Manager stated that an application of the Transcontinental Bus System to the Public Utilities Commission for a fare increase has been received. He pointed out that the Council has never taken any action on matters of this kind on the, being beyond the scope of local interest, and asked if the Council wished the staff to continue placing matters of this kind on the agenda.

Mayor Hammond stated that although no action was taken by the Council, items of this kind have always been placed on the agenda for the information of the Council.

Mr. Miller said they would continue to be placed on the agenda.

CONSIDER STATUS OF THE LITIGATION IN THE CASE OF CITY OF MODESTO VS. E. R. BROWN, ET AL, NO. 78731

MOTION

That the meeting adjourn to executive session to discuss litigation involving the City of Modesto and E. R. Brown, et al, No. 78731

Moved by Johansen      Seconded by Mitchell      Unanimously carried

The meeting adjourned to executive session at 5:05 P.M., reconvening to regular session at 5:47 P.M.

The City Attorney stated that he had received a letter from Attorney James P. Mower, representing Mr. and Mrs. E.R. Brown, which set forth the basis upon which Mr. Mower felt that his clients might be successful in having the injunctive relief asked for by the City denied on the grounds of estoppel, or an alternative that Mr. Brown be awarded \$4,100 for cost of relocating the garage in order to meet city zoning requirements; that since that time, the City Attorney's office has discussed this matter with Mr. Mower, who has outlined in his letter a basis on which the case might be settled. With some modifications not contained in Mr. Mower's letter, and following discussions with the staff, Mr. Grimes said that the City Attorney's office recommended settlement of the litigation through a stipulated judgment to be filed in court in the pending litigation on the following basis: (1) That Mr. Brown be permitted to complete the construction of his garage in its present location, except that the plans be modified and construction proceed accordingly to have an entrance to the garage from the south side rather than a straight front entrance as now authorized and as constructed, making the garage only seven feet within the setback area instead of twelve feet; (2) That Mr. Brown release the City and any of its officers, employees, or agents from any liability or responsibility or damages in connection with the handling of any phase or aspect of the transaction, each party to stand his own court costs; (3) That Mr. Brown and the City share the cost of relocating the present curb cut for direct access to the garage to the curb cut which will be required for access to the garage from the south side. (The Director of Public Work's office indicates that if done by city forces, the cost should not exceed \$100--to be shared equally by both parties); and (4) That Mr. Brown and the City issue a joint public statement indicating their mutual satisfaction with the settlement and that it is based on fairness and equity.

Mr. Grimes said that on this basis and subject to the conditions listed, and considering all factors involved, the City Attorney's office felt that it would be fair, equitable and just to settle the case, and so recommended.

Upon questioning, Mr. Grimes said that acceptance of the settlement would dismiss the litigation with prejudice.

MOTION

That the City Attorney be authorized to settle the litigation between the City of Modesto and Mr. and Mrs. E. R. Brown on the basis outlined by the City Attorney

Moved by VanderWall.                      Seconded by Patton                      Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Johansen                      Seconded by VanderWall                      Unanimously carried

The meeting adjourned at 5:44 P.M.

ATTEST:   
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Vice Mayor VanderWall presiding in the absence of Mayor Hammond.

The City Clerk called the roll and there were

Present: Councilmen: Mitchell, Patton, Tabbert, Vice Mayor VanderWall  
Councilman Shastid arrived at 7:35 P.M.  
Councilman Johansen arrived at 7:32 P.M.

Absent: Councilmen: Mayor Hammond

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

Reverend Charles Edwards gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of February 18, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

#### INTRODUCTION OF MR. WARREN DOW, GOVERNOR OF AREA 4 AND MR. ROBERT SHURTZ, GOVERNOR OF AREA 8, TOASTMASTERS INTERNATIONAL, BY BERT GENDRON, CHAIRMAN, PUBLIC RELATIONS, MODESTO TOASTMASTERS CLUB

Robert Shurtz, Area Governor of Toastmasters International, introduced Warren Dow, Governor of Modesto Area 4. Mr. Shurtz announced that Modesto has been acclaimed Toastmaster Town of the Month in the March, 1963 issue of "The Toastmaster" magazine. Copies of the magazine were distributed to the Council.

Vice Mayor VanderWall thanked Mr. Shurtz for the honor bestowed on the City.

Councilman Tabbert stated that he was a charter member and past president of the 696 Toastmasters Club; that membership in this organization was extremely rewarding to the individual.

The City Manager stated that several key department personnel had benefited through membership in the Toastmasters Club.

#### REQUEST BY RAY LOWELL, 3001 WOODLAND AVENUE FOR ENCROACHMENT PERMIT TO PERMIT SURFACING OF BUILDINGS LOCATED AT CORNER OF 13TH AND I STREETS

The City Clerk read a letter from Ray Lowell, 3001 Woodland Avenue, dated March 6, 1963 requesting a permit to place a surfacing not more than one and one-half inches thick on two buildings located at the northwest corner of 13th and I Streets, one building fronting on Eye Street (70 feet), and the other fronting on 13th Street (45 feet). This surfacing will encroach into the sidewalk area.

The City Manager stated that the request was reviewed by the staff and the requested improvement to the buildings found desirable. He recommended that the request for an encroachment permit be approved on the basis that the City will be held harmless of and from all damages, costs and charges of any kind arising out of or relating to the rights granted by this permit, and that the permit be revocable.

## RESOLUTION NO. 63-124

A RESOLUTION GRANTING RAY LOWELL A PERMIT TO ENCROACH ON THE PUBLIC RIGHT OF WAY

Introduced by Johansen                      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore  
VanderWall

Noes: None                      Absent: Mayor Hammond

LETTER FROM MRS. KENNETH N. NELSON, 1318 PRINCETON AVENUE, SECRETARY JOHN C. FREMONT PARENT-TEACHERS ASSOCIATION RE: INTERSECTION OF TULLY ROAD AND ORANGEBURG AVENUE

A letter from Mrs. Kenneth N. Nelson, 1318 Princeton Avenue, dated February 28, 1963 thanking the City for installation of traffic signals at College and Orangeburg Avenues was read by the City Clerk.

The letter also expressed concern over the lack of signals at the intersection of Tully Road and Orangeburg, and requested that the City include sufficient funds in the fiscal year 1963-64 budget for the installation of traffic signals at the Tully Road-Orangeburg Avenue intersection for the protection and safety of children enrolled at John C. Fremont School.

The City Manager stated that the installation of signals at this intersection was on the high priority list and would be considered by the Council at the coming budget hearings.

Director of Parking and Traffic Carmody stated that signals could be installed at an estimated cost of \$7,000.

Availability of rights of way on Tully Road north of Orangeburg Avenue for street widening purposes was discussed.

Director of Public Works Ray said that negotiations are underway for needed rights of way on Tully north of Orangeburg.

By Order of the Chair, the City Clerk was directed to answer Mrs. Nelson's letter, informing her of the status of the proposed project as outlined above.

LETTER FROM RICHARD T. TOSAW, ATTORNEY, RE: 10-FOOT STRIP OF LAND ADJOINING HIS PROPERTY AT 416 NORTH OLIVE AVENUE

A letter from Attorney Richard T. Tosaw, dated March 1, 1963, requesting that the City deed a strip of land about ten feet wide and about 80 feet long, adjoining his property at 416 Olive Street, was read by the City Clerk. Mr. Tosaw stated that the land is not used by the City in any way.

By Order of the Chair, the letter was referred to the staff for report.

LETTER FROM JACK G. DAVIS, RT. 7, 2423 YOSEMITE BLVD., RE: POSSIBLE SALE OF LOT 1, BLOCK 1033, CITY OF MODESTO, THE NORTHWEST CORNER OF LOCKE ROAD AND BRIGHTON AVENUE

A letter from Jack G. Davis, Rt. 7, 2423 Yosemite Boulevard, dated March 1, 1963, expressing interest in the purchase of city-owned property located on the northwest corner of Locke Road and Brighton Avenue (Downey Manor, Block 1033, Lot 1, 62-29110) was read by the City Clerk.

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The City Manager stated that this parcel was purchased by the City from Joe Mineni for right of way purposes for the widening of Brighton Avenue, recognizing at the time of purchase that a portion would be surplus to city needs.

By Order of the Chair, the matter was referred to the City Manager for review and recommendation.

LETTER FROM CENTRAL VALLEY HARDWARE COMPANY, J.D. TURNER, PRESIDENT,  
RE: PROPOSED IMPROVEMENTS IN BLOCK 54, CITY OF MODESTO, BETWEEN 9TH  
AND 10TH STREETS AND G AND H STREETS

A letter from J. D. Turner, President, Central Valley Hardware Company, dated February 28, 1963 was read by the City Clerk. The letter proposed that a cooperative effort be made by owners of property in Block 54, (9th and 10th, G and H Streets) to develop and recommend an improvement plan for the block which would be a credit to the community. Mr. Turner indicated that this proposal has been discussed with other interested property owners in the block. He requested that the City join with the property owners in formulating an improvement plan.

The City Clerk stated that a similar letter was received from John and Peter Bava, property owners in the block.

Councilman Johansen said that the Council has been well aware of the need, and has been endeavoring to secure solid support of citizens in revitalizing this area. It was his opinion that this would serve as a means to "get the ball rolling."

MOTION

That the staff be authorized to work with property owners in Block 54 as outlined by Mr. Turner in his letter of February 28, 1963

Moved by Johansen      Seconded by Shastid      Unanimously carried

LETTER TO THE COUNCIL AND APPLICATION TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA BY WILLIS M. KLEINENBROICH, OWNER OF MODESTO MOTOR BUS SERVICE, REQUESTING A RATE INCREASE AND COUNCIL RESOLUTION EXPRESSING NO OBJECTIONS TO THE PROPOSED INCREASE

A letter from Willis M. Kleinenbroich, owner, Modesto Motor Bus Service, dated March 7, 1963 was read by the City Clerk.

Enclosed with the letter were copies of Modesto Motor Bus Service Application No. 45219 submitted to the Public Utilities Commission on March 6, 1963 requesting increases in bus rates from the presently authorized 20 cent one-way fare to a 25 cent one-way fare, and in the presently authorized student reduced ticket fare of ten rides for \$1 to ten rides for \$1.50. Mr. Kleinenbroich stated in his letter that his bus service has been operating at a loss for the past few years because of increased costs in labor and operation, that a resolution adopted by the Council expressing no objection to rate increases found by the Commission to be proper, would greatly expedite the handling of the application by the Public Utilities Commission; that this would not necessarily mean that the rate sought in the application would be granted in full.

The City Manager stated that Mr. Kleinenbroich should be commended for continuing to operate the bus service under such trying conditions.

Mr. Kleinenbroich spoke briefly in behalf of his request.

Upon questioning, the City Attorney stated that the Commission has full authority over the rates; that Mr. Kleinenbroich was actually requesting that he get his rate increases ex parte, without a hearing before the Commission, which will greatly expedite the matter.

RESOLUTION NO. 63-125

A RESOLUTION INDICATING NO OBJECTION TO THE APPLICATION OF MODESTO MOTOR BUS SERVICE TO THE PUBLIC UTILITIES COMMISSION FOR INCREASED FARES

Introduced by Tabbert      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mayor Hammond

CONSIDER AWARD OF BID FOR CONSTRUCTION OF MERCURY VAPOR STREET LIGHTING SYSTEM AT MODESTO JUNIOR COLLEGE

A tabulation of bids received was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Director of Public Works Ray reported that seven bids were received for the installation of mercury vapor street lighting around the perimeter of the Junior College, the low bid submitted by Ferrero Electric, Inc., in the amount of \$13,017.30, over \$3,300 below the Engineer's estimate. He said that 51% of the cost will be borne by the Modesto City Schools (the estimated cost of the materials), and 49% by the City (estimated installation costs). Under established city policy, the City pays the installation costs for street lighting in older areas of the City. Authorization has been received from the Modesto City Schools to proceed with award of the bid. Mr. Ray recommended that the bid of Ferrero Electric, Inc., be accepted.

The City Manager stated that an appropriation transfer was needed to take care of the Schools' share of the costs, which will be reimbursed to the City at a later date; that when the City's share of the costs was budgeted, it was assumed that the Schools would pay its share of the costs directly to the project.

Mr. Ray said that reimbursement by the Schools could be made at any time the City wished to submit a statement.

Councilman Shastid suggested that in the future supplemental information needed pertaining to the need of additional funds which are not budgeted be indicated on the agenda to eliminate the necessity of prolonged Council questioning.

RESOLUTION NO. 63-126

A RESOLUTION ACCEPTING THE BID OF FERRERO ELECTRIC, INC. IN THE AMOUNT OF \$13,017.30 FOR THE CONSTRUCTION OF MERCURY VAPOR STREET LIGHTING SYSTEM AT MODESTO JUNIOR COLLEGE

Introduced by Mitchell      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mayor Hammond

## RESOLUTION NO. 63-127

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$6,126 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, MAINTENANCE SHOP, SEWAGE TREATMENT PLANT, VARIOUS TRUNKS AND SUBTRUNK EXTENSIONS, TO JUNIOR COLLEGE LIGHTS

(Special Fund for Capital Outlays (321) from Maintenance Shop, Sewage Treatment Plant (502), \$5,000; Various Trunks and Subtrunk Extensions (503), \$1,126 to Junior College Lights (503) \$6,126)

Introduced by Shastid      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore  
VanderWall

Noes: None      Absent: Mayor Hammond

Referring to the above transfer, Director of Finance Bird stated that after staff review, it was determined that funds budgeted for the maintenance shop at the Sewage Treatment Plant and various trunks and subtrunks would not be expended this fiscal year.

ORDINANCE AMENDING SECTION 3-1.211 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO FIREWORKS

The City Attorney stated that the proposed ordinance will eliminate present subsection (b) of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code, as it is a duplication of state law contained in the Health and Safety Code, Section 12600.

ORDINANCE NO. 571-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-1.211 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO FIREWORKS

Moved by Shastid      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore  
VanderWall

Noes: None      Absent: Mayor Hammond

ACCEPT AS COMPLETE GEORGE REED, INC. CONTRACT FOR THE CONSTRUCTION OF SANITARY SEWER AND WATER LINE CARRIER PIPE CROSSING FREEWAY AT CLAYTON AVENUE

The City Manager reported that a memorandum from the Assistant Director of Public Works indicates that all work in connection with the construction of sanitary sewer and water line carrier pipe crossing the freeway at Clayton Avenue has been completed by George Reed, Inc., and that it would be in order to accept the work as complete and authorize the City Clerk to file a notice of completion. The contract bid price was \$5,481; total cost of work done \$5,481; work was completed on March 1, 1963.

RESOLUTION NO. 63-128

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SANITARY SEWER AND WATER LINE CARRIER PIPE CROSSING MODESTO FREEWAY AT CLAYTON AVENUE BY GEORGE REED, INC.

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore  
VanderWall

Noes: None      Absent: Mayor Hammond

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CONSIDER RELEASE OF SUBDIVISION BOND IN THE AMOUNT OF \$49,500 FOR SARATOGA MANOR NO. 5 SUBDIVISION AND ACCEPTANCE OF A NEW BOND IN THE AMOUNT OF \$1,000 TO COVER REMAINING IMPROVEMENTS

The City Manager stated that all work within Saratoga Manor No. 5 Subdivision has been completed to the satisfaction of the Public Works Department except for the repair of pavement on various streets which cannot be done until weather permits. He recommended that the subdivision bond in the amount of \$49,500 be released upon receipt of a \$1,000 bond from the subdivider to cover the remaining street repairs.

RESOLUTION NO. 63-129

A RESOLUTION APPROVING REDUCTION OF THE PERFORMANCE BOND FILED BY WALLACE E. BLOMDAHL AND ANNA E. BLOMDAHL TO GUARANTEE IMPROVEMENTS IN SARATOGA MANOR NO. 5 SUBDIVISION

Introduced by Tabbert      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mayor Hammond

RESOLUTION APPOINTING ELECTION OFFICIALS AND SETTING OF POLLING PLACES FOR THE APRIL 16, 1963 GENERAL MUNICIPAL ELECTION (REQUIRED BY ELECTION LAW)

The City Clerk stated that the proposed resolution designates precincts and polling places, and appoints members of precinct boards for the General Municipal Election of April 16, 1963. There are 38 precincts within the City and 28 outside the City within the Modesto High School District. Approximately one-third of the costs of the election are borne by the City; the remainder by the Schools. Funds are budgeted.

RESOLUTION NO. 63-130

A RESOLUTION AND ORDER OF THE COUNCIL OF THE CITY OF MODESTO PROVIDING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 16, 1963 AND DESIGNATING PRECINCTS AND POLLING PLACES AND APPOINTING MEMBERS OF PRECINCT BOARDS FOR SAID GENERAL ELECTION

Introduced by Johansen      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mayor Hammond

CONSIDER RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND SUBMIT A FORMAL APPLICATION TO THE FEDERAL AVIATION AGENCY FOR FEDERAL FUNDS

Director of Public Works Ray reported that the original request for federal funds for taxiway lighting was submitted November 15, 1961 by the City and County as co-sponsors, at which time the estimated cost of the project was \$17,000. The request was approved by the F.A.A. and the City authorized to proceed with plans and specifications to be filed with a formal application to be submitted to the F.A.A. by March 15, 1963. Mr. Ray said that the plans and specifications were now complete and ready to submit with the application in joint sponsorship with the County, with a new cost estimate of \$20,300, 53.89% to be paid with federal funds, and the balance shared by the City and County (\$4,680 each); that the matter would be considered by the Board of Supervisors at its March 12th meeting.

Mr. Ray outlined the steps required in processing the application from its inception to the ultimate receipt of the federal grant offer and award of the contract.

The City Manager stated that the cost of the project exceeded funds budgeted, but reserve funds were available to cover the difference.

RESOLUTION NO. 63-131

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN APPLICATION TO THE FEDERAL AVIATION AGENCY FOR FEDERAL AID PARTICIPATION AT MODESTO CITY-COUNTY AIRPORT (taxiway lighting)

Introduced by Patton      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mayor Hammond

CONSIDER AGREEMENT FOR WATER SERVICE TO UNIT NO. 1, BEL AIR NO. 3 SUBDIVISION

Director of Public Works Ray stated that the subdivider of Bel Air No. 3 Subdivision plans to install improvements in this subdivision prior to the filing of a final map, and that the proposed agreement provides conveyance of a right of way to the City for installation of the water line and provides that the subdivider post a cash deposit with the City Clerk in the amount of \$6,800 to cover the estimated cost of labor and materials for installation of the water line by the city. Upon questioning, Mr. Ray said that if the final map is not filed within six months, the cash deposit is forfeited to the City; if the subdivision is developed, the City will be reimbursed through connection fees and water service charges.

RESOLUTION NO. 63-132

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRANK DENNY FOR WATER SERVICE TO UNIT NO. 1 OF BEL AIR NO. 3 SUBDIVISION

Introduced by Tabbert      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mayor Hammond

RECOMMENDATION FROM PLANNING COMMISSION RE: ZONING OF NEWLY ANNEXED AREAS

A report entitled, "Zoning Policy for Newly Annexing Areas," dated February 26, 1963 was furnished the Council prior to the meeting. The report listed five alternative policies covering the zoning of newly annexed areas, with relative advantages and disadvantages to each alternative listed.

The City Manager stated Planning Commission Resolution No. 905, adopted February 26, 1963 recommends approval of Alternate No. 5--that cooperative zoning studies be initiated between the City and County in all areas around the City likely to be annexed, and that precise zoning plans be developed for these areas to serve as the guide for their zoning classification upon annexation; that until such time as cooperative studies and mutually agreeable precise zoning plans have been developed, no change be made in the present zoning policy for newly annexed areas.

Councilman Shastid disagreed with the conclusions of the Planning Commission, stating that the City and County are now working more cooperatively than ever before; that the development of mutually agreeable precise zoning for the entire area surrounding the City likely to be annexed, while desirable, was highly complex and a lengthy endeavor. He also voiced objections to the City's present policy of automatically zoning all annexed property R-1, taking up the time of the city staff in rezoning the property after it is annexed, specifically referring to a recently annexed area containing a newly built garage, saying he seriously doubted that the Planning Commission thought that only residential uses would apply to this particular parcel after annexation.

It was Councilman Shastid's opinion that it would be appropriate to ask the staff to work with the Planning Commission on the basis that areas retain their existing land use upon annexation, and follow the Planning Commission's recommendation of cooperative zoning studies between the City and County in areas surrounding the City which are likely to be annexed. It was his opinion that this combination would achieve the ultimate goal with a substantial saving of time and effort; that automatic R-1 zoning upon annexation was an injustice to the annexing property owner; that the Planning Commission should be in a position to assure the annexing property owner how his property would be zoned upon annexation.

The City Manager stated that the Planning Commission, in recommending Alternate No. 5, realized that it was a time-consuming process, but that primary consideration would be given those areas most interested in early annexation. He said he did not believe the City would be willing to accept the kind of zoning which now exists on the portion of McHenry Avenue lying within the County.

Councilman Mitchell said that he wished to express similar objections to the Planning Commission's recommendation; that he did not feel the recommendation realistic or practical if many annexations of developed areas were contemplated. He said he was still in favor of urging the City to change its ordinance and accept county zoning in its most applicable form, although recognizing that in a few instances the zoning would not be satisfactory. He recollected, as a former member of the County Planning Commission, that the County's policy at that time was more restrictive on McHenry Avenue than that of the City; that in his opinion many of the objectional uses on McHenry Avenue today were in the areas already annexed and permitted in the City, to the confusion and embarrassment of the County which still has areas across the street under county zoning.

Councilman Mitchell pointed out that the City has the power on its own initiative to zone any undeveloped areas which may be annexed; that in his opinion development of precise zoning plans on property still in the County was comparable to zoning the property and would require a lot of staff time; that in his judgment, the County would probably give more weight to the City's zoning recommendations in undeveloped areas if it knew that the property would be annexed under existing zoning. He expressed the hope that the Planning Commission would reexamine its recommendation.

The City Manager stated that the reverse of the Planning Commission's recommendation could be infeasible and unfair to the annexing property owner without full county-city cooperation; that if the City adopted a policy to annex property under existing county land uses, the City would, to some extent, be committed to such zoning. He suggested that this matter be discussed at a joint Council-Planning Commission meeting, possibly with members of the County Planning Commission.

Councilman Mitchell stated that a fact which appeared to be overlooked was that the County has completed precise zoning of most of the areas likely to be annexed to the City within the near future; that either the County or the City can change zoning at any time on its own motion after due process of law and public hearings. He said he did not feel that there would be any promise by the City that zoning established by the County would continue indefinitely; that this was not the principle of zoning - it was subject to change. He pointed out that if an entire area was annexed under existing land uses, it would not be necessary for the City to consider rezoning in the area until such time as it was ready to do so.

Councilman Johansen suggested that the initial meeting to discuss this matter be held with just members of the Council and City Planning Commission.

Councilman Shastid withdrew a motion requesting that the Chair set up a committee to discuss annexation problems with the City Planning Commission and/or the County Planning Commission, to report back to the Council in thirty days.

#### MOTION

That the staff check with the Planning Commission to determine a time and date convenient to both the Council and Planning Commission for a meeting to discuss annexation problems, and to report back to the Council at the next Council meeting

Moved by Shastid      Seconded by Johansen      Unanimously carried

#### REPORT AND RECOMMENDATION FOR ANNEXATION OF THE NORTH WOOD ESTATES ADDITION

The City Manager reported that the proposed North Wood Estates Addition contains 13.578 acres, is uninhabited, and proposed for a residential subdivision. All city services, excluding sewer facilities, can be extended to the area. The area is located in the McHenry-Dry Creek Fire District, from which it will be withdrawn, and the Sylvan School District, in which it will remain. Cost of water installation is estimated at \$10,100. Mr. Miller said that in the future reports will be made to the Council on the amortization of water installation advances by the City. Planning Commission Resolution No. 910 recommends the commencement of annexation proceedings.

#### RESOLUTION NO. 63-133

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS NORTH WOOD ESTATES ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by VanderWall      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mayor Hammond

April 22, 1963 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

Councilman Shastid asked if the City could provide adequate fire protection to the area.

The City Manager stated that the new fire station proposed for the northern area of Modesto will permit the provision of adequate fire protection to the proposed addition, but that the project was presently deferred.

The effect of the deferment of the new fire station on the City's fire rating as new areas continue to be annexed to the City was questioned by Councilman Johansen.

The City Manager stated that deferment of the fire station lessened the City's chances to hold or improve its present rating; that the City would continue its efforts to locate a site; that funds should be set up for construction of the station in the 1963-64 budget, with staffing in the 1964-65 budget. Upon questioning, Mr. Miller said that the fire protection provided the area proposed for annexation would be substantially better than is presently provided, plus a first class water system.

The effect of further expansion of the city limits, with a new fire station in Northern Modesto, on the City's fire rating was discussed.

The City Manager stated that a chart was available to indicate how fire gradings are established, which he would gladly show to the Council if it so desired. With the approval of the Council, Mr. Miller said that this item would be placed on next week's agenda.

REPORT AND RECOMMENDATION FOR ANNEXATION OF THE WALNUT ACRES ADDITION

The City Manager stated that the proposed Walnut Acres Addition contains 36.623 acres, is uninhabited, with the area proposed for a residential subdivision. All city services, excluding sewer facilities, can be extended to the area. Cost of water installation is estimated at \$27,100. The area is located in the Sylvan School District in which it will remain, and in the McHenry-Dry Creek Fire District, from which it will be withdrawn. Planning Commission Resolution No. 911 recommends commencement of annexation proceedings.

RESOLUTION NO. 63-134

A RESOLUTION GIVING NOTICE OF PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS WALNUT ACRES ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Johansen                      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None                      Absent: Mayor Hammond

April 22, 1963 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMENDED UNCLASSIFIED USE PERMIT TO CLYDA RAMOS, 2520 McHENRY AVENUE, TO CONDUCT CHARM AND IMPROVEMENT CLASSES

The City Attorney stated that Planning Commission Resolution No. 906 adopted March 5, 1963 recommends the granting of an unclassified use permit to Clyda Ramos to conduct charm and improvement classes at 2520 McHenry Avenue.

## RESOLUTION NO. 63-135

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO CLYDA RAMOS TO CONDUCT CHARM AND IMPROVEMENT CLASSES

Introduced by Johansen                      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore  
VanderWall

Noes: None                      Absent: Mayor Hammond

April 8, 1963 at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFERS - None

LEGISLATIVE MATTERS

AB 1194: The City Manager stated that this bill, presently before the State Legislature, would limit the working hours of firemen by a gradual reduction to a 56-hour week, the League of California Cities contending that the bill is not only an invasion of home rule, but contains a concluding paragraph which indicates "that the fire service is a 'state affair,' and therefore any such legislation would be applicable to all cities. State-wide, it would cost \$12,000,000 to reduce all city fire departments to a 56-hour week." Mr. Miller urged the Council to indicate its disapproval of the measure.

AB 610: The City Manager stated that this bill will add a new section to the Government Code to provide that any city, county or fire protection district in which there is a regularly organized fire department, shall establish and provide a civil service system on terms and conditions which shall not be less than those specified for employees covered by the provisions of Part 2 (commencing with Section 15800), Division 5, Title 2, of the Government Code. Mr. Miller said that this bill was also a direct invasion of the home rule right of cities to have their own civil service personnel or merit system, without the state assuming any responsibility for the costs involved. He recommended that the Council indicate its opposition to this measure.

## RESOLUTION NO. 63-136

A RESOLUTION INDICATING OPPOSITION TO ASSEMBLY BILL NO. 1194 AND ASSEMBLY BILL NO. 610

Introduced by Johansen                      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore  
VanderWall

Noes: None                      Absent: Mayor Hammond

MATTERS FOR THE GOOD OF THE COMMUNITY

Unloading of Cattle on Virginia Avenue by Grange Company

The City Manager reported that the Grange Company is making arrangements to unload a 51-carload shipment of cattle (Tidewater Southern Railroad) on Virginia Avenue Tuesday, March 12, 1963 beginning at about 7:00 A.M. Mr. Miller said that the City would cooperate in closing unnecessary streets, with attempts made to keep disruption and inconvenience at a minimum. There were no objections by the Council.

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REPORT ON HEARING BY SENATE COMMITTEE ON TRANSPORTATION, TUESDAY, MARCH 5, 1963 ON THE COLLIER BILL, SB-344, TO PROVIDE ADDITIONAL REVENUE FOR FINANCING CITY STREETS AND COUNTY ROADS

The City Manager reported that he and Councilman Johansen attended the hearing of the Senate Committee on Transportation at the request of the League of California Cities and others concerned with the bills.

Councilman Johansen stated that the bill passed the Senate Transportation Committee and is now on its way to the Senate Finance Committee. He said that many cities and counties and labor unions were represented, with support almost unanimous.

It was the general consensus that the need for street funds was tremendous, and the most appropriate way to finance street needs was from a user tax basis. Councilman Johansen said that the hearing was very interesting, and that he was impressed with the effectiveness of the active support.

QUARTERLY REPORT (OCTOBER, NOVEMBER, DECEMBER, 1962) FROM THE GREATER MODESTO CHAMBER OF COMMERCE

The City Manager stated that this report is submitted by the Greater Modesto Chamber of Commerce in accordance with an agreement between the Chamber and the City. The report was presented and ordered filed.

REPORT CONCERNING RESERVE POLICE

Chief Bowers stated that the Reserve Police, consisting of approximately fifty civilians who serve without pay, have served a total of 8,292 man hours of time during 1962; that all phases of police action are covered by the reserve police but their primary function is operation of the radar machine.

The City Manager stated that the community was very fortunate in having this fine reserve force.

RESOLUTION NO. 63-137

A RESOLUTION COMMENDING THE RESERVE POLICE FOR CONTRIBUTIONS TO COMMUNITY WELFARE AND SAFETY AND COMMENDING CAPTAIN ALBERT PEDERSEN FOR HIS OUTSTANDING CONTRIBUTION TO THE RESERVE POLICE

Introduced by VanderWall      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore VanderWall

Noes: None      Absent: Mayor Hammond

REPORT ON REFINANCING CITY BONDED DEBT

A memorandum, dated February 12, 1963, subject, "Refinancing City Bonded Debt," prepared by Director of Finance Bird, was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The City Manager stated that this report was prepared at the direction of the Council; that the Council has always made the decision as to whether bonds will be callable or noncallable.

Upon questioning, Mr. Bird stated that the bonds are of \$1,000 denomination, a portion of them bearing 3% and the balance 2.75% interest.

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REPORT ON PROPOSED REALIGNMENT OF TUOLUMNE BOULEVARD AT 7TH STREET

The City Manager stated that at the December 26, 1962 meeting, the Council directed the staff to informally negotiate for the acquisition of necessary rights of way for the realignment of Tuolumne Boulevard, and that the Council indicated its intent to adopt the alignment sketch entitled, "Tuolumne Boulevard Alignment, Alternate 'A'"; that it was necessary at this point that the State be informed of the City's plans in connection with the project to enable the State to complete its plans for the freeway connection into Tuolumne Boulevard; that the cost of land acquisition will be about \$29,000. Upon questioning, he said that funds were not specifically budgeted for this purpose, but if purchase was authorized by the Council, some of the funds needed could be obtained from the Miscellaneous Street Projects Account; that the City could not commit itself to immediate purchase of the rights of way needed, but it might be possible to acquire options for the land needed; that if purchased this fiscal year, the purchase could be considered a capital project to apply toward the total city capital improvement expenditures which must be made this fiscal year in order to qualify for federal funds to assist in the construction of the Police-Communications Center Building.

Director of Public Works Ray stated that the specific action required at this time was staff authorization to communicate to the Division of Highways that the City is interested in having its portion of the work in connection with the realignment included, under cooperative city-state agreement, with the Division of Highways contract for the second portion of the freeway construction. The City Manager added that in addition to the above, the Council should indicate its approval of the precise alignment.

## MOTION

That the staff be directed to proceed as outlined by Director of Public Works Ray in accordance with sketch prepared by Public Works Department entitled, "Tuolumne Boulevard Realignment, Alternate 'A'," dated March 1, 1962

Moved by Shastid      Seconded by Patton      Unanimously carried

REPORT CONCERNING MODESTO CEMETERY ASSOCIATION

The City Manager stated that this matter was placed on the agenda to inform the Council of the status of the matter pertaining to the Modesto Cemetery Association. Introduced into the record was a letter dated January 29, 1963 from Attorney Ernest LaCoste to the State Cemetery Board, and a letter dated February 11, 1963 from City Attorney Grimes addressed to the State Cemetery Board.

Mr. Grimes said that he had not yet received an answer to his letter.

Mr. LaCoste indicated in his letter that the members of the Board of Directors of the Modesto Cemetery Association have submitted their resignations, effective March 31, 1963, with the request that Mr. LaCoste so notify the City of Modesto.

Councilman VanderWall stated that he attended a meeting last week of a group of interested citizens to discuss this matter; that the Junior Chamber of Commerce would investigate the possibility of a citizen-participation program to take care of the cemetery, with overall responsibility delegated to the City.

Upon questioning, Deputy City Manager Keefe stated that potter's graveyard, which is operated by the County, is also under the jurisdiction of the Modesto Cemetery Association.

FURTHER REPORT ON OFFER OF SIMON HOLTHAM TO SELL LOT ON EYE STREET  
ADJACENT TO CITY HALL PARKING LOT

The City Manager stated that the staff could not justify the purchase of the lot on I Street adjacent to the City Hall parking lot at the sale price offered, and that the owners have been advised that lower offer might be of interest to the City.

PRESENTATION OF MONTHLY FINANCIAL STATEMENT FOR FEBRUARY, 1963

The monthly financial statement for February, 1963 was presented to the Council and ordered filed.

CONSIDER APPOINTMENTS TO THE VARIOUS BOARDS AND COMMISSIONS

RESOLUTION NO. 63-138

A RESOLUTION APPOINTING DAVID W. McAULEY A MEMBER OF THE LIBRARY AND CULTURE COMMISSION (For a term ending January 1, 1966)

Introduced by Johansen      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore  
VanderWall

Noes: None      Absent: Mayor Hammond

RESOLUTION NO. 63-139

A RESOLUTION APPOINTING RAY C. ABST A MEMBER OF THE LIBRARY AND CULTURE COMMISSION (For a term ending January 1, 1965)

Introduced by Mitchell      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, Mayor pro tempore  
VanderWall

Noes: None      Absent: Mayor Hammond

The City Attorney stated that a vacancy still existed on the Board of Zoning Adjustment.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Johansen      Seconded by VanderWall      Unanimously carried

The meeting adjourned at 9:18 P.M.

ATTEST:   
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Tabbert, VanderWall,  
Mayor Hammond  
Councilman Shastid arrived at 4:12 P.M.

Absent: Councilmen: None

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

Reverend C. Quenton Prather gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meetings of February 25 and March 4, 1963, and the same being available for public inspection, and there being no objections, the minutes were approved.

#### APPLICATION FOR VARIANCE, SERVICE STATION DRIVEWAYS, 5TH AND I STREETS, BY HUMBLE OIL AND REFINING COMPANY

A letter from Wayne A. Goodell, Field Engineer, Humble Oil and Refining Company, Oakland, California, dated March 8, 1963, was read by the City Clerk. The company has applied for a building permit to remove an old service station and build a new service station on the southwest corner of 5th and I Streets. The letter requested a variance to permit four existing driveways to remain on the property, exceeding forty per cent of the frontage of the lot in violation of Section 7-1.104(c) of the Municipal Code. A copy of a plot plan was attached to the letter. Permission was requested to relocate two of the existing driveways.

Director of Public Works Ray stated that two of the driveways were located on I Street and two on 5th Street; that the request for relocation of two driveways was to provide better access to the service station facilities. Mr. Ray said that since the driveways already exist and do not appear to be detrimental to the City's interest, he recommended that the request be granted.

#### RESOLUTION NO. 63-140

A RESOLUTION GRANTING DRIVEWAY VARIANCES TO HUMBLE OIL AND REFINING COMPANY (Property located at southwest corner of 5th and I Streets)

Introduced by VanderWall      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Shastid

#### LETTER FROM GENE O. ELLISON, GENERAL CHAIRMAN, SPORTSMEN OF STANISLAUS, RE: USE OF DEL WEBB FIELD FOR EXHIBITION GAME BETWEEN SAN FRANCISCO GIANTS AND CLEVELAND INDIANS ON APRIL 4, 1963

A letter from Gene O. Ellison, General Chairman, Sportsmen of Stanislaus, dated March 13, 1963, requesting permission to use Del

Webb Field for an exhibition baseball game between the San Francisco Giants and Cleveland Indians on April 4, 1963 was read by the City Clerk.

Director of Parks and Recreation Cowie stated that the Modesto Schools has agreed through the City to lend portable bleachers for the event, and that about one manhour of city time would be expended in supervising the unloading of the bleachers at the field. The City Manager recommended that approval be granted on this basis, with the requirement that the City be held harmless of and from all damages, costs, etc. arising out of the use of the field, plus public liability and property damage insurance during the life of the permit.

RESOLUTION NO. 63-141

A RESOLUTION GRANTING A PERMIT TO SPORTSMEN OF STANISLAUS FOR USE OF DEL WEBB FIELD FOR EXHIBITION BASEBALL GAME BETWEEN THE SAN FRANCISCO GIANTS AND THE CLEVELAND INDIANS ON APRIL 4, 1963

Introduced by Mitchell            Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Noes: None            Absent: Shastid

MOTION

That the staff be authorized to work with the Modesto City Schools in connection with the installation of portable bleachers at Del Webb Field for the exhibition baseball game

Moved by VanderWall            Seconded by Tabbert            Unanimously carried

COMMUNICATION FROM STATE OF CALIFORNIA, DIVISION OF HIGHWAYS, RE: LAYOUT OF DESIGN AND IMPROVEMENT OF YOSEMITE BOULEVARD

A letter from J. G. Meyer, District Engineer, State Division of Highways, dated March 14, 1963, with print attached showing a proposed layout for the future widening of Yosemite Boulevard, State Sign Route 132, between the limits of Las Flores Avenue and Riverside Drive, was read by the City Clerk.

Mr. K. N. Hatch, advance planning engineer for Division of Highways District X, stated that the purpose of Mr. Meyer's letter was to establish agreement on the basic design of the project so that the exact right of way lines, curb and gutter grades, and many design details could be established.

The City Manager stated that members of the staff and Councilman Johansen, met with state officials and representatives of property owners on Yosemite Boulevard last week, and the information that the project was progressing was met with great enthusiasm by the property owners.

Councilman Johansen said that he was disappointed to hear at the meeting that the improvement of Yosemite Boulevard could not be expected in the too near future, but was encouraged by the enthusiasm of the property owners present and their accomplishment in securing dedication agreements. He suggested that a public hearing be held to give the property owners along Yosemite Boulevard an opportunity to review the proposed design submitted by the State, to discuss their problems, ask questions, etc., in order to clear the way for preliminary work.

Upon questioning as to the City's part in the proposed widening, the City Manager stated that the rights of way would be acquired by the City as was done on McHenry Avenue. He outlined the manner in which this was accomplished by the City, stating that this would be the next step after clearance of the design. Since the proposed widening extends beyond the city limits, the County will also be involved.

The City Attorney reminded the Council that the City contracted with the American Right of Way and Appraisal Contractors for the right of way acquisitions on McHenry Avenue.

#### MOTION

That a public hearing on the proposed widening of Yosemite Boulevard be set for 8:05 P.M., March 25, 1963, and that County representatives and property owners be invited to participate

Moved by VanderWall      Seconded by Shastid      Unanimously carried

Mr. Hatch stated that the State would be glad to provide exhibits for the proposed hearing if the Council so desired. Mr. Hatch's offer was accepted.

A copy of the minutes of the meeting held March 13, 1963 on the widening of Yosemite Boulevard was filed with the record of the minutes.

#### HEARING ON COST OF CONSTRUCTION OF CURB AND GUTTER AT 119 WILSON (BLOCK 2016, LOT E)      3-10

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the cost of construction of curbs and gutters at 119 Wilson Avenue, and opened the hearing.

The City Clerk reported that a report on the costs totaling \$188.10 had been submitted by the Director of Public Works, and notice of the proposed hearing mailed to the property owners on March 5, 1963.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

#### RESOLUTION NO. 63-142

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN (Block 2016, Lot E)

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

#### RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF WATER LINES TO SERVE BEL AIR NO. 3 SUBDIVISION

Director of Public Works Ray stated that the plans and specifications for the construction of water lines to serve Bel Air No. 3 Subdivision located north of Davis High School were available for Council inspection.

## RESOLUTION NO. 63-143

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR THE CONSTRUCTION OF WATER LINES TO BEL AIR NO. 3 SUBDIVISION

Introduced by VanderWall                      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None                      Absent: None

April 2, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE 571-C.S. RELATING TO FIREWORKS

ORDINANCE NO. 571-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-1.211 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO FIREWORKS"

introduced on March 11, 1963 and having been published as required by the Charter, was moved and adopted. (Effective April 17, 1963)

Introduced by VanderWall                      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None                      Absent: None

CONSIDER ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO THE CITY-COUNTY AIRPORT

The City Manager stated that the proposed ordinance amends Section 7-3.401 and repeals various sections of the Code to provide that fees at the Modesto City-County Airport relating to hangar rental, tie downs, office space, landing fees for nonscheduled transient aircraft, permanently based commercial service fees, temporarily based commercial services and other services and activities may be established by Council resolution, thus eliminating the necessity of amending the Municipal Code each time the amounts of the fees are changed. The County Administrator has indicated no objection to the proposed change.

ORDINANCE NO. 572-C.S. entitled

"AN ORDINANCE AMENDING SECTION 7-3.401 OF ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTIONS 7-3.404, 7-3.405, 7-3.406, 7-3.409, 7-3.412 AND 7-3.415 THEREOF RELATING TO THE MODESTO CITY-COUNTY AIRPORT"

was introduced and ordered published as required by the Charter.

Moved by Shastid                      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None                      Absent: None

RELOCATION OF MODESTO IRRIGATION DISTRICT LATERAL NO. 3 ALONG BRIGGS-MORE AVENUE RIGHT OF WAY EAST OF PRESCOTT AVENUE:

The City Manager stated that in order to relocate MID Lateral No. 3 in connection with the improvement of sections of Prescott Road,

Briggsmore Avenue and Northern Boulevard, a joint City-County project, it is necessary that the City grant the Modesto Irrigation District a new right of way for relocation, the M.I.D. in turn quitclaiming to the City the portion of the existing right of way which it will no longer require.

The City Attorney stated that a resolution was needed authorizing the execution of a grant deed to the M.I.D. for a right of way for the relocation of the canal and acceptance of a grant deed from the M.I.D. for the portion of its existing right of way no longer needed.

RESOLUTION NO. 63-144

A RESOLUTION AUTHORIZING EXECUTION OF A GRANT DEED TO MODESTO IRRIGATION DISTRICT FOR RIGHT OF WAY FOR THE RELOCATION OF M.I.D. LATERAL NO. 3 AND ACCEPTING A QUITCLAIM DEED FROM THE MODESTO IRRIGATION DISTRICT FOR THAT PORTION OF THE EXISTING M.I.D. LATERAL NO. 3 RIGHT OF WAY WHICH IT NO LONGER NEEDS

Introduced by Tabbert                      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None                      Absent: None

CURRENT STATUS OF CAPITAL PROJECTS FOR THE 1962-63 FISCAL YEAR

A memorandum, dated March 14, 1963 prepared by Director of Finance Bird, subject, "Current Status of Capital Projects for the 1962-63 Fiscal Year," was presented to the Council prior to the meeting, a copy of which is filed with the record of the minutes.

The City Manager stated that the report was submitted in order to keep the Council advised of the current status of the projects; that Items 10 and 11 of the agenda were related to the report.

CLARIFICATION OF PROPOSED PARK DEVELOPMENT TOTALING \$60,000

A memorandum from the Director of Parks and Recreation, dated March 12, 1963, subject, "Clarification for Park Development Totaling \$60,000," was distributed to the Council prior to the meeting, a copy of which is on file with the record of the minutes. Mr. Cowie indicated in his memorandum that at the September 24, 1962 meeting, at which time the improvement of California-Franklin, Garrison and Kewin Parks was discussed, the Council did not indicate firm approval for proposed improvements to Kewin Park totaling \$9,400 as recommended in his memorandum, dated September 17, 1962; that specific instructions at this time would enable the staff to proceed with sprinkler contracts.

Past Council action on park improvements was discussed, with determination made that the staff was instructed to submit recommendations for the expenditure of \$60,000 for the improvement of various park sites on the basis of need; that on September 24, 1962 a memorandum, dated September 17, 1962, subject, "Staff Recommendations for Park Development Totaling \$60,000" was submitted by Mr. Cowie, at which time the Council approved a \$5,000 appropriation transfer for preparation of engineering plans for California-Franklin, Garrison and Kewin Parks.

The current status of appropriated capital projects pertaining to parks listed on the memorandum, dated March 14, 1963, submitted by Director of Finance Bird entitled, "Current Status of Capital Projects for the 1962-63 Fiscal Year," was discussed.

Councilman Shastid suggested that it would be helpful if funds available in the Reserve Fund of the Special Capital Outlay Fund were indicated on the memorandum.

Mr. Cowie stated that only plans for the improvement of California-Franklin and Garrison Parks have been prepared; that the staff did not proceed with preparation of plans for the improvement of Kewin Park because it felt that the Council's intent was not firm enough.

#### MOTION

That the staff be authorized to proceed with the plans for the improvement of California-Franklin and Garrison Parks

Moved by Johansen      Seconded by Shastid      Unanimously carried

Deputy City Manager Keefe pointed out that this item was placed on the agenda primarily to obtain direction from the Council on the expenditure of the \$9,400 balance remaining in the \$60,000 set aside for park improvements this fiscal year.

The City Manager suggested that as an alternative consideration, the staff be authorized to provide an estimate of the cost of preparing plans for the improvement of James Marshall Park.

Mayor Hammond said that much of the area to be served by James Marshall Park was still outside the city limits. He voiced the opinion that priority should be given to development of park sites within the City.

Councilman Johansen asked if it was still the staff's recommendation, as indicated in Mr. Cowie's memorandum of September 17, 1962, that improvements be approved for Garrison, California-Franklin and Kewin Parks. He said that it was the intent of his motion to also authorize the staff to proceed with the preparation of plans for the improvement of Kewin Park, in accordance with the Council's previously expressed intent last September.

Mr. Cowie repeated that plans for the improvement of Kewin Park were not prepared because the staff felt that the Council's expression of intent was not firm enough to permit the staff to proceed with the plans.

#### MOTION

That the staff be instructed to prepare plans necessary for the completion of the development of Kewin Park as set forth in Item C of memorandum from Director of Parks and Recreation, dated September 17, 1962, subject, "Staff Recommendations for Park Development Totaling \$60,000"

Moved by Mitchell      Seconded by VanderWall      Unanimously carried

#### RESOLUTION APPROVING AGREEMENT FOR TRAFFIC SIGNALS AT U.S. 99 AND COLDWELL-WOODLAND AVENUES

A memorandum from Director of Parking and Traffic Carmody, dated March 14, 1963, subject, "Agreement for Signals at Coldwell and U.S. 99," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Mr. Carmody indicated in the memorandum that the proposed agreement supersedes a previous agreement which was never executed by the State, and incorporates changes resulting from ideas of the Public

Utilities Commission, Southern Pacific, State, County and City representatives; that an appropriation transfer of \$3,400 was needed to supplement the \$8,600 already encumbered for this project.

The status of right of way acquisitions for the widening of Coldwell at this point was discussed.

RESOLUTION NO. 63-145

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS AND THE STATE OF CALIFORNIA FOR TRAFFIC SIGNALS AT U.S. HIGHWAY 99, WOODLAND AND COLDWELL AVENUES

Introduced by Mitchell                      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None                      Absent: None

RESOLUTION NO. 63-146

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,400 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, GENERAL RESERVE TO TRAFFIC SIGNAL, U.S. 99-COLDWELL-WOODLAND

Introduced by Shastid                      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None                      Absent: None

OFFER OF OPTION TO PURCHASE THE OSTERBERG WATER COMPANY

The City Manager stated that on August 20, 1962 the staff was directed "to check with Osterberg Water Company on its willingness to sell its water system to the City, and to obtain a purchase price." He said that Osterberg Water Company has submitted a proposal to sell the water company to the City for a total price of \$125,000, the basic provisions of the offer as follows: (1) The City may obtain an option to purchase, for the total price of \$125,000, by payment of \$10,000 within sixty days of the offer; (2) The City may exercise its option to complete the purchase for the total amount of \$125,000, including the option payment, prior to June 30, 1963; (3) The City would have to exercise its option by paying the balance by August 1, 1963, except that the seller would retain the right to accept up to 29% of the total purchase price, including the option payment, by August 1, 1963, with the balance to be paid the seller by February 1, 1964.

Mayor Hammond stated that he did not believe that sufficient statistics had been furnished the Council to enable it to make a decision. He suggested that it would perhaps be well to forego present discussion pending review of details of the proposed sale by the Public Projects Committee.

Answers to the following questions were requested from the staff: The arrangements between the City and Ceres in regard to sewer and water service in this area; the condition of the lines of the system; the effect of the acquisition, if any, on problems existing in the meat packing area, including fire rating; the possibility of a lease-purchase plan instead of an outright purchase.

Councilman Shastid suggested a check on the utility plant value of \$114,000 indicated on page 2 of the memorandum submitted by the Director of Public Works, dated March 14, 1963, stating that if he

read the attached balance sheet correctly, the \$35,000 depreciation was not deducted from that figure, making the depreciated book value \$79,000. Councilman Shastid also asked for the probable maintenance costs based on 1,000 customers on July 31, 1962, stating that on the basis of an allowance of \$25 per customer for maintenance established by the staff in a recent memorandum for a particular subdivision, estimated maintenance costs for the system would be approximately \$25,000 per year. It was his opinion that the earnings would not be adequate to support the quoted selling price. He also questioned the wisdom of capital investments outside the City.

#### MOTION

That the proposal for the purchase of the Osterberg Water Company be referred to the Public Projects Committee for review and report to the Council

Moved by Shastid      Seconded by Johansen      Unanimously carried

#### CONSIDER FURTHER OFFER OF THE HOLTHAM PROPERTY HEIRS TO SELL PROPERTY FACING EYE STREET ON ALLEY ADJOINING CITY HALL PARKING LOT

The City Clerk read a letter from Simon Holtham, dated March 13, 1963 stating that he had been authorized by the heirs to the Tucker Estate to offer to the City the 50' x 100' parcel of land on I Street next to the alley and adjacent to the City Hall Parking Garage for \$50,000, the offer to stand until April 15, 1963.

The City Manager said it was the opinion of the staff that the selling price was in the proper range, would enable the City to expand the city hall parking lot, and provide a direct access to the parking lot by westbound I Street traffic.

Mr. Miller pointed out the possibility that the adjacent property owner might have a six foot easement across the rear of the property to the alley, which he said would have to be checked further.

Councilman Shastid requested that values of comparable property be secured to assist the Council in establishing justification for the selling price.

Director of Parking and Traffic Carmody stated that acquisition of the lot would provide sixteen additional parking spaces; cost per space would be \$3,500 when fully developed, with estimated revenue \$2,100 per year.

The City Manager suggested that the Council also consider the acquisition of the property from the standpoint of future city hall expansion if and when needed.

Possible expansion of the garage parking lot and retention of basements in the property proposed for purchase were discussed.

#### MOTION

That the offer for sale of the property be referred to the Public Projects Committee for review and report

Moved by Shastid      Seconded by VanderWall      Unanimously carried

#### RESOLUTION APPROVING AMENDMENT TO UNITED AIR LINES CONTRACT NO. 3245-3

The City Manager stated that the proposed amendment to the City's basic lease with United Air Lines will permit the City to construct and install an 8' x 10' prefabricated metal building on a designated

site for the purpose of housing regulator equipment for the Airport lighting system.

RESOLUTION NO. 63-147

A RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND UNITED AIR LINES FOR THE LEASE OF PROPERTY AT MODESTO CITY-COUNTY AIRPORT (UAL CONTRACT NO. 3245-3)

Introduced by Shastid          Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None          Absent: None

MOTION

That the staff inquire of United Airlines if expansion of airline schedules between Modesto and San Francisco and Modesto and Los Angeles is contemplated

Moved by Johansen          Seconded by VanderWall          Unanimously carried

CONSIDER SALE OF RESIDENCE AT GARRISON PARK SITE

The City Manager stated that before development of Garrison Park is started, it is necessary to dispose of a building located on the park site.

MOTION

That the staff be authorized to dispose of an existing residence located on the Garrison Park site in the manner most financially advantageous to the City

Moved by Shastid          Seconded by Johansen          Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO THE ROSE AVENUE ELEMENTARY SCHOOL

The City Manager stated that the Rose Avenue Elementary School is located on the east side of Rose Avenue between Scenic Drive and M.I.D. Lateral No. 3; the area is contiguous to the city limits and a line exists to serve the property. He recommended that the request for sewer service be approved.

MOTION

That the request for sewer service to the Rose Avenue Elementary School be approved

Moved by Tabbert          Seconded by VanderWall          Unanimously carried

REPORT ON WALNUT GROVE SUBDIVISION

A report from Assistant Director of Public Works Campbell, dated March 8, 1963, subject, "Building Violations in Walnut Grove Subdivision" was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The report was briefly reviewed by the City Manager and ordered filed.

The question as to who is legally responsible for the proper location of a structure on a piece of property, the property owner and contractor, or the City, was discussed.

PROPOSED DATE FOR JOINT MEETING OF COUNCIL AND PLANNING COMMISSION

After discussion, March 26, 1963 at 4:00 P.M. was set as a satisfactory time for the Council to meet with the City Planning Commission for joint consideration of the zoning of newly annexed areas.

The City Manager stated as soon as acceptance of the above time was confirmed by the Planning Commission, he would so inform the Council.

APPROPRIATION TRANSFERS - See Item 11

LEGISLATIVE MATTERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Letter from Mr. and Mrs. Carroll Steele

A letter from Mr. and Mrs. Carroll Steele, dated March 12, 1963 thanking the Council for extending them the privilege of being included as representatives of the City of Modesto at the recent carnival in Modesto's Sister City, Barranquilla, Colombia, was read by the City Manager.

The letter was ordered filed.

REPORT ON U.S. 99 FREEWAY FOUNTAIN-REST STOPS

A memorandum from the Director of Parking and Traffic, dated October 16, 1962, subject, "Sites for Fountains on U.S. 99 at Modesto," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Mr. Carmody stated in his memorandum that the only suitable site at the southern approach to Modesto for northbound traffic was at the Tuolumne Boulevard interchange, a site bounded by the freeway, Tuolumne Boulevard and Calaveras Avenue, 0.6 acres, and owned by the State. For southbound traffic at the northerly approach to Modesto, he indicated that the best site was just west of the southbound off-ramp to Kansas Avenue, a land-locked, one-acre site, also owned by the State, with access across the property of Elizabeth Raven Baker required.

These, along with alternative sites, were indicated on a map by the City Manager, and proposed development plans shown the Council.

Mr. Carmody said it was hoped that the sites which were surplus state property would be made available to the City without cost. He pointed out that a substantial home was located on the proposed Tuolumne Boulevard fountain site which will make it difficult to obtain free of cost.

Mayor Hammond commented on the "Water, Wealth, Contentment, Health" arch constructed on I Street many years ago, stating that over the years it has generated enough favorable publicity to offset what might have initially been considered a poor investment. He concurred with the City Manager that rest stops at the two freeway entrances would serve to favorably identify the City.

Upon questioning, Director of Parks and Recreation Cowie stated that cost of development would be approximately \$10,000 per acre, on the assumption that the land will be donated.

Director of Parking and Traffic Carmody stated that the rest stops have been proposed to the State on a non-commercial basis, with a possible informational center, and solely as a rest stop for motorists.

## MOTION

That the site of the proposed rest stop at the Tuolumne Boulevard interchange be approved as to location

Moved by Mitchell                      Seconded by VanderWall                      Unanimously carried

Councilman Mitchell suggested that Mr. Carmody ask if the State will be willing to signpost the rest stop turnoffs about two miles before they are reached, indicating "Road side rest stop, two miles ahead, Modesto City Limits," or something similar.

CONSIDER ASKING BARRANQUILLA TO ENTER FLOAT IN CITY FOURTH OF JULY PARADE

Councilman Mitchell suggested that Modesto should reciprocate by extending an invitation to Barranquilla to enter a float in the City Fourth of July parade.

The City Manager stated that discussions have been held on an "International Day" to occur during Miss Colombia's visit to Modesto later in the year.

Whether or not it was the function of the Council to extend the invitation was discussed. Mayor Hammond felt it should be the function of the Sister City Committee to handle the arrangements for a float for Barranquilla.

No action was taken by the Council.

REPORT ON FIRE GRADING

A chart prepared by Deputy City Manager Keefe outlining the standard schedule used by the National Board of Fire Underwriters in determining fire grading of municipalities, and indicating a breakdown of the City's fire grading, was shown to the Council. The chart showed a 1,704 point deficiency for Modesto itemized as follows: Water Supply, 455; Fire Department, 566; Fire Alarm, 163; Police Department, 2; Fire Prevention, 69; Building Department, 81; Structural Conditions, 250; Additional Deficiencies, 118.

Mr. Keefe stated that the additional deficiencies totaling 118 points were based on the judgment of the Fire Grading Bureau basically on weather conditions (dry hot valley summers). There is nothing the City could do about this deficiency. He pointed out that it is necessary that a fire station be constructed in the northern section of the City, if the City desires to hold or improve its present class 4 rating.

Mr. Keefe stated that in order for the City to improve its fire grading to No. 3, it would be necessary to lose 204 deficiency points; that since the last fire grading, at the recommendation of the Bureau, the City has improved the record keeping of both the water system and Fire Department, a new fire inspector has been added to the force, new hydrants have been installed, a water department employee is now responding to second alarm fires, training of fire department personnel has been improved, and the following improvements contemplated or underway: a new police-communications center building, modernization of the City's fire alarm equipment, construction of an additional fire station in North Modesto, relocation of another fire station, and purchase of a new fire pumper.

A booklet prepared by the League of California Cities entitled, "Fire Protection Grading Process," was distributed to the Council.

Upon questioning, the City Manager stated that the City's fire rating was based on the entire City.

CONSIDER APPOINTMENT TO BOARD OF ZONING ADJUSTMENT

With the consent of the Council, this matter was held over.

ADJOURNMENT

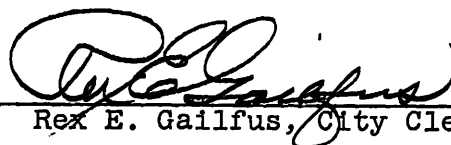
MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Johansen      Unanimously carried

The meeting adjourned at 6:24 P.M.

ATTEST:



Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond  
Councilman Johansen arrived at 7:31 P.M.

Absent: Councilmen: None

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

A moment of silent prayer was observed.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the adjourned regular meeting of February 7, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

#### REQUEST BY SAM SECRETO TO CHANGE LOCATION OF TAXICAB STAND

Copies of a letter from Sam Secreto, operator of Yellow Cab Co., requesting permission to change the location of his taxi stand from 10th and I Street to the 10th Street side of the Greyhound Depot, presently used by Red Top Taxi Co., were furnished the Council prior to the meeting. The letter was briefly summarized by the City Clerk.

A letter addressed to Director of Parking and Traffic Carmody, dated March 22, 1963 from Lois L. Lane, Red Top Taxi, objecting to Mr. Secreto's application to share Red Top Taxi's stand at Greyhound Bus Depot, was read by the City Clerk.

Director of Parking and Traffic Carmody reviewed a memorandum, dated March 25, 1963, subject, "Yellow Cab Co. Request for Taxi Stand at Greyhound Depot," which outlined the matter under consideration and listed reasons why Mr. Secreto's request had been brought to the City Council although Section 4-6.801 of the Municipal Code provides that the Director of Parking and Traffic shall locate and provide taxicab stands on city streets.

Upon questioning, Mr. Carmody stated that approval of Mr. Secreto's request would eliminate one of the stands presently rented by Red Top Taxi Co.; that Mr. Secreto rents two taxicab stands at 10th and I, but for the past 45 days has only operated one cab; that Red Top Taxi Co. operates eleven cabs, with three stands located on 10th Street in front of the Greyhound Bus Depot, one at the Hotel Covell, and one on 10th Street in front of the Shoe Palace.

#### MOTION

That the request of Sam Secreto to change the location of his taxicab stand be denied

Moved by Mayor Hammond      Seconded by Shastid      Unanimously carried

LETTER FROM DAN SCHROEBEL, CRUSADE CHAIRMAN, THE AMERICAN CANCER SOCIETY, FOR BANNER AT INTERSECTION OF 11TH AND J STREETS 2-100

A letter from Dan Schroebel, Crusade Chairman of the Fund Raising Campaign of the Stanislaus County Branch of the American Cancer Society, dated March 14, 1963 requesting permission to place a street banner across the intersection of 11th and J Streets from April 22, 1963 through May 1, 1963, was summarized by the City Clerk.

Councilman Mitchell suggested that the City's policy pertaining to banners be re-examined with a view to permitting the placing of banners of a noncommercial nature by patriotic, civic and charitable organizations; that if Modesto hoped to become a convention center attracting statewide groups, he believed that there would possibly be many future requests of this type.

Upon request, the City Attorney listed the organizations which may be granted permission administratively to place banners on the streets, under the provisions of Resolution No. 59-424.

Councilman VanderWall concurred in Councilman Mitchell's suggestion that the City's present policy be reviewed.

The City Manager reviewed the provisions of Resolution No. 59-424.

RESOLUTION NO. 63-148

A RESOLUTION GRANTING A PERMIT TO THE STANISLAUS COUNTY BRANCH OF THE AMERICAN CANCER SOCIETY TO DISPLAY A STREET BANNER ACROSS THE INTERSECTION OF ELEVENTH AND J STREETS FROM APRIL 22ND TO MAY 1ST, 1963

Introduced by VanderWall      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

LETTER FROM WILLIS M. KLEINENBROICH, OWNER, MODESTO-RIVERBANK-OAKDALE STAGE LINES, RE: REQUEST FOR RATE INCREASE

Copies of a letter from Willis M. Kleinenbroich, owner of Modesto-Riverbank-Oakdale Stage Line, dated March 16, 1963 were furnished the Council prior to the meeting. The letter enclosed, for informational purposes, three copies of Application No. 45236 to the Public Utilities Commission requesting an increase in minimum fares from the present minimum of 15¢ and 20¢ to a 25¢ minimum rate for one-way fares. Contents of the letter were briefly summarized by the City Clerk.

The letter was ordered filed.

INTRODUCTION OF FORMER COUNCILMAN MERRILL ADAMS

Former Councilman Merrill Adams was introduced by Mayor Hammond.

LETTER FROM DALE McMULLEN, A. E. GHILOTTI AND MERLE TAYLOR RE: IMPROVEMENTS TO PROPERTY ON LUCERN AND EL VECINO AVENUES

Copies of a letter from Dale McMullen, A. E. Ghilotti and Merle Taylor, developers of property located at the corner of Lucern and El Vecino Avenues, dated March 15, 1963, requesting an amendment to Planning Commission Resolution No. 857 and related Council Resolution No. 62-568 pertaining to the construction of a six-foot masonry wall along the east property line, were furnished the Council prior to the meeting, and briefly summarized by the City Clerk.

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MOTION

That the letter be referred to the Planning Commission for review and report

Moved by Shastid      Seconded by Johansen      Unanimously carried

LETTER FROM A. A. HAMAWAY, PRESIDENT, McHENRY VILLAGE MERCHANTS ASSOCIATION RE: PROPOSED CHRISTMAS DECORATIONS      2-50

Copies of a letter from A. A. Hamaway, President, McHenry Village Merchants Association, dated March 13, 1963 submitting plans for Christmas decorations for the 1963 season were furnished the Council prior to the meeting, and briefly summarized by the City Clerk. Mr. Hamaway declared it the intent of the Association to decorate the 900 feet of store frontage along both sides of the main mall of McHenry Village with tri-colored aluminum lighted garlands at a cost of at least \$1,090, including sales tax; to replace heads of existing eight-foot candy canes at a cost of about \$400; anticipated erection and removal costs, approximately \$1,000.

By Order of the Chair, the staff was directed to present the request to the Council at the appropriate budget hearing.

LETTER FROM AL SHOOB, SHOOB'S STUDIO RE: HISTORICAL PHOTOGRAPHIC RECORD OF CITY OFFICIALS

Copies of a letter from Al Shoob, Shoob's Studio, dated March 14, 1963 offering to establish a historical photographic record of the councilmen, mayor, and all living past mayors, were furnished the Council prior to the meeting, and summarized by the City Clerk. The letter proposed that all portraits be framed and finished in natural color, the only stipulation being that Shoob's be permitted to assist in selection of proper display sites for the photographs in the city hall offices and corridors. The service would be provided at no cost. to any members of the Council and the Mayor.

Mr. Shoob spoke briefly in support of his letter, saying that this procedure is followed in a number of city halls throughout the peninsula and San Jose area. He suggested further that a series of pictures of distinguished city visitors be included in the collection, particularly in view of Modesto's sister city affiliation with Barranquilla, Colombia.

By Order of the Chair, the matter was referred to the Public Relations Committee and staff for joint review.

LETTER FROM RALPH TRUMAN, 1027 HARVARD AVENUE, RE: AIR POLLUTION

A letter from Ralph Truman, 1027 Harvard Avenue, complaining of late evening air pollution which, in his opinion, emanated from the northerly plant of the DVO Company was furnished the Council prior to the meeting and briefly summarized by the City Clerk. Mr. Truman requested that steps be taken to eliminate the problem.

MOTION

That the letter be referred to the City Health Officer

Moved by VanderWall      Seconded by Shastid      Unanimously carried

LETTER FROM JOE GOOD, SECRETARY, GREATER MODESTO CHAMBER OF COMMERCE, REQUESTING ANNUAL APPROPRIATION FOR FISCAL YEAR 1963-64

A letter from Joseph M. Good, Manager, Greater Modesto Chamber of

Commerce, dated March 18, 1963 requesting that \$11,000 again be budgeted for the Chamber of Commerce to cover advertising and promotion of the City in the coming fiscal year, was furnished the Council prior to the meeting, and summarized by the City Clerk.

#### MOTION

That the staff be directed to include in the proposed preliminary budget \$11,000 for Chamber of Commerce advertising and promotion of the City, and the request referred to the Council at the appropriate budget hearing for Council confirmation

Moved by Mitchell      Seconded by Tabbert      Unanimously carried

LETTER FROM MRS. ROY DYSON, SECRETARY, JAMES MARSHALL PARENT-TEACHER ASSOCIATION RE: IMPROVEMENT OF JAMES MARSHALL PARK SITE

A letter from Mrs. Roy Dyson, Secretary, James Marshall P.T.A., dated March 13, 1963 requesting that the James Marshall park site be developed immediately was furnished the Council prior to the meeting, and summarized by the City Clerk. The letter indicated that the \$9,300 recently approved by the Council for the improvement of Kewin Park would provide James Marshall Park with a sprinkler system, lawn and site preparation, and a softball backstop; that if this was accomplished, the James Marshall P.T.A. would raise funds for planting trees and shrubs.

Referring to a statement in Mrs. Dyson's letter that there were 499 families within the city limits and 1,533 families in the County residing in the James Marshall park area, Councilman Shastid asked if there was any possibility that the County might assume three-fourths of the cost for developing the park.

Councilman Mitchell replied that the County's policy at the present time is to improve large county-wide park areas only.

Mayor Hammond said that James Marshall park site was acquired by the City prior to its annexation, the City recognizing at the time of purchase that a park would eventually be needed in this area. He pointed out that the Council was faced with the problem of utilizing city funds in areas affecting the greatest number of city residents; that although the need for improvement of this park was recognized, there were parks within the city limits remaining to be developed which will serve a greater number of city residents. He suggested that the matter be presented to the Council at the regular budget hearings, and that there be no change made now in the City's present park improvement plans.

Councilman Mitchell stated that Kewin Park was definitely within the city limits, serving the Wilson School area, which has a blacktop play area within a fenced boundary, with no park adjacent to its grounds.

Councilman Shastid pointed out that one-third of the funds proposed to be expended by the City to provide water service to an area lying outside the city limits, which may never be annexed to the City, could be used to develop James Marshall Park.

Mayor Hammond suggested that this might be an opportunity for residents in the James Marshall Park area to consider annexing to the City, or, if the need appeared great enough, to consider formation of a park improvement district.

The City Manager stated that possibilities were good that both the James Marshall park area and the subdivision referred to by Councilman Shastid would be annexed before too long a period. He said that a determination might be made of the degree of interest of residents of the area by suggesting the formation of a park improvement district, where for perhaps \$10 per year per family for a certain number of years, the desired park improvements could be attained.

Councilman Shastid stated that payment of \$10 by each of the 1,500 families residing outside the city limits would provide \$15,000, which would be more than ample to provide preliminary development.

Cost of bonds and improvement districts were discussed.

MOTION

That Mrs. Dyson's letter be referred to the Council at the appropriate budget hearing; that the City Manager designate a member of the staff to advise Mrs. Dyson of the Council's position; that the cooperation of the Council and city staff be offered in formation of a park improvement district

Moved by Johansen                      Seconded by Tabbert                      Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE SMALL ADDITION      3-90

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of the Small Addition, comprising 1.336 acres, and opened the hearing.

The City Clerk reported that notice of the proposed hearing was published in the Modesto Tribune on February 21 and 28, 1963, and notices mailed to all property owners in the area and other interested persons on February 21, 1963. No written protests to the proposed annexation were filed with the City Clerk.

The City Manager stated that Planning Commission Resolution No. 892 recommends annexation of the area.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

ORDINANCE NO. 573-C.S. entitled

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

was introduced and adopted and ordered published as required by the Charter. (Effective immediately)

Moved by VanderWall                      Seconded by Tabbert

Ayes:    Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
         Mayor Hammond

Noes:    None                      Absent:    None

CONSIDER THE LAYOUT OF DESIGN AND IMPROVEMENT OF YOSEMITE BOULEVARD

The City Manager introduced Charles Dixon, County Administrator, and Harter Bruch, County Chief Civil Engineer, who were present in the audience.

Mr. K. N. Hatch, State Division of Highways representative,

stated that the State has been working on the proposed widening of Yosemite Boulevard for several years, that the widening project has been approved by the State from Las Flores Avenue to Riverside Drive, the portion between Snowden and Riverside Avenues lying within the County.

Mr. Hatch displayed two proposed typical sections for the future widening, one for the portion between Las Flores and Conejo Avenue, the other from the area where the railroad comes in at Conejo Avenue to Snowden Avenue. Upon questioning, Mr. Hatch said that the width of the road from Las Flores Avenue to Conejo is proposed to be an overall 90 feet from property line to property line, to include two 23-foot lanes in each direction -- one eleven feet and one twelve feet in width, with a ten-foot median, an eight foot parking area, and a nine-foot sidewalk on each side. The portion between Conejo Avenue to Riverside Drive will be a total overall width of 83 feet from the existing right of way adjacent to the north, the street portion consisting of the same basic width as the section between Las Flores and Conejo, except that there is no sidewalk adjacent to the railroad.

The rights of way required by the proposed sections were outlined by Mr. Hatch -- from Las Flores to Conejo it is proposed to take an additional twelve feet of right of way on each side symmetric to the center line; from Conejo to Riverside Avenue, 17 feet of right of way on the north side of the street only, with no sidewalk adjacent to the railroad between Conejo and Riverside Avenues.

Mr. Hatch said that the State has recommended that the plans be approved; that upon City and County approval, the State will commence design studies with an eventual cooperative agreement covering the costs of the project.

The City Manager outlined the City and State participation program in the widening of McHenry Avenue, saying it was proposed that the improvement of Yosemite Boulevard be done on the same basis; that as soon as the typical sections are approved, the State will proceed with the establishment of grades which will take from six months to a year to complete.

Upon questioning, Mr. Hatch said that he was in no position to state when State financing would be available, as this was the prerogative of the State Highway Commission. He said it was his understanding that there was "grass roots" enthusiasm among Yosemite Boulevard property owners whereby funds might be raised to provide earlier financing.

Mrs. Monte Schach, owner of property on Yosemite Boulevard, said that requirement of a 12-foot right of way will seriously affect customer parking.

Effect of the proposed widening on parking was generally discussed, the City Manager stating that this problem also arose in connection with the McHenry Avenue widening; that it was found in many instances that more customer parking was available after the widening and installation of curbs and gutter.

Upon questioning by E. D. Allway, property owner on Yosemite Boulevard outside the city limits, the City Manager stated that determination has not yet been made as to how far the proposed drainage line will extend.

Upon Council questioning, Mr. Hatch stated that the widening project will cost the State about \$750,000; that the State will construct

all curbs and gutters; that any curbs and gutters installed prior to the widening in accordance with grade lines established by the State will not be a hindrance to the widening of the street; that a bridge crossing Dry Creek is not under consideration with the present proposed widening project; that the development phase of a project the size of the proposed Yosemite Boulevard widening, from inception to completion, is usually from three to seven years. Mr. Hatch described the various stages necessary in building a highway.

The City Manager stated that it was necessary that the Council determine the width of the proposed sidewalks along Yosemite Boulevard, the staff recommendation being that nine-foot sidewalks be installed. He said that a nine-foot sidewalk will reduce one driving lane by one foot.

Upon questioning, County Administrator Dixon stated that the Board of Supervisors has approved the geometrics of the plan, subject to the present Council hearing. He thanked the Council for joint city-county consideration of the project.

Nick Tocco spoke briefly in favor of an 8-foot sidewalk, with the extra foot utilized in increased width of the highway.

#### MOTION

That the typical sections for the widening of Yosemite Boulevard on file in the office of the City Clerk (Recommended Plan B-7-A (Las Flores to Conejo Avenue) and B-7A (Conejo to Snowden Avenue) as presented by the State be approved, and that nine-foot sidewalks be approved

Moved by VanderWall      Seconded by Patton      Unanimously carried

#### CONSIDER AWARD OF BID RECEIVED FOR INSTALLATION OF WATER LINES IN SHERWOOD FOREST NO. 2 SUBDIVISION

The City Manager reported that one bid was received for the installation of water lines in Sherwood Forest No. 2 Subdivision in the amount of \$31,931.75. The engineer's estimate was \$6,561.02. He said it appeared from the amount of the bid that the cost of pipe was included.

Director of Public Works Ray said that the bid was received from a Bay Area firm where costs are considerably higher; that the bid was almost as high as the City Engineer's total estimated cost of materials and labor.

The City Manager recommended that the bid be rejected and the work performed by city forces.

#### RESOLUTION NO. 63-149

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING THE WORK TO BE PERFORMED BY THE CITY FOR THE INSTALLATION OF WATER MAINS IN SHERWOOD FOREST NO. 2 SUBDIVISION

Introduced by Mitchell      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

ADOPTION OF ORDINANCE NO. 572-C.S. RELATING TO CITY-COUNTY AIRPORT

ORDINANCE NO. 572-C.S. entitled

"AN ORDINANCE AMENDING SECTION 7-3.401 OF ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTIONS 7-3.404, 7-3.405, 7-3.406, 7-3.409, 7-3.412 AND 7-3.415 THEREOF, RELATING TO THE MODESTO CITY-COUNTY AIRPORT"

introduced March 18, 1963 and having been published as required by the Charter, was moved and adopted. (To be effective April 24, 1963)

Moved by Johansen            Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None            Absent: None

CONSIDER AN ORDINANCE AMENDING SECTION 2-2.12 OF CHAPTER 2 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO EFFECTIVE DATE OF ORDINANCES

The City Attorney stated that the proposed ordinance will amend Section 2-2.12 of Chapter 2 of Title II of the Code to bring it into conformance with the Charter, which provides that ordinances become effective thirty days after date of adoption, the provision to be retroactive to January 14, 1963, the effective date of the Charter.

ORDINANCE NO. 574-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-2.12 OF CHAPTER 2 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO EFFECTIVE DATE OF ORDINANCES"

was introduced and ordered published as required by the Charter.

Moved by VanderWall        Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None            Absent: None

APPROPRIATION OF \$73 DONATED TO ELEANOR DENNETT MEMORIAL FUND DEPOSITED WITH CITY FINANCE DEPARTMENT

RESOLUTION NO. 63-150

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$73 FROM LIBRARY, GENERAL RESERVE TO LIBRARY ADDITIONS  
(From Library, General Reserve (62-600) \$73; To Library, Library Additions (62-505) \$73)

Introduced by Shastid        Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None            Absent: None

REPORT ON STATUS OF ACQUISITION OF RIGHT OF WAY FOR IMPROVEMENT OF ROSEBURG AVENUE FROM MILLS TO CARVER

The City Manager stated that all rights of way for the improvement of Roseburg Avenue from Mills Avenue to Carver have been acquired with the exception of one or two parcels. In order to facilitate construction, he recommended that proposed plans and specifications be forwarded for approval of the State; that upon receipt of approval of the State, bids

be advertised; that authorization be granted the staff to prepare condemnation documents covering the parcels which have not as yet been dedicated and to obtain appraisals thereon if needed. He said that every effort will be made to obtain the rights of ways by means other than condemnation.

Upon questioning, Director of Public Works Ray stated that gas tax funds in the amount of \$56,000 are budgeted for the proposed improvement.

**MOTION**

That the recommendations of the City Manager as outlined above be approved

Moved by Shastid      Seconded by Tabbert      Unanimously carried

**CONSIDER LETTER AGREEMENT BETWEEN THE CITY AND GEORGE KLEMM, SUBDIVIDER OF BRENTWOOD ESTATES, UNIT NO. 1 SUBDIVISION**

The City Manager stated that the proposed agreement between the City and George Klemm provides for city participation in the cost of construction of sanitary sewer laterals, pursuant to Section 5-6.108.1 (b) of the Municipal Code which is applicable when the City requires a design beyond that required to serve the subdivision area alone. Cost to the City will be \$1,356.45, one-half the total cost.

**MOTION**

That the letter agreement between the City and George Klemm for city participation in the amount of \$1,356.45 towards the cost of constructing a sewer lateral in Carver Road for Brentwood Estates Unit No. 1 Subdivision be approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

**RESOLUTION ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO CATHERINE E. EVERETT SCHOOL      6-50**

Director of Public Works Ray stated that the Modesto City Schools has requested that flat rate charges be established for water service to the Catherine E. Everett Elementary School, located on Mt. Vernon Drive east of Carver Road. He said that after investigation, the staff has determined a normal use per student to be ten cubic feet of water per month, spread over a twelve months period rather than nine, and recommends that a flat rate be established for the school as follows: From 1 to 300 students, \$132 per year; from 301 to 600 students, \$172.50 per year, plus irrigation of one-half acre of the grounds with city water (the landscaped portion in front of the school). The balance of the school grounds will be irrigated with M.I.D. water.

Mr. Ray further recommended that the resolution establishing these charges contain a provision that any change in irrigation practices will affect the rates.

**RESOLUTION NO. 63-151**

**A RESOLUTION OF THE CITY OF MODESTO ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO THE CATHERINE E. EVERETT SCHOOL**

Introduced by VanderWall      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

RECOMMENDATION TO VACATE AND ABANDON PORTION OF HARVARD AVENUE WEST OF COLLEGE AVENUE AND THE ALLEY IN BLOCK 804

The City Manager stated that Planning Commission Resolution No. 880, adopted January 15, 1963 recommends the vacation and abandonment of that portion of Harvard Avenue west of College Avenue, and the vacation and abandonment of the alley in Block 804, as shown on map entitled "Alley and Street Abandonment Blocks 804 and 804-A," dated January 8, 1963, on file in the office of the Planning Director. This property has been purchased by Modesto Junior College District for expansion of its junior college facilities. Mr. Miller said that it was necessary to set a date for public hearing.

Upon questioning, the City Attorney stated that the abandoned and vacated areas will revert to the owners of adjoining lots, in this instance, the Schools.

RESOLUTION NO. 1009-S.P.  
RESOLUTION OF INTENTION NO. 286

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF HARVARD AVENUE AND THE ALLEY IN BLOCK 804 IN THE CITY OF MODESTO

Introduced by Shastid      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

April 15, 1963 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMENDATION TO ABANDON SOUTHERLY TEN FEET OF TEMPORARY ALLEY EASEMENT - BLOCKS 6706 AND 6707

The City Manager stated that Planning Commission Resolution No. 897 recommends the vacation and abandonment of the southerly ten feet of the temporary alley easements on Lot 10, Block 6707, and Lot 15, Block 6706, in College De Ville Subdivision, in order that the property may be utilized to its fullest capacity.

RESOLUTION NO. 1010-S.P.  
RESOLUTION OF INTENTION NO. 287

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE SOUTHERLY TEN (10') FEET OF TEMPORARY ALLEY EASEMENTS ON LOT 10 IN BLOCK 6707 AND LOT 15 IN BLOCK 6706 IN THE CITY OF MODESTO (MONTE CARLO AVENUE)

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

April 15, 1963 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMENDED ACQUISITION OF MARK TWAIN AREA PARK SITE

The City Manager stated that Planning Commission Resolution No. 919 recommends that necessary steps be taken to acquire 7.908 acres on the west side of Mark Twain School for a park site, as shown on sketch, "Park Site, California Avenue, Block 411; Land Acquisition 63-7," dated March 6, 1963. The sketch was shown the Council.

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Mr. Miller said that a park site in the Mark Twain Junior High School area has been recommended in the General Plan, in the Capital Improvement Program since 1956-57, and in the 1962-63 Capital Improvement Program for acquisition this year.

Councilman Mitchell stated that the City's park acquisition policy has been subject to criticism in several instances where a street divides the park and school; also, where the park is located adjacent to the administrative wing instead of the play area of the school, resulting in loss of the cooperative uses of the school play area and the park. He asked if the proposed park site would be contiguous to the Mark Twain School athletic field.

Director of Parks and Recreation Cowie stated that the athletic field of Mark Twain School was located on the west side of the school, and the proposed park site would be adjacent to the school playground facilities.

#### MOTION

That the staff be authorized to negotiate for the purchase of the Mark Twain area park site

Moved by VanderWall      Seconded by Johansen      Unanimously carried

#### RECOMMENDED EXTENSION OF TIME IMPOSED BY DEVELOPMENT SCHEDULE FOR INTERIM P-D (12) - SPENCER ADDITION

The City Manager stated that interim P-D(12) zoning for the Spencer Addition was granted by Ordinance No. 558-C.S.; that Planning Commission Resolution No. 921 recommends approval of an extension of the limits imposed by the development schedule requested by the property owner, H. B. Monighan, to permit finalization of the construction loan. The Planning Commission recommends that construction be commenced on or before September 1, 1963 and completed on or before November 1, 1965.

#### RESOLUTION NO. 63-152

A RESOLUTION EXTENDING THE LIMITS IMPOSED BY THE DEVELOPMENT SCHEDULE APPROVED AS PART OF INTERIM PLANNED-DEVELOPMENT ZONE, (I) P-D(12) (SPENCER ADDITION)

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

#### APPROPRIATION TRANSFERS 7-20

##### (a) Police-Communications Center Building

The City Manager stated that it was necessary to transfer the following funds to the Communications Center-Police Building Construction Account: \$100,000 from the General Reserve of the General Fund; \$164,000 from the Special Fund for Capital Outlays Reserve; the anticipated H.H.F.A. Grant in the amount of \$354,600.

Upon questioning, Director of Finance Bird stated that \$127,235 would still remain in the General Reserve, plus \$6,981 in the Contingency Reserve, and \$96,000 in the unappropriated reserve.

Mr. Bird said that the \$100,000 loan from the General Fund could be repaid through a definite repayment schedule from the Special Fund for Capital Outlays, or otherwise determined at the discretion of the Council at budget review time.

The City Manager suggested that method of repayment of the loan be left open at this time and considered at the budget hearings.

RESOLUTION NO. 63-153

A RESOLUTION AUTHORIZING THE TRANSFER OF \$100,000 FROM THE GENERAL FUND OF THE CITY OF MODESTO TO THE SPECIAL FUND FOR CAPITAL OUTLAYS AND PROVIDING FOR THE REPAYMENT THEREOF (502 Police Building and Communications Center)

Introduced by Shastid      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

RESOLUTION NO. 63-154

A RESOLUTION APPROPRIATING ADDITIONAL REVENUES FOR EXPENDITURE DURING THE 1962-63 FISCAL YEAR AND TRANSFERRING APPROPRIATED RESERVES AND ALLOCATING THEM FOR CAPITAL OUTLAY PURPOSES (HHFA Grant of \$354,600 and \$164,100 from Special Capital Outlay fund to 502 Police Building and Communications Center)

Introduced by Johansen      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

(b) Emmanuel A. and Alberta C. Wilken - Drainage Assessment

The City Manager stated that at the February 11, 1963 Council meeting, the Council agreed to pay a prorated share of the drainage assessment in exchange for immediate use of property dedicated to the City by Emmanuel A. and Alberta C. Wilken pursuant to paragraph I of a judgment entered on October 9, 1962; that an appropriation transfer of \$119 was needed to make the payment.

RESOLUTION NO. 63-155

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$119 FROM GENERAL FUND, GENERAL RESERVE, TO SEWERS, MISCELLANEOUS STORM DRAINS (for prorated share of Wilken drainage assessment)

Introduced by Shastid      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

LEGISLATIVE MATTERS

AB-1632 - The City Manager stated that this bill requires an ordinance ordering submission to the electors of a bond issue for the purpose of financing construction of more than one building or unit of a project to specify the exact location and cost of each building or unit and prohibits diversion of bond proceeds from one building or unit of the project to another, and prohibits change of location from that

described in the ordinance. It was Mr. Miller's contention that the bill would provide restrictions under which an agency could not reasonably operate. He said that the Schools have asked that the Council indicate its opposition to the bill.

Councilman Mitchell concurred in the opposition, stating that if it was necessary to establish the exact location of a site before the bonds were voted on, the Schools would be placed at a great disadvantage in negotiating for one of several sites if the property owner knew that his site would have to be purchased. He pointed out that frequently bonds were voted on for a five-year growth period, with only a general knowledge of where new schools would be needed. He proposed that a resolution be adopted indicating the Council's opposition to the bill, with copies sent to the League of California Cities, our Senator and Assemblyman.

#### RESOLUTION NO. 63-156

#### A RESOLUTION INDICATING OPPOSITION TO ASSEMBLY BILL NO. 1632

Introduced by Mitchell      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

#### MATTERS FOR THE GOOD OF THE COMMUNITY

#### Request for use of aerial tower belonging to Van Pelt, Inc.

Cowie

Director of Parks and Recreation/asked for Council permission to borrow an aerial tower from Van Pelt, Inc., Oakdale, at no cost to the City, to use in the cleaning and replacing of lights at Del Webb Field. Mr. Cowie said that the City is required to perform this service under agreement with the Modesto Colts. By use of the tower, the work can be accomplished in three or four hours, where presently three or four men are needed for about two days. The Modesto Colts will provide the necessary insurance to hold the City harmless.

#### MOTION

That permission to borrow an aerial tower unit from Van Pelt, Inc., Oakdale, to be used in cleaning and replacing lights at Del Webb Field be approved

Moved by Mayor Hammond      Seconded by VanderWall      Unanimously carried

#### Report on Downtown Revitalization by Councilman Johansen

Councilman Johansen stated that during the past ten days he has heard much interest expressed in revitalization and preservation of the downtown Modesto area; that in view of the Forward Modesto Committee's recent subcommittee report and recommendations and general citizen interest, he suggested that the Mayor appoint a Council committee to work with the staff to move the project forward, and that the matter be placed on next week's agenda.

Mayor Hammond said that the feeling was prevalent in some areas of the community that the Council has been slow in acting on this matter and explained that the Council was waiting for a report from the Forward Modesto Committee in order to secure a broader understanding of community problems.

## MOTION

That the Mayor be authorized to appoint a Council committee to work with the staff and interested groups on downtown revitalization, and to place the matter on the agenda next week with recommendations on steps to be taken

Moved by Johansen      Seconded by Shastid      Unanimously carried

Appointment of Council Downtown Revitalization Committee

Mayor Hammond appointed Councilman Johansen Chairman, and Councilmen Shastid and Patton members of the Council Downtown Revitalization Committee.

Approval of absence of Councilman Mitchell from country - Council Meeting of April 8

## MOTION

That the absence of Councilman Mitchell from country during meeting of April 8 be approved

Moved by Mayor Hammond      Seconded by Patton      Unanimously carried

Letter from H. Weinflash, 761 South McCarthy Vista, Los Angeles 48

A letter from H. Weinflash, dated March 23, 1963, subject, "Parking Site 9th and J, Modesto," was read by the City Manager. Mr. Weinflash stated that his offer of a \$10 pledge, dated February 22, 1963 was contingent upon written and delivered acceptance by March 1, 1963; that since the parking lot on 9th and J Street was not approved by the Council until March 4, he did not wish to be bound to his offer.

## MOTION

That the staff be authorized to write a letter to Mr. Weinflash requesting that he consent to honor his pledge

Moved by Johansen      Seconded by Patton      Unanimously carried

PROGRESS REPORT ON DATA PROCESSING EQUIPMENT AND INSTALLATION OF PROCEDURES

A memorandum from the Director of Finance, dated March 20, 1963, subject, "Progress Report on Data Processing Equipment and Installation of Procedures," was furnished the Council, a copy of which is on file with the record of the minutes.

REPORT BY CITY ATTORNEY ON STATUS OF LITIGATION INVOLVING JACK A. DORRITY AND MILTON D. EDDIE VS. CITY OF MODESTO (SEVENTH STREET FIRE LOSS, NO. 78848)

The City Attorney reported that the law suit filed against the City by Jack A. Dorrity and Milton D. Eddie was concluded with the plaintiffs being denied recovery from the City.

RESIGNATION OF CITY MANAGER

The City Manager read a letter, dated March 21, 1963 submitting his written resignation as City Manager, effective April 30, 1963. Mr. Miller suggested that Deputy City Manager Keefe, designated by the Council as the new City Manager, assume responsibility for regular operating matters and more current projects, including the presentation of these matters to the City Council.

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Former Councilman Adams stated that he was setting up a fishing trip on May 1, was in need of a manager for the trip; that if Mr. Miller proved to be as effective a manager for the fishing trip as he was for the City, the party would "have fish coming out its ears."

Mr. Miller accepted the offer.

Mayor Hammond assured Mr. Adams that the Council was also appreciative of Mr. Miller's service to the community.

RESOLUTION NO. 63-157

A RESOLUTION ACCEPTING RESIGNATION OF CITY MANAGER EFFECTIVE AT THE CLOSE OF BUSINESS APRIL 30, 1963

Introduced by VanderWall      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

MOTION

That the recommendation of the City Manager pertaining to the conduct of the office of the City Manager, as set forth in his letter of March 21, 1963 be approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

RESOLUTION NO. 63-158

A RESOLUTION APPOINTING JOHN C. KEEFE AS CITY MANAGER EFFECTIVE MAY 1, 1963

Introduced by Mitchell      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

No action was taken on the new City Manager's salary.

RESOLUTION NO. 63-159

A RESOLUTION COMMENDING CITY MANAGER ROSS MILLER FOR OUTSTANDING SERVICES RENDERED TO THE CITY OF MODESTO

Introduced by VanderWall      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

SPECIAL PLANNING COMMISSION MEETING, MARCH 26, 1963 AT 4:00 P.M.

The City Manager stated that the special meeting suggested by the Council for a joint Council-City Planning Commission on Tuesday, March 26, in the Work Reference Room, 3rd Floor, City Hall, was satisfactory to the Planning Commission. It is planned to discuss the City's zoning policy for annexed territory.

CONSIDER APPOINTMENT TO BOARD OF ZONING ADJUSTMENT

At the request of Mayor Hammond, this matter was held over for one week.

ADJOURNMENT

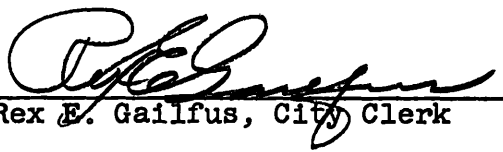
## MOTION

That the meeting now in session be adjourned

Moved by Mitchell      Seconded by VanderWall      Unanimously carried

The meeting adjourned at 9:38 P.M.

ATTEST:

  
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond  
Councilman Shastid arrived at 4:17 P.M.  
Councilman Patton arrived at 4:44 P.M.

Absent: Councilmen: None

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

Reverend George Telle gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received a copy of the minutes of the regular meeting of March 11, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

#### LETTERS FROM OLIVER DEATSCH, SECRETARY, MODESTO BAND, INC., (a) STATE FAIR, SACRAMENTO: (b) ANNUAL SUMMER CONCERTS

Letters from Oliver Deatsch, dated March 24, 1963 requesting that \$1,200 be budgeted for the 1963-64 fiscal year series of municipal concerts and \$350 budgeted to partially defray the cost of participation of the Modesto Band at the State Fair in Sacramento, were summarized by the City Clerk.

#### MOTION

That the requests be referred to the Council at the appropriate budget hearings

Moved by Tabbert      Seconded by VanderWall      Unanimously carried

#### LETTER FROM D. DWIGHT WAIT, GENERAL CHAIRMAN, MODESTO CAMELLIA SHOW, THANKING COUNCIL FOR DONATION OF TROPHY

A letter from D. Dwight Wait, dated March 25, 1963 thanking the Council for its donation of a trophy was read by the City Clerk.

The letter was ordered filed.

#### LETTER FROM L. R. ROBINSON EXPRESSING APPRECIATION FOR SUPPORT OF CAMELLIA SHOW

A letter from L. R. Robinson, dated March 21, 1963 thanking the City for support given the recent Camellia Show was summarized by the City Clerk.

The letter was ordered filed.

LETTER FROM BILL MOORAD, TREASURER, CALIFORNIA RELAYS, REQUESTING PAYMENT OF ANNUAL APPROPRIATION AND THE BUDGETING OF THE SAME AMOUNT IN THE 1963-64 BUDGET

A letter from Bill Moorad, dated March 26, 1963 requesting payment of \$2,000 budgeted for this year's California Relays event, was summarized by the City Clerk. The letter also requested that the Council consider budgeting a similar amount for fiscal year 1963-64.

MOTION

That payment of \$2,000 to California Relays for fiscal year 1962-63 be authorized, and that the request for a like amount for fiscal year 1963-64 be presented to Council at appropriate budget hearing

Moved by VanderWall      Seconded by Johansen      Unanimously carried

LETTER FROM THOMAS A. LACEY, CEMETERY PROJECT COMMITTEE CHAIRMAN - MODESTO JUNIOR CHAMBER OF COMMERCE RE: MODESTO CITY CEMETERY PROBLEM

A letter from Thomas A. Lacey, Cemetery Project Co-Chairman, Modesto Junior Chamber of Commerce, dated March 26, 1963, was read by the City Clerk. Copies of the letter were furnished the Council prior to the meeting.

Mr. Lacey indicated in his letter that a Modesto Junior Chamber of Commerce Committee is attempting to find a solution to the problems of the Modesto City Cemetery, the work of the Committee to include a cleanup campaign, landscaping and refurbishing the cemetery site, consideration of the future of the cemetery, and in particular, preventing the possibility of a recurrence of the present blighted condition. Mr. Lacey's letter cited the many technical legal problems involved, and the City's acquisition of title to the real property of the Cemetery Association by virtue of a tax sale in the late 1940's.

Mr. Lacey commented briefly on the contents of his letter and introduced George Gagos, Jr., Chairman of the Committee.

Mr. Gagos stated that a meeting was held in his home recently with representatives of the City, County, Junior Chamber of Commerce and various service organizations and interested individuals present, to discuss the causes and effect of the situation, legal complications, etc. He outlined the committees established to find a solution to the various problems involved, legal and otherwise. Mr. Gagos said that from community indications, the actual cleanup would pose no problem because of the help already volunteered.

Mr. Gagos outlined the financial problems of the cemetery association. He said that before the interested citizens' group and the Chamber could proceed further, it was necessary to establish authority and legal jurisdiction, and to secure the cooperation of the City. It was his opinion that the cemetery was historically significant and that if improved in accordance with previous standards and properly maintained, could again be a source of civic pride.

Mr. Lacey requested that the City Attorney's office be authorized to work with this group on the legal problems involved, and that other city staff assistance be authorized as needed.

Mayor Hammond pointed out that the Council has already indicated that it was not interested in assuming any obligations toward the management and operation of the cemetery, on the premise that this was not basically a city function.

Mr. Lacey said that it was the intent of the Committee to solve the problems as a community project, but in the event of failure, to request the assistance of the municipality.

Upon questioning, Mr. Lacey said that there were from 370 to 395 unsold graves remaining in the cemetery, and approximately 1,100 sold unused graves.

The City Attorney stated that to his knowledge no replies have been received from the State Cemetery Board to letters written by the City Attorney on February 11, 1963 and by Attorney Ernest Lacoste on January 29, 1963.

The status of the Cemetery Association's filing and financial records was discussed.

#### MOTION

That the City Manager and City Attorney be authorized to work with the group, but that no commitments be made on the part of the City without Council action

Moved by Mitchell      Seconded by VanderWall      Unanimously carried

#### LETTER FROM DOWNTOWN MODESTO MERCHANTS ASSOCIATION RE: ANNUAL CHRISTMAS DECORATION APPROPRIATION      2-75

A letter from Bill Bair, President, Downtown Modesto Association, dated March 28, 1963 requesting that \$1,800 be budgeted for the anticipated expense of erection, electrification and removal of downtown Christmas decorations for fiscal year 1963-64 was read by the City Clerk.

#### MOTION

That the matter be referred to the Council at the appropriate budget hearing

Moved by VanderWall      Seconded by Shastid      Unanimously carried

#### CONSIDER AWARD OF BID FOR CONSTRUCTION OF THE POLICE-COMMUNICATIONS CENTER BUILDING

Deputy City Manager Keefe stated that bids for the construction of the Police-Communications Center Building were opened on March 26, 1963 at 2:00 P.M.; five bids were received, the low bid submitted by Harris Construction Co. in the amount of \$517,000. The architect's estimate was \$561,000. He said that verbal approval has been received from the H.H.F.A. to award the contract. He recommended that the low bid of Harris Construction Co. be accepted.

#### RESOLUTION NO. 63-160

A RESOLUTION ACCEPTING THE BID OF HARRIS CONSTRUCTION COMPANY IN THE AMOUNT OF \$517,000 FOR THE CONSTRUCTION OF A POLICE-COMMUNICATIONS CENTER BUILDING IN THE CITY OF MODESTO

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton

CONSIDER AWARD OF BID FOR FURNISHING CRUSHED ROCK SCREENING FOR THE PERIOD OF ONE YEAR

Deputy City Manager Keefe stated that two bids were received for the City's annual needs of crushed rock (for period May 15, 1963 to May 14, 1964), the low bid submitted by George Reed, Inc., in the amount of \$2.75 per ton, end dump delivered and stockpiled, less 10 cents per ton, 10th prox. Mr. Keefe recommended that the low bid be accepted.

MOTION

That the low bid of George Reed, Inc., for crushed rock screening for a one year period beginning May 15, 1963 in the amount of \$2.75 per ton be accepted

Moved by Mitchell      Seconded by Shastid      Unanimously carried

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF WATER MAINS IN BRENTWOOD ESTATES UNIT NO. 1 SUBDIVISION

Deputy City Manager Keefe stated that the estimated cost of construction was \$7,295 for materials, and \$3,400 for labor.

RESOLUTION NO. 63-161

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF WATER MAINS IN BRENTWOOD ESTATES UNIT NO. 1 SUBDIVISION

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton

April 16, 1963 at 2:30 P.M. in the City Clerk's office was set as the time and place of opening of bids.

APPROVE PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF MAINTENANCE BUILDING AT SEWAGE TREATMENT PLANT, AND CALL FOR BIDS

RESOLUTION NO. 63-162

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALLING FOR BIDS FOR CONSTRUCTION OF A MAINTENANCE BUILDING AT THE SEWAGE TREATMENT PLANT

Introduced by Shastid      Seconded by VanderWall

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton

April 16, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF A SUBTRUNK SEWER ON CARVER ROAD AND ON DEBONAIRE DRIVE TO BRENTWOOD ESTATES

RESOLUTION NO. 63-163

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR CONSTRUCTION OF A SUBTRUNK SEWER ON CARVER ROAD AND ON DEBONAIRE DRIVE TO BRENTWOOD ESTATES SUBDIVISION

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Introduced by Mitchell      Seconded by Johansen

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton

ADOPTION OF ORDINANCE NO. 574-C.S. RE: EFFECTIVE DATES OF ORDINANCES

ORDINANCE NO. 574-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-2.12 OF CHAPTER 2 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO EFFECTIVE DATE OF ORDINANCES"

introduced on March 25, 1963 and having been published as required by the Charter, was moved and adopted. (Effective May 1, 1963)

Moved by Shastid      Seconded by VanderWall

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton

PROPOSED AMENDMENT TO MUNICIPAL CODE RELATING TO ANIMAL REDEMPTION AND BOARDING FEES

Deputy City Manager Keefe stated that it was the belief of the staff that an increase of animal redemption fees from \$1.00 to \$2.00 and boarding fee from 25¢ to 50¢ per day would in some degree deter carelessness in people allowing dogs to roam at large. Mr. Keefe read a memorandum from the Chief of Police, dated March 27, 1963, subject, "Increase in Animal Redemption and Boarding Fees."

Upon questioning, Chief Bowers stated that an average of about 20 dogs are redeemed per month; that many more animals are handled, most of which are destroyed. He outlined the methods used in returning dogs to their owners. He said that the County's policy differs from that of the City in that the complainant must apprehend and confine the animal, which is then picked up.

ORDINANCE NO. 575-C.S. entitled

"AN ORDINANCE AMENDING SECTION 5-4.211 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO DOGS"

was introduced and ordered published as required by the Charter.

Moved by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: Patton

RESOLUTION APPROVING AGREEMENT BETWEEN M.I.D. AND CITY GRANTING THE CITY A RIGHT TO CONSTRUCT AND MAINTAIN A FOOT BRIDGE ACROSS M.I.D. LATERAL NO. 3 AT SHERWOOD AVENUE

RESOLUTION NO. 63-164

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT GRANTING THE CITY A RIGHT TO CONSTRUCT AND MAINTAIN A FOOT BRIDGE ACROSS M.I.D. LATERAL NO. 3 AT SHERWOOD AVENUE

Introduced by Mitchell      Seconded by Shastid

Ayes: Johansen, Mitchell, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None Absent: Patton

REQUEST OF JACK B. AND MERNA L. BROUGHTON THAT THE CITY SELL TO THEM ITS INTEREST IN PROPERTY AT 115 DOWNEY AVENUE

Deputy City Manager Keefe stated that at the November 26, 1962 meeting, the City's interest in the Broughton property at 115 Downey Avenue was discussed, and the staff directed to review the matter from the standpoint of the value of the property, and the value of the City's interest, and to report to the Council.

Mr. Keefe read a letter from Jackson B. Broughton offering \$6,000 for the City's interest in the property, the City to sign a quitclaim deed to the property; that if a marketable title was not available, the transaction be terminated.

Upon questioning, the City Attorney stated that a joint appraisal was submitted by two appraisers.

The City Manager stated that the Library and Culture Commission has recommended that the offer be accepted.

It was Mayor Hammond's opinion that acceptance of the offer was a fair solution to the problem.

Referring to Mr. Broughton's desire to terminate the transaction in the event a marketable title to the property is not available, Councilman Shastid suggested that a time limit of two or three months be imposed within which the transaction could be terminated, or action on the transaction withheld until such time as the title information is available.

The City Attorney stated that if the transaction was approved by the Council, a reasonable time limit could be imposed.

Councilman Mitchell expressed the hope that since the bequest to the City was for specified purposes, the proceeds would be set aside for those purposes. The City Manager stated that the \$6,000 would be earmarked for the purposes specified in Mrs. Broughton's will.

MOTION

That the staff be directed to prepare necessary documents and procedures whereby Mr. and Mrs. Broughton purchase the City's interest in property located at 115 Downey

Moved by VanderWall      Seconded by Johansen      Unanimously carried

APPROVAL OF SUBDIVISION AGREEMENT AND FINAL MAP FOR BROOKDALE PARK NO. 4 SUBDIVISION

Deputy City Manager Keefe stated that the subdivision agreement for Brookdale Park No. 4 Subdivision has been executed, all fees paid, and that it would be in order for the Council to approve the agreement and final map. This subdivision contains five acres and is located east of Coffee Road between Norwegian and Floyd Avenues.

RESOLUTION NO. 63-165

A RESOLUTION APPROVING THE FINAL MAP OF THE BROOKDALE PARK NO. 4 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Hammond  
Noes: None Absent: None

CONSIDER ACCEPTANCE OF PLANTING EASEMENT FOR PURPOSE OF MAINTAINING  
STREET TREES AT 1405 CONCORD AVENUE, MODESTO, OWNER, LESLIE G. KNOLES

Deputy City Manager Keefe stated that under the provisions of Ordinance No. 480-C.S. the City may accept planting easements for the purpose of planting and maintaining street trees; that Leslie G. and Beatrice R. Knoles, 1405 Concord Avenue, have expressed a desire to dedicate a planting easement to the City for this purpose.

RESOLUTION NO. 63-166

A RESOLUTION AUTHORIZING ACCEPTANCE OF A PLANTING EASEMENT FOR THE  
PURPOSE OF MAINTAINING STREET TREES AT 1405 CONCORD AVENUE, MODESTO

Introduced by VanderWall Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None Absent: None

REQUEST OF MODESTO BLACKHAWKS FAST DRAW GUN CLUB FOR RENTAL OF GIRL  
SCOUT CLUBHOUSE IN BEARD BROOK PARK

Deputy City Manager Keefe read a letter from Bob Hamilton, President of the above organization, dated March 27, 1963, requesting the rental of the Girl Scout Clubhouse in Beard Brook Park for evening meetings to be held every other week. Mr. Keefe recommended that the request be approved.

MOTION

That the request of Modesto Blackhawks Fast Draw Gun Club for rental of Girl Scout Clubhouse in Beard Brook Park be approved

Moved by Johansen Seconded by Shastid Unanimously carried

CONSIDER REQUEST BY DIRECTOR OF PARKING AND TRAFFIC FOR PERMISSION TO  
HELP THE CITY OF LODI WITH A TRAFFIC PROBLEM

MOTION

That the request of Director of Parking and Traffic Carmody for permission to help City of Lodi with traffic problem be approved

Moved by Shastid Seconded by Patton Unanimously carried

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR ACQUISITION OF RIGHT OF  
WAY FROM KENNETH LEE AND LOIS ARLENE PARKER FOR WIDENING OF ROSEBURG  
AVENUE (Project No. 55-16, Parcel 833-2)

Deputy City Manager Keefe stated that Kenneth L. and Lois Arlene Parker have executed a right of way contract and grant deed donating property on Roseburg Avenue to the City for right of way purposes, the City to pay grantors \$425 within fifteen days after acceptance for the loss of sidewalk, hedge, shrubs and relocation or removal of a fence. He recommended that the right of way contract be approved.

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A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND KENNETH LEE AND LOIS ARLENE PARKER FOR WIDENING OF ROSEBURG AVENUE (Project No. 55-16, Parcel 833-2)

Introduced by Shastid      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

### LEGISLATIVE MATTERS

A.B.-424 - Conclusive Presumption for Heart Trouble, Pneumonia and Hernia - Deputy City Manager Keefe read a legislative bulletin from League of California Cities, dated March 27, 1963, which stated that A.B.-424 would amend Section 3212 of the Labor Code to provide "that after ten years or more of service the presumption that hernia, heart trouble or pneumonia in firemen and policemen arose out of and in the course of their employment shall become conclusive rather than disputable." The present law provides a disputable presumption. Deputy City Manager Keefe recommended that the Council indicate its opposition to the bill.

### MOTION

That the City Manager be authorized to advise the League of California Cities and Assemblyman John Veneman of the City's opposition to A.B.424

Moved by VanderWall      Seconded by Johansen      Unanimously carried

APPROPRIATION TRANSFERS - None

### MATTERS FOR THE GOOD OF THE COMMUNITY

Mayor Hammond stated that the matter of downtown revitalization was inadvertently omitted from the meeting's agenda and would be considered at this time.

at

Downtown Revitalization - Mayor Hammond stated that at the March 25 meeting, he appointed a Council Downtown Revitalization Committee composed of Johansen, Chairman, Patton and Shastid, to review the need for an urban renewal program and to come back with some recommendations as to a possible course of action.

Frank Helm, 800 Carmel Drive, said that he had heard an alarming report earlier in the day that the Council might take action to establish an urban renewal agency without benefit of public hearings, although he had been informed by the Mayor last Thursday that no action would be taken on this matter until ample public hearings were held.

Mayor Hammond stated that the Council would take no action until adequate expression had been received from the community, pointing out that the law requires that no action be taken without public hearings.

Councilman Johansen reviewed a report of a meeting of the Council Downtown Revitalization Committee held on March 28, 1963. Among matters discussed was whether further Council determination of the need for a redevelopment agency was required at this time; there was general agreement that the activation of a redevelopment agency would be desirable if it would contribute to the solution of downtown revitalization problems; the Council should be appointed the redevelopment agency on an interim basis; the Council and public would benefit by having experts

in this field aid in the preparation of a proposed development program by furnishing knowledge gained through experience; that it should be recommended that the Council authorize an immediate survey of downtown property owners in the deteriorated areas, to ascertain if they are desirous of city help. Councilman Johansen stressed the importance of an immediate survey, and suggested that the staff be instructed to prepare and submit to the Council a preliminary report on why revitalization of the downtown Modesto area is necessary, the report to be made available at the April 8th Council meeting.

Speaking as a member of the Council, Councilman Johansen suggested that the staff, Council and all interested parties review the Cox Report, and that additional copies of this report be placed in McHenry Library for ready availability to the public. He further suggested that the public be kept well informed on all Council actions pertaining to the revitalization program.

Councilman Johansen recommended approval of the Council Committee's suggested course of action as outlined in the Committee's report of March 28, 1963.

Mayor Hammond stated that there has been considerable criticism towards the Council as a whole, and to Councilmen individually, over the fact that during the past two or three years, the many reports studied and the many meetings held have failed to be productive. It was his opinion that the Cox Report has been widely distributed, the City and Chamber of Commerce having utilized every resource to make this information available to the public. He said he hoped that this ground would not have to be retraced before action could be taken.

Eleanor Erickson, member of the American School of Politics, stated that she would like more advance notice of the meetings dealing with redevelopment to permit the presence of representation.

Mr. Helm asked Councilman Johansen if the Committee had given any consideration to downtown renewal by any means other than the use of federal aid -- by the property owners through local banking institutions; by the plan used in Mountain View, where enforcement of the Health and Safety Code resulted in raised standards; or in other communities, through warning to property owners that their buildings were unsafe for public or private use.

Councilman Johansen replied that the Committee had been in existence for just one week, and no decision reached as to whether private or federal funds would be recommended.

Robert Moon stated that at a recent meeting of property owners in the 700 block of 9th and 10th Streets, the various means by which revitalization could be accomplished, both federal and private, were extensively discussed, but that no particular method was agreed upon by the property owners. He said that alternative methods were considered -- leaving the property unimproved and vacant, paying taxes and permitting the property to deteriorate further; setting up a private limited trust between the owners of the property, possibly with and/or without the City of Modesto property included; setting up a rather large private investment trust to get at the problem, particularly the 700 block; a local urban renewal agency established by the Council on a local basis and without federal funds, which is possible under state law; or by federal funds.

Councilman Mitchell assured Mr. Helm that the Council and the entire community needed a great deal more information on the problems before a final decision is reached.

Councilman Shastid suggested that Mr. Helm and other interested persons who have given thought and study to the problem, submit suggestions; stating that these would be of great benefit to the staff and Council.

Mayor Hammond stated that federal aid has been considered along with other possibilities, and may or may not be the means which the community desires to use.

Upon questioning as to whether it was possible for members of the public to appear before the Community Development Subcommittee of the Forward Modesto Committee, Deputy City Manager Keefe stated that the report of this subcommittee has received preliminary approval of the Forward Modesto Committee, but will not be finally approved until such time as all reports, including that of the Finance Committee, are submitted. He said that the ground rules of the Forward Modesto Committee permit citizens to attend the meetings, but only members are allowed to voice their views.

City Manager Miller stated that the Forward Modesto Committee has indicated that it would welcome comments from citizens in the community on any matter, but has asked that the comments be submitted in writing.

#### MOTION

That the report of the Council Downtown Revitalization Committee be approved and that the recommended course of action be activated; that the City Clerk be instructed to keep a mailing list of those particularly interested in this matter and provide special notice of meetings; that this matter be placed on the April 8, 1963 agenda for public discussion; that the staff, if possible, secure speakers from other cities who are familiar with urban redevelopment to appear at Council meetings

Moved by Johansen      Seconded by Shastid      Unanimously carried

George Gagos, 225 El Rio, stated that he was privileged to serve on the Forward Modesto Downtown Redevelopment Subcommittee. He stated that in its studies, the subcommittee endeavored to cover as many fields as possible in search of an answer, and recommendation made that a redevelopment agency be established--the agency's function, source of financing, etc. to be determined. Mr. Gagos emphasized the amount of time and effort spent by the Forward Modesto Committee members in arriving at the above recommendation, stating that he hoped that when the matter was heard by the Council, the work of the Committee will not have been in vain.

Effective date of salary increases for Mayor and Councilmen if approved by the electorate

Upon request, the City Attorney explained that the propositions relative to salary increases for the Mayor and Councilmen, if approved by the electorate at the April 16, 1963 general municipal election, would not be applicable to the Councilmen presently in office or Councilmen elected, or to the Mayor chosen at this election.

Mayor Hammond stated that he wished to make a public statement recommending that the electorate vote "no" on these two propositions. Councilman Shastid concurred.

Availability of report of Forward Modesto Community Development Subcommittee - Walt Bozarth, 1557 Victoria Drive, asked if the report of the Community Development Subcommittee was a matter of public record and available to the public.

Mayor Hammond stated that the report would not be available to the public until after consideration by the Council. He suggested that Mr. Bozarth contact Paul Birmingham, General Chairman of the Forward Modesto Committee '62.

REPORT FROM MODESTO BOARD OF EDUCATION RELATIVE TO QUESTIONS ASKED OF THEM BY THE PUBLIC PROJECTS COMMITTEE

Deputy City Manager Keefe stated that at a recent meeting of the Board of Education, the Council Public Projects Committee, Board of Education, and members of the city staff, three questions were asked the Board relative to the acquisition and development of adjacent school and park sites. Answers to the three questions are listed in a letter from Harry D. Wiser, Superintendent of Schools, dated March 21, 1963, copies of which were furnished the Council, and a copy filed with the record of the minutes.

Councilman VanderWall, Chairman of the Public Projects Committee, stated that a report would be furnished the Council as soon as the letter is reviewed by the Committee.

Robert Bienvenu, speaking in behalf of the Board of Education, stated that the matter has been discussed by the Board of Education; that one of the areas of agreement which might be reached was the desirability of joint county-city condemnation or eminent domain proceedings. He said that it was the belief of the County Counsel that joint condemnation was not legal; that legislation would have to be passed to permit it. Mr. Bienvenu asked that the Council indicate its feelings on the matter, stating that it would be considered at a Board of Education meeting later in the evening. He said that April 4th was the deadline for introduction of the legislation.

Councilman Mitchell outlined the advantages of joint condemnation both from the standpoint of economy and planning.

Councilman Shastid said his only concern was that it be made clear that the joint negotiation would be permissive and not mandatory.

MOTION

That the Council indicates it favors legislation to permit the joint filing of condemnation suits by two or more public agencies; that the staff so notify the State Assemblyman and State Senator from this District, and request that such a bill be drawn to be considered at this session of the legislature

Moved by Mitchell      Seconded by Shastid      Unanimously carried

CONSIDER APPOINTMENT OF MEMBER OF BOARD OF ZONING ADJUSTMENT

With the consent of the Council, this matter was held over one week.

ADJOURNMENT


MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 5:45 P.M.

ATTEST:

  
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond

Absent: Councilmen: Mitchell, Patton

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

Reverend Lawrence R. Cartwright gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of March 18, 1963, and the same being available for public inspection, and there being no objections, the minutes were approved.

#### OFFER TO SELL PROPERTY AT THE SOUTHWEST CORNER OF 11TH AND K STREETS TO THE CITY OF MODESTO FOR PARKING PURPOSES

A letter from L. F. and Raymond E. Covell, dated April 2, 1963, offering the City of Modesto property located at the southwest corner of 11th and K Streets, comprising the former Helm sales area, Modesto Music and Bible Stores, for a price of \$175,000, was read by the City Clerk. Terms of the offer were outlined, with the offer standing until May 7, 1963.

#### MOTION

That the matter be referred to the staff for report and recommendation  
Moved by Shastid      Seconded by Johansen      Unanimously carried

The City Attorney pointed out that under the provisions of the Constitution of the State of California, the City does not have authority to buy property on a provisional sales contract or installment basis.

#### LETTER REGARDING USE OF COURT AREA OF CITY HALL FOR ART SHOW

A letter from Chella Gonsalves requesting permission for the Central California Art League to use the City Hall court grounds for an amateur art show during the week of May 6-11, 1963, was read by the City Clerk.

#### MOTION

That the request of the Central California Art League for the use of the City Hall Court Yard for an art show during period May 6-11, 1963 be approved, and that the League work with the staff in carrying out the program

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

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PETITION REQUESTING THE REMOVAL OF ONE-WAY STREETS IN THE DOWNTOWN AREA OF MODESTO

A petition bearing 306 signatures requesting that the Council remove one-way streets in the downtown area of the City was read by the City Clerk.

Mel Cardwell, used car dealer, 10th and K Streets, stated that his business has become progressively worse since the inception of one-way streets in downtown Modesto. It was his belief that the one-way streets have contributed to the deterioration of the downtown business area, and are being used as a "drag strip" at great peril to pedestrians.

C. H. Williams stated that his business at 11th and G Streets has suffered a great loss since the inception of one-way streets. He recommended that they be abolished.

Mayor Hammond stated that the fact must be accepted that Modesto streets were not originally designed to carry the number of cars on the streets today; that Highway 99, the Oakdale and Waterford highways all enter the City resulting in city streets being used by people traveling through the City rather than for shopping purposes. He pointed out that upon completion of the freeway in about 1965, 9th Street will become a city street and the resulting diversion of traffic will alleviate traffic conditions in the downtown area. He also pointed out that perimeter streets planned for the outskirts of the City will take care of travelers presently using downtown streets for through-city purposes. He said that one-way streets have permitted a 20% to 30% increase in traffic for downtown shopping purposes; also that a 10th Street "drag" existed prior to the inception of one-way streets, differing only in that at that time 10th Street was a two-way "drag," whereas the "dragging" is now distributed evenly between 10th and 11th Streets.

Councilman Tabbert suggested that car dealers alleviate their parking problems by reserving a portion of their car lots for customer parking purposes.

The matter was discussed by the Council.

Mayor Hammond expressed his appreciation for presentation of the petition, stating that it indicated the interest of the downtown merchants in the need for revitalization.

MOTION

That the matter be referred to the staff for a meeting with the Downtown Modesto Association and report to the Council in four weeks (to be placed on agenda for evening meeting)

Moved by VanderWall      Seconded by Shastid      Unanimously carried

Bill Bair, President of the Downtown Modesto Association, speaking as an individual, stated that he had signed the petition but his personal feeling was that one-way streets were here to stay. He said it was impossible to move buildings, widen streets, the cars appear to be here to stay, and the problems created would simply have to be lived with. He suggested that if at all possible two minor adjustments be made: (1) That traffic signals be recycled to slow down traffic not intended for the downtown area; (2) That the Director of Parking and Traffic introduce a plan adding to the grid of one-way streets for through-traffic purposes.

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER LINES IN BEL AIR NO. 3 SUBDIVISION

Deputy City Manager Keefe reported that no bids were received for the installation of water lines in Bel Air No. 3 Subdivision and recommended that the work be performed by city forces. Estimated cost of installation is \$7,339.40 for labor and materials.

RESOLUTION NO. 63-168

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE INSTALLATION OF WATER LINES IN BEL AIR NO. 3, SUBDIVISION

Introduced by Shastid      Seconded by Johansen

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: Mitchell, Patton

CONSIDER AWARD OF BID FOR LIQUID ASPHALT TO GEORGE REED, INC.

A tabulation of bids received for the City's liquid asphalt needs for a one-year period beginning May 15, 1963, was distributed to the Council. Deputy City Manager Keefe recommended that the low bid submitted by George Reed, Inc. be accepted.

RESOLUTION NO. 63-169

A RESOLUTION ACCEPTING THE BID OF GEORGE REED FOR THE FURNISHING OF LIQUID ASPHALT TO THE CITY OF MODESTO FOR THE PERIOD MAY 15, 1963 THROUGH MAY 14, 1964

Introduced by Tabbert      Seconded by Shastid

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: Mitchell, Patton

CONSIDER PURCHASE OF SEWAGE PUMP FOR TREATMENT PLANT 2-99

Deputy City Manager Keefe stated that the proposed purchase of a sewage pump for the treatment plant at an estimated cost of \$2,350 will provide a more even flow from the industrial waste pump station. At the present time, the starting and stopping of the four pumps of 5,000 gallons per minute capacity results in surges in the rest of the plant.

MOTION

That the purchase of a sewage pump for the Treatment Plant at an approximate cost of \$2,350 be approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

ADOPTION OF ORDINANCE NO. 575-C.S. RELATING TO LICENSE FEES FOR DOGS

ORDINANCE NO. 575-C.S. entitled

"AN ORDINANCE AMENDING SECTION 5-4.211 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO DOGS"

introduced on April 1, 1963, and having been published as required by the Charter, was moved and adopted. (Effective May 8, 1963)

Moved by VanderWall      Seconded by Shastid

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None Absent: Mitchell, Patton

HEARING ON PROPOSED ANNEXATION OF THE LORENZEN PARK ADDITION

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of the Lorenzen Park Addition, and opened the hearing.

Art Wylie, petitioner for the proposed Lorenzen Park Addition, requested that the proposed annexation be voluntarily terminated by the Council. Mr. Wylie said that due to newly arisen technicalities, it was not desired to annex all of the property at this time. He pointed out that the property was in single ownership and if the annexation was protested by the owner, the owner would be prohibited by law from filing any further annexation proceedings on any part of the property for one year's time; if voluntarily terminated by the Council, proceedings could be initiated for immediate annexation of a portion of the property intended for early subdivision.

The City Attorney stated that the problem resulted from Planning Commission and Council recommendations that areas retain county zoning upon annexation to the City.

Mr. Wylie stated that he was fully aware that if the Council terminated the annexation proceedings presently under consideration, it would not be insuring or guaranteeing Mr. Wylie that the portion of the Lorenzen Park Addition presently zoned R-3 would be thus zoned upon future annexation.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

The matter was discussed by the Council.

RESOLUTION NO. 63-170

A RESOLUTION TERMINATING PROCEEDINGS FOR THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY KNOWN AS LORENZEN PARK ADDITION TO THE CITY OF MODESTO, IN ACCORDANCE WITH SECTION 35007 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None Absent: Mitchell, Patton

HEARING ON PROPOSED ANNEXATION OF THE CRESTVIEW NO. 3 ADDITION

Mayor Hammond announced that the hour of 8:05 P.M. had arrived, the time set for consideration of the proposed annexation of the Crestview No. 3 Addition, and opened the hearing.

The City Clerk reported that notice of hearing was published in the Modesto Tribune and Turlock Daily Journal on March 7 and 14, 1963, and notices mailed to each property owner in the area and other interested parties on March 18, 1963. No written protests to the proposed annexation were filed with the City Clerk.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

Planning Commission Resolution No. 900 recommends annexation.

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"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE CRESTVIEW NO. 3 ADDITION TO THE CITY OF MODESTO"

was moved and adopted and ordered published as required by the Charter. (Effective immediately)

Moved by Johansen      Seconded by VanderWall

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None              Absent: Mitchell, Patton

HEARING ON PROPOSED ANNEXATION OF THE CATHERINE EVERETT SCHOOL ADDITION      3-80

Mayor Hammond announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the proposed annexation of the Catherine Everett School Addition and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock Daily Journal on March 7 and 14, 1963, and notices mailed to all property owners and other interested parties on March 18, 1963. No written protests were filed with the City Clerk.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

Planning Commission Resolution No. 989 recommends annexation.

ORDINANCE NO. 577-C.S. entitled

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

was moved and adopted and ordered published as required by the Charter. (Effective immediately)

Moved by Shastid              Seconded by Tabbert

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None              Absent: Mitchell, Patton

FURTHER CONSIDERATION OF THE DOWNTOWN REVITALIZATION PROGRAM

Deputy City Manager Keefe stated that at the last Council meeting, the staff was directed to begin a block by block survey of the downtown area to determine the degree of interest of property owners in a revitalization program. A memorandum from the Director of Parking and Traffic, dated April 5, 1963, subject "City of Modesto Downtown Survey" was distributed to the Council (Block bounded by 9th, 10th, G and H Streets). Mr. Keefe said that it was proposed to present weekly survey reports until the entire downtown area is covered.

Mr. Keefe reported briefly on a meeting held Friday, April 5. Six property owners out of thirteen appeared at the meeting. It was the belief of those present that steps should be taken to improve conditions; a few were definite that a redevelopment agency should be created.

A memorandum, dated April 4, 1963, from the City Manager and Deputy City Manager, subject, "The City and the Downtown Area," prepared at the request of the Council, was read by Deputy City Manager Keefe.

Mr. Keefe displayed a chart describing the function of a redevelopment agency, and outlined the basic steps which would have to be taken.

The City Attorney stated that the redevelopment agency, whether a five member citizen body or the Council serving as the agency, would be a separate corporation, with separate meetings, separate minutes, staff, etc.

F. M. Brack, property owner in Block 54, requested that the Council enact an ordinance creating a redevelopment agency at the earliest possible moment, and immediately activate the agency to proceed with the program.

Upon questioning, the City Attorney stated that due to a change in legislation, the resolution adopted by the Council in 1961 setting up a redevelopment agency was no longer in effect.

Mr. Brack outlined reasons why he believed that the Council should be appointed as the redevelopment agency. He also mentioned the amount of time spent by a Chamber of Commerce Committee established to study downtown deterioration, of which he was a member, and the amount of time spent by a Forward Modesto subcommittee in studying the same problem, with both groups presenting the same recommendation. He pointed out that further delay of action will simply result in greater deterioration.

Mr. Brack discussed problems of property owners in Block 54, stating that they cannot redevelop the property unless it is part of a general plan for downtown redevelopment; that without such a plan it would not be possible to obtain tenants; without tenants, financing cannot be obtained.

Mr. Brack stated that if private venture capital is offered, it should be considered cautiously. He repeated that in his opinion redevelopment cannot be accomplished with private capital unless a general plan of redevelopment exists, with direction and help from the Modesto City Council.

The importance of the right of eminent domain in connection with redevelopment was discussed by Mr. Brack.

It was Mr. Brack's opinion that the wisest course to pursue would be to obtain a federal loan for studies, to be repaid in the event the program so required, and that federal grants and loans be obtained for the proposed construction.

Paul Birmingham, General Chairman of the Forward Modesto Committee '62, stated that the downtown revitalization problem was given to the Community Development Subcommittee; that the Committee as a whole has unanimously adopted the recommendations of the subcommittee. He read an excerpt from the above-mentioned report as follows: "It is our opinion that the successful achievement will require the combined efforts of private enterprise and appropriate governmental agencies. It has been determined by this group that private enterprise cannot do this job alone; therefore it recommends that members be appointed to serve on the urban renewal agency created earlier by the City Council .....Let's get the job done."

Harry Quinn stated that he was chairman of the Chamber of Commerce Committee that studied this problem in 1961 and a member of the Community Development Subcommittee of the Forward Modesto Committee '62. He added his support to immediate Council action to establish and activate a redevelopment agency.

Robert Moon, 804 Carmel Drive, stated that deterioration in the downtown area has become progressively worse during the past two years; that many businesses have moved out of the area now under consideration for redevelopment, and many merchants are wondering if they should remain in the downtown central section. He urged that a redevelopment agency be established.

Upon questioning by Max Haney, the City Attorney stated that an ordinance establishing a redevelopment agency could not be legally adopted at the present meeting.

Mr. Haney urged the Council to acquaint itself with all of the ramifications involved with a redevelopment agency before enacting legislation establishing such an agency.

Mayor Hammond assured Mr. Brack and Mr. Quinn that the substance of the May 8, 1961 report submitted by the Chamber of Commerce on downtown revitalization had not been lost, although not acted upon -- that a number of factors made it advisable that further depth of understanding be secured by the community. He said that the work of the current Forward Modesto Committee has provided a great deal of the needed understanding; that the petition seeking abolishment of one-way streets indicated recognition by the merchants themselves of an existing major problem. It was his opinion that the community was now ready for advancement of a redevelopment program. He agreed that there might be ramifications of which the Council was unaware, but stated that the Council was aware of the condition of the downtown area and aware that action must be taken to solve the problems. He urged the Council, in light of community understanding and urgent need, to consider setting itself up as an urban development agency; to have a local base of operation; the agency's program to be determined as time and studies direct. Mayor Hammond said that by acting as the redevelopment agency, the Council would have ample time for careful selection of successor members when it proved advisable to separate the Council from the agency.

Councilman VanderWall concurred that the Council should act as the redevelopment agency at inception of the program.

Councilman Shastid agreed that the Council should act as the redevelopment agency on an interim basis, but felt that over a long period of time, it would be advisable for another body to be constituted; that if the Council was appointed, it could always, at a future date, nominate successors. He said that Mr. Haney's comments were well taken, that a tremendous amount of work was involved. He said he hoped that not all of the work would fall on the Council, but that individual facets of the program would be delegated to interested citizen committees to work with the Council. It was his opinion that it would be preferable to accomplish redevelopment on a private ownership basis, without City or other governmental assistance, but that deterioration of the downtown area had reached a point where it was beyond individual action. He said he hoped that the work could be accomplished at a local level without the use of federal funds. He pointed out that the important thing at this time was to get the job done.

Eleanor Erickson, 637 Tully Road, protested the fact that no publicity was given that the Council would take action this evening to activate a redevelopment agency.

Mayor Hammond stated that final action was not being taken although the Council might indicate the direction it intended to follow; that should the Council activate a redevelopment agency, it would be for the purpose of getting the necessary work started, the results of the hearings and studies made before that body determining the direction to be taken.

Councilman Johansen suggested that a time be set within the next three or four weeks for final consideration of the activation of the redevelopment agency to give those wishing to be heard an opportunity to appear. He suggested that the staff continue its block by block survey of the downtown area.

John Ward, 528 College Avenue, asked if the redevelopment agency proposed would be an agency under state law.

City Attorney Grimes stated that creation of an agency provided for by the Community Redevelopment Law contained in the Health and Safety Code of the State of California was under consideration.

Mr. Ward asked for a clarification of the term "redevelopment agency," stating that he had made a detailed study of the state code and did not know what the Council was talking about when speaking of a "redevelopment agency." It was his opinion that the people should be completely informed of the ramifications involved in the establishment of such an agency.

The City Attorney stated that on May 8, 1961 the City Council adopted a resolution pursuant to Section 33201 of the California Health and Safety Code declaring a need for a community redevelopment agency, but no members were appointed to the agency. Subsequently, this section of the Code was amended by the California Legislature on July 19, 1961 to require that the need for an agency must be declared by an ordinance rather than by resolution, so that it would be subject to referendum by the people. The question then presented was whether or not the resolution adopted by the Council prior to the change of legislation was still valid. Mr. Grimes said it was the opinion of the City Attorney's office that since no business was transacted after passage of the resolution, and no agency members appointed, although the amended sections of the Community Development Act protect those agencies which transacted business prior to the amendment under resolutions theretofore adopted, this would not protect the City of Modesto since no action was taken other than the passage of the resolution. His conclusion was that if and when the City Council desires to proceed under the California Redevelopment Law to establish a redevelopment agency, or an urban renewal agency, the procedure should be through the adoption of an ordinance declaring the need for the agency to function in the community.

The City Attorney stated that in order to draft an ordinance, it was necessary that he be furnished the following information: the scope of the agency; the name of the agency; whether the Council is to serve as the agency or appoint an individual agency; to what extent the Council will adopt the powers under the California Community Redevelopment Act.

Mayor Hammond stated that the Council was not in a position to make these decisions at the present meeting, and suggested that the staff be directed to furnish the Council with the necessary information to formally set up the agency.

Deputy City Manager Keefe stated that the information needed by the City Attorney to draft the ordinance would be furnished the Council in writing.

#### MOTION

That the staff be instructed to prepare a report outlining the procedures to be followed by the Council to establish a redevelopment agency and that the City Attorney present in writing the information he will need in order to draft an ordinance; that this report and information be submitted at next week's Council meeting.

Mayor Hammond announced that Mayor Selland of Fresno would be present at the next Council meeting to discuss community redevelopment; the following week, April 22, John Atkins, Executive Director of the Housing Authority, Merced, would be present at the Council meeting to speak of his experience in this field.

Deputy City Manager Keefe stated that he and Mr. Frank Helm were planning a visit to Mountain View for firsthand information on that City's redevelopment program, and invited any interested Council members to go along. Councilmen Johansen and VanderWall expressed interest in going.

Answering a question submitted by Councilman Johansen, Deputy City Manager Keefe stated that out of town property owners of deteriorated buildings in the downtown area are being contacted by telephone where convenient; where not convenient, by registered letter. Mr. Keefe stated that it was planned to survey the portions of the downtown area recommended by the Forward Modesto Committee.

HEARING ON PROPOSED UNCLASSIFIED USE PERMIT FOR CHARM SCHOOL ON  
McHENRY AVENUE

Mayor Hammond announced that the hour of 8:15 P.M. had arrived, the time set for consideration of an unclassified use permit for a charm school on McHenry Avenue requested by Clyda Ramos, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on March 21, 1963 and notices posted and delivered in the area on the same date. No written protests were filed with the City Clerk.

Clyda Ramos, applicant, briefly outlined the aims of the proposed charm school.

No one else in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

The City Attorney stated that Planning Commission Resolution No. 906 recommends the granting of an unclassified use permit to Clyda Ramos for the proposed charm school, subject to certain conditions. The conditions were read by Mr. Grimes.

RESOLUTION NO. 63-171

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO CLYDA RAMOS FOR CHARM AND SELF-IMPROVEMENT CLASSES, 2520 McHENRY AVENUE

Introduced by Shastid      Seconded by VanderWall

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: Mitchell, Patton

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-  
PARADISE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION  
TO THE CITY OF MODESTO (SMALL ADDITION)

RESOLUTION NO. 63-172

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-  
PARADISE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO  
THE CITY OF MODESTO (Small Addition)

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: Mitchell, Patton

CONSIDER AGREEMENT FOR WATER SERVICE TO HOLT BROS. DEVELOPMENT ON THE NORTH SIDE OF WHITMORE AVENUE, APPROXIMATELY 1,800 FEET WEST OF T.W.S.R.R. AND EXISTING CITY LIMITS

With the consent of the Council, this matter was held over for completion of details.

RESOLUTION REJECTING THE CLAIM OF CEDORA BRASHER FOR DAMAGES

The City Attorney stated that Cedora Brasher, 22851 Calvert Street, Woodland Hills, California, executrix of the estate of Charles Lampley, has filed a claim against the City in the amount of \$51,947.05 for injuries allegedly sustained by Mr. Lampley on September 5, 1962. He recommended that the claim be rejected.

RESOLUTION NO. 63-173

A RESOLUTION REJECTING THE CLAIM OF CEDORA BRASHER AGAINST THE CITY OF MODESTO

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: Mitchell, Patton

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO FLYING CIRCUS, A NONPROFIT CORPORATION      7-35

Deputy City Manager Keefe stated that the proposed agreement grants permission to the Modesto Flying Circus to use a portion of city owned property at the intersection of Hillside Drive and Conejo Avenue for the purpose of flying and exhibiting model airplanes, contests, and various activities related to model airplanes. A memorandum from the Director of Parks and Recreation, dated April 4, 1963, subject, "Review of Agreement for Model Airplane Flying Site," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Upon questioning, the City Attorney stated that the agreement provides for termination by either party upon thirty days' prior written notice to the other party.

RESOLUTION NO. 63-174

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO FLYING CIRCUS FOR USE OF CITY OWNED PROPERTY AT THE INTERSECTION OF HILLSIDE DRIVE AND CONEJO AVENUE

Introduced by Shastid      Seconded by VanderWall

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: Mitchell, Patton

CONSIDER AGREEMENT BETWEEN CITY AND COUNTY AUTHORIZING THE CITY TO EXERCISE OPEN-SPACE LAND RESPONSIBILITIES WITHIN THE MODESTO URBAN AREA (. Davis High School Park)

Deputy City Manager Keefe stated that with the approval of the Council, an application was submitted to the Housing and Home Finance Agency for open-space land grant assistance in the purchase of the

Davis High School Community Park. The City's eligibility for a 20% or 30% grant, depended upon certain conditions. The City's application had been accompanied by a letter from the Board of Supervisors authorizing the City to act as the agent of the County in seeking the federal grant and in addition to act as agent of the County in other applications for grant assistance. Mr. Keefe said that this letter was not satisfactory to the H.H.F.A., that in order to qualify for 30% eligibility the agreement must relate to all open-space acquisition whether or not federal grants are involved, must set forth the objectives to be accomplished, should provide "a mechanism whereby individual open-space acquisition programs can be controlled and directed to the accomplishment of those objectives," and must be acted upon by both governing bodies concerned.

Mr. Keefe stated that the Board of Supervisors has adopted a resolution approving a City-County agreement meeting the above-mentioned requirements of the H.H.F.A. He recommended that the agreement be approved by the Council. He said that the Board of Supervisors has also indicated that it has no intention of exercising open-space land responsibilities in the Modesto Urban Area during the term of the agreement.

RESOLUTION NO. 63-175

A RESOLUTION APPROVING AN AGREEMENT WITH THE COUNTY OF STANISLAUS RELATING TO THE ACQUISITION OF OPEN SPACE LAND WITHIN THE MODESTO URBAN AREA

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: Mitchell, Patton

RESOLUTION APPROVING RENTAL OF CITY-OWNED PROPERTY AT 213-215 ELM STREET TO JOHN W. O'BRYANT ON A MONTH TO MONTH BASIS EFFECTIVE APRIL 1, 1963, AT \$85 PER MONTH

RESOLUTION NO. 63-176

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN W. O'BRYANT FOR THE RENTAL OF CITY OWNED PROPERTY AT 213-215 ELM STREET COMMENCING APRIL 1, 1963

Introduced by Shastid      Seconded by Tabbert

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: Mitchell, Patton

REQUEST FOR SPECIAL ADDITIONAL APPROPRIATION, ACCOUNT NO. 14-230, ADVERTISING, LEGAL AND OTHERS (CITY CLERK)

A report from the City Clerk supporting a request for an appropriation of \$1,788.07 for legal advertising for the balance of the fiscal year was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Questioning the cost of publication of ordinances, Councilman Shastid stated that this cost would be lowered sharply if larger areas were annexed at one time, rather than numerous small piece-meal annexations. He suggested that this phase of annexations be reviewed.

RESOLUTION NO. 63-177

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,789 FROM GENERAL FUND, GENERAL RESERVE, TO CITY CLERK AND AUDITOR, ADVERTISING LEGAL AND OTHERS

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond  
 Noes: None Absent: Mitchell, Patton

CONSIDER AGREEMENT FOR WATER SERVICE TO ROBIN HOOD ESTATES SUBDIVISION

With the consent of the Council, this matter was held over for one week.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 2203 MILLER AVENUE

Deputy City Manager Keefe stated that this property is located in the LaLoma district at the northeast corner of El Vista and Miller Avenue, is contiguous to the city limits, and the applicant must construct a sewer lateral to serve the property. He recommended that the request for sewer service be approved. The applicant has agreed to the usual city requirements pertaining to annexation, etc.

MOTION

That the request for sewer service to property at 2203 Miller Avenue be approved

Moved by Johansen Seconded by VanderWall Unanimously carried

RECOMMENDATION RE: ZONING OF NEWLY ANNEXED TERRITORY

Deputy City Manager Keefe stated that Resolution No. 926 revised recommendation contained in Planning Commission Resolution No. 905, as follows: That cooperative zoning studies be initiated between the City and County in all areas around the City likely to be annexed, and precise zoning plans be developed for these areas; that in the interim period, prior to completion of the above-mentioned studies, amendments to the zoning regulations be initiated to implement a general policy that areas annexed to the City automatically be assigned the city zone classification most comparable to the County classification at the time of annexation; and that in addition said policy provide, to the extent legally possible, that annexed areas which have not been zoned by the County, or have agricultural zoning, or those to be developed with single-family subdivisions, be annexed as Single-Family, R-1.

The City Attorney stated that his office had not had the opportunity to research the latter part of the recommendation, ".....to the extent legally possible," to determine if this could legally be done.

MOTION

That the recommendations of the Planning Commission as outlined in Planning Commission Resolution No. 926 be accepted and the Planning Commission authorized to implement the recommendations

Moved by Shastid Seconded by VanderWall Unanimously carried

Consideration of joint city-county meeting

Mr. Keefe stated that the County had not yet been contacted to set up a joint meeting, but that this would be done in the near future. He said that at a recent meeting with the Executive Director of the Taxpayers Association, County and City planners and Mr. Keefe, mutual problems were discussed, with agreement among the group that city-county cooperation was such that more and more of the joint problems were being resolved. It was pointed out at the meeting that one of

the greatest problems existing between the two agencies on annexation matters was the fact that the County requires alleys. Since the alleys do not fit into the design of the City, a great burden of work is placed on the city planning staff.

### LEGISLATIVE MATTERS

AB-1673 Zoning Ordinance-Mandatory Variance Deputy City Manager Keefe stated that AB-1673 would add a new section to the Government Code to provide that "Whenever a person has been permitted to establish and maintain a business for four or more years in an area or district of a city which is not zoned for such business, the legislative body of the city shall grant to such person a variance from the terms of the city's zoning ordinance."

Mr. Keefe said that Planning Director Fey has recommended opposition to the proposed measure, his opinion being that it should be up to the local community to determine how it wishes to handle non-conforming uses. Mr. Keefe requested that the staff be authorized to inform Assemblyman John Veneman of the City's position regarding AB-1673

### MOTION

That the Council indicates its opposition to AB-1673, and that the staff be authorized to so inform Assemblyman John Veneman

Moved by VanderWall      Seconded by Johansen      Unanimously carried

### MATTERS FOR THE GOOD OF THE COMMUNITY

#### Covering of Canals in City of Modesto

Councilman Johansen stated that he had received several phone calls asking why the City does not take steps to cover the canals running through the City; that he had told these people that the City is aware of the hazards of the open canals which are owned by the Modesto Irrigation District. He said that several of the other Councilmen had received similar calls.

Councilman VanderWall stated that he had received similar calls and had referred the individuals to the City Attorney for advice.

The City Attorney questioned the powers of the City in controlling property owned by the M.I.D.

#### Announcement of Community Dinner for City Manager Ross Miller

Deputy City Manager Keefe stated that a community dinner has been scheduled for City Manager Ross Miller on April 30, 1963, at the S.O.S. Club. The dinner is sponsored by the City Employees' Association, with the cooperation of the Chamber of Commerce. Tickets may be obtained at the reception desk, City Hall, from various city employees, and the Chamber of Commerce office.

#### Announcement of Date of Ground-breaking Ceremony, Police-Communications Center Building

Deputy City Manager Keefe announced that the ground-breaking ceremony for the police-communications center has been scheduled for April 17, 1963, at 10:30 A.M. at the building site. Congressman John McFall will be present. He suggested that the Mayor and Councilmen be present.

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REPORT OF PLANNING DEPARTMENT SURVEY TO BE MADE BY LOUIS J. KROEGER  
(GRIFFENHAGEN-KROEGER, INC.)

Deputy City Manager Keefe stated that Mr. Kroeger will report to the Council on his survey of the Planning Department at the April 15, 1963 council meeting. A written report of the survey was distributed to the Council.

PRESENTATION OF MONTHLY FINANCIAL STATEMENT FOR MARCH, 1963

The monthly financial statement for the month of March, 1963, was presented to the Council and ordered filed.

CONSIDERATION OF MANAGER SALARY

MOTION

That the City Attorney be directed to prepare the necessary documents establishing the salary of newly appointed City Manager at \$17,000 per annum, effective May 1, 1963

Moved by VanderWall      Seconded by Johansen      Unanimously carried

CONSIDER APPOINTMENT TO THE BOARD OF ZONING ADJUSTMENT TO FILL THE  
UNEXPIRED TERM OF WILBUR NICHOLS

RESOLUTION NO. 63-178

A RESOLUTION APPOINTING G. DALE SMITH A MEMBER OF THE BOARD OF ZONING ADJUSTMENT (for a term expiring January 1, 1966)

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: Mitchell, Patton

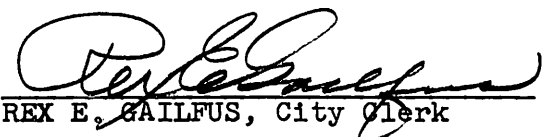
ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 9:44 P.M.

ATTEST:   
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert,  
VanderWall, Mayor Hammond  
Absent: Councilmen: None

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

Reverend R. Truman Northup gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of March 25, 1963, and the same being available for public inspection and there being no objections, the minutes were approved.

#### LETTERS FROM SALVATION ARMY RE: PROCLAMATION AND BANNERS

A letter from Captain James F. Schaal, Commanding Officer, Salvation Army, dated April 5, 1963, expressing appreciation of the support given the Salvation Army by the City was read by the City Clerk. Captain Schaal asked that the Council consider declaring the period May 19 through 26, 1963 Salvation Army Week.

#### MOTION

That the Council authorizes a proclamation declaring May 19 through May 26, 1963 Salvation Army Week

Moved by VanderWall      Seconded by Johansen      Unanimously carried

A letter from Captain Schaal, dated April 5, 1963, requesting permission to place eight Salvation Army banners above various intersections on 10th, 11th and I Streets to publicize the above event was read by the City Clerk.

The City Attorney stated that permission was granted the Salvation Army to erect the banners last year, and if approved by the Council, suggested that permission be granted on the same terms outlined in Resolution No. 62-90, which carried a provision that the permit be granted on the basis that the locations would be approved by the city staff so that the placement of the Salvation Army banners would not interfere with those of the California Relays.

#### RESOLUTION NO. 63-179

A RESOLUTION GRANTING A PERMIT TO SALVATION ARMY TO DISPLAY BANNERS ACROSS CITY STREETS DURING SALVATION ARMY WEEK MAY 19 TO MAY 26, 1963

Introduced by VanderWall      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None      Absent: None

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LETTER FROM JAMES P. MOWER, ATTORNEY, REQUESTING TRANSFER OF YELLOW CAB TAXI STAND FROM NORTHWEST CORNER OF 10TH AND I STREETS TO G STREET AROUND THE CORNER FROM 10TH STREET (SAM SECRETO)

A letter from James P. Mower, Attorney, dated April 11, 1963, subject, "Sam Secreto, Application for Transfer of Taxi Cab Stand," was read by the City Clerk. Mr. Mower indicated in his letter that he would be present at the meeting to represent Mr. Secreto in connection with his application for transfer of his taxi stand as indicated above; that the Director of Parking and Traffic has advised him that he has no objection to the proposed transfer but requested that the decision rest with the Council.

Director of Traffic Carmody briefly discussed Council precedence on location of taxi stands.

Because of the request of Red Top Taxi to secure legal representation, action was withheld.

MOTION

That this matter be held over for one week

Moved by Mitchell      Seconded by Shastid      Unanimously carried

LETTER FROM RICHARD T. TOSAW RE: REQUEST TO PURCHASE A STRIP OF PROPERTY ADJACENT TO HIS HOME ON OLIVE AVENUE

A letter from Richard Tosaw, agreeing to pay all costs incurred in abandonment proceedings in the matter of his request to acquire a strip of property adjacent to his home on Olive Avenue was read by the City Clerk.

The letter was ordered filed with the City Attorney.

COMMUNICATIONS FROM PAUL B. JONES, CERTIFICATION CHAIRMAN, CALIFORNIA ASSOCIATION OF PUBLIC PURCHASING OFFICERS, PRESENTING PUBLIC PURCHASING OFFICER CERTIFICATE TO ERNEST DUNHAM

A letter from Paul B. Jones, CPPO Certification Chairman, dated April 8, 1963, forwarding a Public Purchasing Officer Certificate for presentation to Ernest F. Dunham, City Purchasing Officer, was read by the City Clerk.

Mayor Hammond presented the certificate to Mr. Dunham on behalf of the Council.

COMMUNICATION FROM BROWN AND CALDWELL, CONSULTING ENGINEERS, RE: PROPOSAL TO MAKE STUDY OF CITY OF MODESTO WATER UTILITY OPERATIONS

A letter from John C. Luthin, Vice President, Brown and Caldwell, Consulting Engineers, dated April 9, 1963, stating that the company had been retained by the "Beard interests" in Modesto to review the practices of the City of Modesto with respect to extension of water service facilities outside the city limits, was read by the City Clerk. The letter indicated that the assignment would include a study of the cost of installation, revenues derived, and expenses incurred in connection with the construction and operation of these water distribution facilities, and determination of the City's financial gain as a result of these practices. Mr. Luthin listed the city records that the firm would need to examine.

Deputy City Manager Keefe read the last two paragraphs of a memorandum from Director of Finance Bird, dated April 12, 1963, subject, "Request of Brown and Caldwell to Review City of Modesto Water Records," which indicated that the Finance Department was especially busy at this time of the year preparing the city budget and that any requests beyond a limited review at this time would disrupt normal city operations. Mr. Bird suggested that if extensive staff time is required to assist in the study, it be scheduled after the preliminary budget is prepared and that a reasonable service charge be made. Mr. Keefe pointed out that only three subdivisions outside the city limits were being served with city water, and recommended that cooperation be given Brown and Caldwell subject to no disruption of city operations.

Mayor Hammond voiced his disapproval of city staff time being devoted to the requested study.

Councilman Shastid agreed that the firm should be given access to the records requested, but it was his opinion that the city should be furnished a copy of the report, plus any working papers supporting the report, the method of approach, etc.

City Manager Ross Miller stated that the City was entitled to know who constituted the "Beard interests." It was his opinion that a discussion with the engineering firm and the Beard interests, with the cooperation suggested by Councilman Shastid, would make the report more profitable to all interested parties.

#### MOTION

That the matter be referred to the staff for report at the April 25, 1963, meeting, in order to give the staff an opportunity to contact Brown and Caldwell and the "Beard interests," notifying them that the Council desires a courtesy copy of the full report, plus working papers; that the City offers its cooperation in making the requested records available in instances where it is readily possible to do so; that where not readily available, the staff be authorized to explain that the records will be made available at such time as normal city operations will not be disrupted

Moved by Mitchell      Seconded by Shastid      Unanimously carried

Answering a comment made by Deputy City Manager Keefe that the report should be reviewed by the City prior to publication, Councilman Shastid said that if the City disagreed with the conclusions of the report after publication, the City staff could take issue.

Deputy City Manager Keefe stated that it was his intent that the report be reviewed from a factual standpoint only.

It was Councilman Mitchell's opinion that any errors in the report would be a burden on the engineering firm.

#### FURTHER CONSIDERATION OF THE DOWNTOWN REVITALIZATION PROGRAM 2-76

Mayor Hammond introduced Mayor Selland of Fresno, California, who described Fresno's experience with downtown revitalization.

Mayor Selland stated that Fresno's first redevelopment project was an 88-acre area which was quickly approaching the slum stage; that the land has been cleared and construction about to begin on multiple apartment buildings. He said that the second redevelopment project comprises 36½ acres in the downtown Fresno area, and considered by many to be a very ambitious project because a downtown redevelopment project had never before been attempted in any city in the entire United States.

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Mayor Selland pointed out that the average downtown sections of America today were built for the horse and buggy, the only thing happening over the years since the advent of the automobile being the paving of streets and removal of hitching posts and watering troughs. He said the width of the streets have not been changed, stores are crowded, with very little parking area, which has resulted in loss of business to the downtown area.

Mayor Selland stated that deterioration in downtown Fresno had progressed to the point where there were 26 empty stores in seven blocks of the downtown area; the City was losing income, the assessed valuation was going down; police problems and fire hazards were developing in the downtown area; business owners were complaining because of loss of business; improper ingress and egress to the downtown area and lack of parking facilities were major problems. As a result, a downtown association was formed, a complete study made of the downtown business core (approximately 2,000 acres) at a cost of \$90,000, financed equally by the City, the downtown merchants, and the Federal Urban Redevelopment Agency, and a complete plan made for the entire area. The plan included transportation, parking -- the amount of parking needed today, and five, ten and twenty years in the future; planning for needed land for anticipated future growth, multiple story parking, planning of one-way streets, and planning of certain facilities in certain areas, for example, a civic center. He said that after the study was made, there were numerous stormy hearings where considerable opposition was displayed; however, no councilmen were defeated for re-election.

Mayor Selland described various facets of the Fresno downtown redevelopment project, and displayed an architectural drawing of a proposed four-story high rise parking building. He said that two of these parking buildings were proposed for construction, plus a convention center with a total seating capacity of 7,300 people, with an auditorium for concerts, etc. He also discussed problems of relocation, saying that although some people were hurt, the overall good of the entire City was the primary concern. It was Mayor Selland's contention that the entire city reaped the benefit of a healthy and strong downtown area.

Upon questioning by the Council and several individuals in the audience, Mayor Selland stated that the cost of the proposed community center was approximately \$8,000,000; that the Fresno City Council did not act as the redevelopment agency at any time, but this was handled from the beginning by a redevelopment board; that it would have been impossible to accomplish the redevelopment without federal assistance; that the Fresno agency was activated in 1957; that out of a total of 90 parcels, only 10 were involved in condemnation proceedings.

Mayor Selland stated that in Fresno's case, 75% of the costs are being borne by the federal government and 25% by the City. He said that Fresno has received credit against its share for the institution of parking area and for all downtown utility and sewage work. He said that cost to the City, less above credits, is about \$2,500,000.

Upon questioning, Mayor Selland stated that recovery of Fresno's investment in redevelopment would be in the form of increased tax revenues; that Fresno's big problem in dealing with the federal government has been the slowness of operation, which has been circumvented to some extent by personal contacts with the San Francisco redevelopment office, the head of urban renewal in Washington, D. C., and congressional help.

Speaking briefly on the use of federal funds for redevelopment, Mayor Selland stated that everyone pays federal taxes; that millions of dollars in federal funds have been appropriated for urban renewal and are being utilized by cities throughout America for this purpose;

that it was simply a matter of self-protection for cities to use this method to finance redevelopment which would otherwise be impossible. He said that there appeared to be adequate funds for urban redevelopment, and that Congress is contemplating appropriation of an additional 500 million dollars this year for this purpose.

Don Pollard of the Fresno city staff discussed the effect of the redevelopment program on current city revenues.

Upon questioning, Mayor Selland said that the five members of the Fresno Redevelopment Board are not paid; fourteen employees are paid.

Mayor Selland stated that in Fresno's case, he believed that final results would show that more redevelopment was accomplished by private capital than with federal funds.

Mayor Hammond thanked Mayor Selland for his presentation to the Council.

Floyd Hyde, Fresno, spoke to the Council on the problems of the property owner in connection with urban renewal. He suggested that the Council check the program thoroughly before taking action. He said that once created, it is an agency of the federal government, and the Act establishing the project contains a lot of fine print by which the City Council, the City Planning Commission and other city bodies, in effect, completely lose control over the area under redevelopment. He said that in Fresno the agency now makes zoning decisions, decides what streets will remain open or closed, what buildings will or will not be built, and has the power to condemn property not only for public use such as parking structures and malls, but has the power to condemn for private use. He said that the City Council has no authority of veto or approval on matters of this type.

Regarding the purchase of property, Mr. Hyde stated that the Agency acquires the properties at its own price and not the land owners'; that once acquired, the Agency has the power to sell it by negotiation through the Urban Renewal Director working through San Francisco and Washington, instead of to the highest bidder.

Referring to the 80-acre South Angus Street Project in Fresno, Mr. Hyde stated that the properties located in this project have been off the tax rolls for three and one-half years; that one-half of the property has been sold to a single outside business combine, which will mean absentee owners. He said that the same thing was happening in the downtown area.

Mr. Hyde stated that although Mayor Selland and Mr. Pollard were unable to supply an answer to the amount of property off the tax rolls, he said that from figures he personally compiled, \$350,000 per year has been lost by the City of Fresno as a result of property removed from the tax rolls.

Mr. Hyde stated that the Fresno Redevelopment Agency was authorized in February or March of 1961 to begin acquiring property and did so; in March, 1963, authority to start negotiations for the sale of the property they had been acquiring for two years was received from Washington, D.C.

Mr. Hyde pointed out that the City of Bakersfield has embarked on a project to revitalize its downtown area without federal assistance, and at the same time is managing to build a convention center.

Mr. Hyde spoke briefly of the experience of property owners in Fresno who modernized their buildings to meet rigid city standards, only to find that the buildings, when included in the redevelopment area, did not meet federal government standards.

On the matter of relocation, Mr. Hyde said that there was no actual relocation project in connection with the Fresno redevelopment program; that when he asked the Urban Renewal Office in Fresno about relocating the business of one of his clients, a list of real estate people in Fresno was furnished. He said that the agency does pay some moving costs once a place for relocation is found.

Upon questioning by the Council, Mr. Hyde said that he was appearing before the Council at the request of Mr. Ward, by whom he was introduced; that if Modesto were to create an urban renewal agency, the agency would not technically become an agency of the federal government, but its funds and its regulations would come from the federal government under the Urban Renewal Act, to the extent that he felt it an agency of the federal government in that it must operate under Urban Renewal regulations.

Councilman Mitchell stated that it was <sup>his</sup> understanding that it was the State of California enabling legislation which authorized the creation of a local agency; that the Council had the discretion of either serving as members of that agency or could appoint residents of the community to serve without pay as that governing body; that it could operate with or without federal funds; and that power of condemnation was given cities by the State Constitution.

Mr. Hyde was questioned by the Council as to whether the director of the redevelopment agency acted at the discretion of the five-member agency, or acted on his own; and whether or not he was under the control of the agency. Mr. Hyde replied that the director is hired by the agency, and it was his belief that the only basis for termination of his employment was for malfeasance, and not his discretion or abilities; that it was his understanding that his employment agreement was established by the local agency.

Upon questioning by Bill Brack in the audience, Mr. Hyde said it was his personal opinion that it would be more desirable for the Council to retain control of the agency rather than delegate that authority to an appointive body. He said that one of the real problems in Fresno has been the complete breakdown of communication and contact between the agency and the downtown property owners and business people, and failure of the agency to establish a time schedule on acquisition of the properties and other development phases.

Councilman Mitchell thanked Mr. Hyde for raising the matter of time scheduling, stating that all public agencies needed reminding that citizens should be kept informed on the timing of phase developments of public projects to permit adjustment of an individual's business affairs with a minimum of disruption.

Deputy City Manager Keefe asked Mr. Hyde if he would be available for further discussion with members of the staff in the event Modesto decided to activate a redevelopment agency. Mr. Hyde replied that he could not answer in the affirmative without consulting the people whom he was representing.

It was Mr. Hyde's opinion, through personal observation, that absentee owners have largely contributed to deterioration in urban areas, being content with the lower taxes and smaller rentals. He said that the provisions of the Fresno Safe Building Code are stringent and have been enforced; a building must be remodeled to conform to the Code provisions or is condemned. Those wishing to stay in business improve their property; in the cases of those who do not, the answer is not only the power to condemn, but funds must be available to acquire the property. He said that acquisition could be accomplished on a

private basis by the formation of non-profit corporations; that it was not absolutely essential that federal funds be used.

Joe Madeiros, former Merced Councilman, spoke briefly on Merced redevelopment problems. His main objections to the urban renewal program were: loss of local control; difficulty in obtaining local buyers for the cleared land; loss of property from the tax roll; acquisition of cleared land by absentee owners; the fact that the agency becomes a satellite of the federal government if federal funds are utilized.

It was Mr. Madeiros' opinion that a strict safe building code should be adopted and enforced, and the buildings remodeled with private funds.

Modesto's building code was discussed by the Council.

Councilman Johansen suggested that at future hearings, speakers from the floor addressing the Council give their names and addresses.

Mayor Hammond stated that the Council had held the matter of urban renewal in abeyance, awaiting the report and recommendation of the Forward Modesto Committee '62, and also to benefit from the trial and error experiences of other cities undergoing redevelopment; that as a result of the recommendation of the above committee, the Council was now holding discussions. He urged that the Council set itself up as the redevelopment agency.

Copies of a memorandum from the City Attorney, dated April 12, 1963, subject, "Redevelopment Agency Urban Renewal," with enclosures, were furnished the Council, a copy of which is on file with the record of the minutes. The memorandum indicated the information the City Attorney needed to prepare an ordinance creating the urban redevelopment agency. Upon questioning, he stated that the question of federal participation was not involved with the activation of the agency, but was a subsequent decision to be made.

#### MOTION

That the City Attorney be instructed to prepare the necessary documents establishing the Council as the redevelopment agency, and that a further public hearing be set for April 22, 1963 at 7:55 P.M.

Moved by Mitchell      Seconded by Tabbert      Unanimously carried

#### REPORT BY LOUIS KROEGER, PERSONNEL CONSULTANT, RE: THE PLANNING DEPARTMENT

Copies of a report prepared by Griffenhagen-Kroeger, Inc. entitled, "Administrative Improvement: Planning Department, City of Modesto," dated March 19, 1963, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Mr. Kroeger stated that the report contained 42 specific recommendations ranging from questions of policy down to specific details of procedure within the Department; that although the basis for the study originally was the size of the department in relation to similar departments in other cities, he said that the size of the department was simply the measure of what Modesto is doing about planning and he could see no way in which the staff could be reduced unless the City adopted a different concept of planning. It was Mr. Kroeger's conclusion that the staff should remain as it is, that the vacant position of Senior Planner not be filled at this time, and that an additional planning aid be hired in order to make possible rearrangements in the work within the Department. He emphasized that he was not suggesting that the Senior Planner position be wiped out for all time, but that the matter

be held in abeyance until such time as the changes suggested in the report have been adopted, when a fresh look can be taken in the light of new developments.

Upon questioning relative to excess activities on the part of the Planning Department which should be handled by private engineers, Mr. Kroeger stated that he was satisfied that the planning staff was doing no more than what was in the interest of the City, but perhaps a little more than would be done in a community where every developer had his own planner and subdivider.

Councilman Shastid expressed the hope that the report would not be filed and forgotten, and said that he would like the Council to review the report item by item at budget time, particularly piecemeal annexations, increasing the size of planned development projects, and establishing charges for engineering work performed by the staff for subdividers. It was his opinion that an analysis of the report at budget time would sharply reduce the net cost of the City's Planning Department.

#### MOTION

That the report of Griffenhagen-Kroeger, Inc. entitled, "Administrative Improvement: Planning Department, City of Modesto," dated March 19, 1963, be accepted; that the staff furnish a report on the status and feasibility of the recommendations by June 15, 1963; that payment to Griffenhagen-Kroeger be authorized in accordance with agreement

Moved by Shastid      Seconded by Johansen      Unanimously carried

The meeting was recessed at 7:40 P.M., and reconvened at 7:45 P.M.

#### REPORT ON SISTER CITY CONFERENCE IN LOS ANGELES

Victor Echeverria, 2010 La Villa Rose Court, spoke briefly on the Modesto-Barranquilla Sister City relationship.

City Manager Miller distributed two pictures taken at the Sister City Conference in Los Angeles last week, one showing Dr. Woolley receiving a citation from an editor of Readers Digest; the other, taken at one of the main dinners, showing a woman of Redonda Beach, City Manager Miller, Don Wilson of the U.S. Information Agency, and the Mayor of Salt Lake City. Mr. Miller announced that a luncheon meeting would be held at the new Jack's restaurant on McHenry Avenue by the Sister City Committee and other interested parties, on Friday, April 19 at 12:00 noon; that Mr. Snowden, representing the U.S. Information Agency, would be the speaker.

#### HEARING ON PROPOSED ABANDONMENT OF PORTION OF HARVARD AVENUE

Mayor Hammond announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed abandonment of a portion of Harvard Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published on April 4, and notices distributed in the area on the same day. No written protests were filed with the City Clerk.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

Councilman Tabbert stated that two inquiries were received in connection with the proposed abandonment, one from the Modesto Irrigation

District and one from Pacific Telephone, asking that the area not be abandoned unless the utility companies are given the privilege of retaining facilities located in the area proposed for abandonment. He said that the Schools have indicated that upon receipt of title to the property, the Schools will grant the utility companies an easement to permit existing facilities to remain.

Director of Planning Fey stated that Modesto City Schools addressed letters to Mr. Grigsby, Assistant Chief Engineer of the M.I.D., and Mr. Asher, Senior Engineer of Pacific Telephone, on April 10, indicating that the Schools will comply with the request of the utility companies that existing facilities on the property be protected.

The City Attorney stated that abandonment of this portion of Harvard Avenue has been recommended by Planning Commission Resolution No. 880.

RESOLUTION NO. 1011-S.P.

A RESOLUTION VACATING AND ABANDONING A PORTION OF HARVARD AVENUE AND THE ALLEY IN BLOCK 804 IN THE CITY OF MODESTO

Introduced by VanderWall      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

HEARING ON ALLEY EASEMENT VACATION, BLOCKS 6706 AND 6707

Mayor Hammond announced that the hour of 4:35 P.M. had arrived, the time set for consideration of vacation of alley in Blocks 6706 and 6707, and opened the hearing.

The City Clerk reported that notice of hearing was published in the Modesto Tribune on April 4 and 11, and notices posted on April 4. No written protests were filed with the City Clerk.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

The City Attorney stated that Planning Commission Resolution No. 897 recommends that the southerly ten feet of the temporary alley easements on Lot 10 in Block 6707 and Lot 15 in Block 6706 in the City of Modesto be vacated and abandoned, as it is no longer needed for public purposes.

RESOLUTION NO. 1012-S.P.

A RESOLUTION VACATING AND ABANDONING THE SOUTHERLY TEN (10') FEET OF TEMPORARY ALLEY EASEMENTS ON LOT 10 IN BLOCK 6707 AND LOT 15 IN BLOCK 6706 IN THE CITY OF MODESTO (MONTE CARLO AVENUE)

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

RESOLUTIONS AUTHORIZING ADDITIONAL PURCHASE OF PIPE - 6" IRON PIPE

A memorandum from the Director of Finance, subject, "Purchase of Additional Quantities of Cast Iron and Cement Asbestos Pipe," dated April 10, 1963, was read by Deputy City Manager Keefe. The

memorandum indicated that the bid specifications and subject contracts provide for the option of purchasing an additional 30% over the contract quantities. The Public Works Department has requested purchase of additional 6" cast iron pipe and 10" cement asbestos pipe.

RESOLUTION NO. 63-180

A RESOLUTION AUTHORIZING EXERCISING OF OPTION ON CONTRACT WITH UNITED STATES PIPE & FOUNDRY COMPANY FOR ADDITIONAL PIPE (6,000 feet of 6" cast iron pipe at \$1.85 per foot, per contract dated September 24, 1962)

Introduced by Shastid      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None      Absent: None

RESOLUTION NO. 63-181

A RESOLUTION AUTHORIZING EXERCISING OF OPTION ON CONTRACT WITH JOHNS-MANVILLE SALES CORPORATION FOR ADDITIONAL PIPE (1,500 feet of 10" cement asbestos pipe at \$2.53 per foot per contract dated September 24, 1962)

Introduced by Shastid      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None      Absent: None

RESOLUTION APPROVING SPECIFICATIONS AND CALL FOR BIDS FOR SPRINKLER SYSTEM, GARRISON PARK SITE

RESOLUTION NO. 63-182

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR INSTALLATION OF A SPRINKLER SYSTEM AT THE GARRISON PARK SITE

Introduced by Johansen      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None      Absent: None

April 30, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place of opening of bids.

REPORT ON DOWNTOWN SURVEY - BLOCK 53, F AND G, 9TH AND 10TH STREETS

A memorandum from the Director of Parking and Traffic, dated April 11, 1963, subject, "City of Modesto Downtown Survey - Block 53, F, G, 9th and 10th Streets," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The report was ordered filed.

FURTHER CONSIDERATION OF THE H STREET RAILROAD CROSSING PROTECTION

Deputy City Manager Keefe stated that the Council authorized the City to financially participate in the energizing of the two easterly tracks at the H Street crossing on January 21, 1963; that the Southern Pacific Company has agreed to share the cost on a 50-50 basis. He recommended that an agreement with Southern Pacific Company be approved.

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**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SOUTHERN PACIFIC COMPANY FOR THE IMPROVEMENT OF THE H STREET RAILROAD CROSSING PROTECTION**

Introduced by Mitchell      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

**FURTHER CONSIDERATION OF OFFER TO SELL FORMER HELM SALES BUILDING AND ADJACENT STORES TO THE CITY FOR PARKING PURPOSES**

A memorandum from the Director of Parking and Traffic, dated April 9, 1963, subject, "Offer to Sell Property at 11th and K Streets - S. W. Corner," was furnished the Council prior to the meeting, a copy of which is filed with the record of the minutes. Mr. Carmody stated in the memorandum that purchase of the lot at the offered price of \$175,000 would be too much of a drain on the City's reserves, and that the value of the property should be established by competent appraisers.

**MOTION**

That the matter be referred to the staff for further investigation

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

**RESOLUTION AMENDING RESOLUTION NO. 63-61 ENTITLED "A RESOLUTION FIXING THE COMPENSATION FOR SPECIFIED POSITIONS IN THE CITY SERVICE"**

The City Attorney stated that the proposed resolution fixed the salary of the City Manager at \$17,004 per annum, effective May 1, 1963.

**RESOLUTION NO. 63-184**

**A RESOLUTION AMENDING RESOLUTION NO. 63-61 ENTITLED "A RESOLUTION FIXING THE COMPENSATION FOR SPECIFIED POSITIONS IN THE CITY SERVICE"**  
(establishing the City Manager's salary at \$17,004 per annum, effective May 1, 1963)

Introduced by Shastid      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

**RESOLUTION ESTABLISHING CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT**

Deputy City Manager Keefe stated that Ordinance No. 572-C.S. adopted March 25, 1963, authorizes the Council to establish charges and fees for activities and services at the Modesto City-County Airport by resolution; that the proposed resolution establishes such charges and fees by continuation, without change, the fees and charges now existing.

The City Attorney pointed out that the resolution will become effective April 24, 1963, the effective date of Ordinance No. 572-C.S.

A RESOLUTION ESTABLISHING CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT, AND RESCINDING RESOLUTION NO. 60-395

Introduced by Shastid                      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None                      Absent: None

CONSIDER AGREEMENT FOR WATER SERVICE TO ROBIN HOOD ESTATES SUBDIVISION

Director of Public Works Ray stated that the agreement was not ready for approval and recommended that the item be dropped from the agenda until such time as all matters are cleared.

Upon questioning, Director of Public Works Ray stated that the Robin Hood Estates Subdivision is outside the city limits; that the proposed agreement contains the same terms and conditions as the agreement approved by the Council for Sherwood Forest No. 2 Subdivision. He said that the above agreement contains no proposal for annexation.

Councilman Shastid repeated his opposition to the extension of water service to areas outside the city limits without an agreement to annex.

Councilman Shastid, seconded by Mayor Hammond, introduced a motion that the staff be directed to discontinue further negotiation for furnishing water service to Robin Hood Estates Subdivision.

Mayor Hammond stated that in his opinion the Council was in error in approving water service to Sherwood Forest Subdivision No. 2, and that he now wished to reverse his position in that he believed that subdivisions outside the City desiring city water service should agree to annex.

The City Attorney stated that the motion introduced by Councilman Shastid constituted a revision of a policy decision made by the Council, but that the motion related directly to Robin Hood Estates Subdivision.

Director of Public Works Ray stated that a policy has never been established requiring that agreement to annex be made a condition for water service outside the city limits; that the policy change eliminated the requirement that water service outside the city limits be metered.

Deputy City Manager Keefe stated that the estimated cost of labor and materials to construct water lines in Robin Hood Estates Subdivision was \$4,500, the estimated main connection fees, \$2,970, leaving a sum of \$1,530 to be recovered; amortization to be completed in four and one-third years. It was Mr. Keefe's opinion that this constituted a good financial investment for city taxpayers.

Councilman Mitchell listed several reasons why he believed the City should furnish water service to areas outside the city limits when so requested.

Upon questioning, Director of Public Works Ray stated that Robin Hood Subdivision lies immediately west of Sherwood Forest No. 2 Subdivision, where the staff has been authorized to install water mains. He said that one main would serve some of the lots in Robin Hood

Estates Subdivision; pumps, mains, etc. were designed for this purpose.

Councilman Shastid suggested that city-county cooperation be established with the County providing that water systems constructed in the County be of suitable size for adequate fire protection.

#### MOTION

That the staff be directed to discontinue further negotiation for furnishing water service to Robin Hood Estates Subdivision

Moved by Shastid      Seconded by Mayor Hammond

Ayes: Patton, Shastid, Mayor Hammond  
Noes: Johansen, Mitchell, Tabbert, VanderWall

The motion failed to carry.

The recommendation of Director of Public Works Ray that the item be dropped from the agenda until such time as all matters are cleared was approved by the Council.

#### PROPOSED PARKING METER INSTALLATION EAST SIDE OF 9TH STREET BETWEEN K AND L STREETS

A memorandum from Director of Parking and Traffic Carmody, dated April 10, 1963, subject, "Proposed Parking Meter Installation - East Side 9th Street Between K and L Streets," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Mr. Carmody recommended that parking meters be installed on the east side of 9th Street between K and L Streets, since a majority of the businesses in this block have indicated that they desire meters.

Councilman Tabbert questioned the City's authority to install parking meters on a state highway. Mr. Carmody replied that installation was subject to state approval.

#### MOTION

That the City Attorney be directed to prepare an ordinance to effect the installation of parking meters on 9th Street between K and L Streets

Moved by Shastid      Seconded by VanderWall      Unanimously carried

#### FURTHER CONSIDERATION OF DIAGONAL PARKING ON 6TH STREET, EAST SIDE, BETWEEN F AND G STREETS

A memorandum from Director of Parking and Traffic Carmody, dated April 10, 1963; subject, "6th Street South of G Street - Diagonal Parking," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Deputy City Manager Keefe stated that diagonal parking was approved by the Council at this location, and the staff instructed to report on the matter when the freeway structures were completed.

Upon questioning, Mr. Carmody stated that no accidents or congestion problems have occurred as a result of the diagonal parking. He recommended that it be continued until such time as 6th Street is widened.

#### MOTION

That diagonal parking be permitted on 6th Street south of G Street until such time as Sixth Street is widened

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RESOLUTION CERTIFYING THE AVAILABILITY OF FUNDS FOR CONSTRUCTION OF THE POLICE-COMMUNICATIONS BUILDING, MODESTO, CALIFORNIA

The City Attorney stated that the proposed resolution assuring the H.H.F.A. of availability of funds was necessary in order to proceed with the construction of the police-communications center building.

RESOLUTION NO. 63-186

A RESOLUTION CERTIFYING AVAILABILITY OF FUNDS FOR CONSTRUCTION OF POLICE-COMMUNICATIONS BUILDING, MODESTO, CALIFORNIA, H.H.F.A. PROJECT APW-CALIF-38G

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None      Absent: None

CONSIDER APPROVAL OF CERTIFICATE REQUIRED BY H.H.F.A. IN CONNECTION WITH THE EXECUTION OF CONTRACT DOCUMENTS FOR THE CONSTRUCTION OF THE POLICE-COMMUNICATIONS CENTER BUILDING

The City Attorney stated that in order to qualify for the federal grant for the Police-Communications Center Building, it was necessary to furnish a certificate with respect to the City's title to the project site, rights of way, and easements. Mr. Grimes recommended that a resolution approving and authorizing the execution of the document be adopted.

RESOLUTION NO. 63-187

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A DOCUMENT ENTITLED "CERTIFICATE AS TO PROJECT SITE, RIGHTS OF WAY, AND EASEMENTS" IN CONNECTION WITH THE CONSTRUCTION OF THE POLICE-COMMUNICATIONS BUILDING, PROJECT NO. APW-CALIF.-38G

Introduced by VanderWall      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None      Absent: None

RESOLUTION SETTING HEARING ON APPLICATION OF JAMES T. ADAMS FOR LICENSE TO COLLECT SWILL IN THE CITY OF MODESTO

RESOLUTION NO. 63-188

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING IN THE MATTER OF GRANTING LICENSE FOR THE COLLECTION OF SWILL IN THE CITY OF MODESTO

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None      Absent: None

April 22, 1963 at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place for public hearing.

RESOLUTION NO. 63-189

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY PLANNING COMMISSION FILED BY RICHARD C. SMITH ON THE REZONING OF PROPERTY LOCATED IN BLOCK 6601 (NORTHWEST CORNER OF TULLY AND BRIGGSMORE)

Moved by VanderWall            Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None            Absent: None

May 13, 1963 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS

(a) Refund of parking space payments - Deputy City Manager Keefe stated that an appropriation transfer was needed to transfer \$3,750 from the In Lieu Parking, General Reserve (326-600) to Refunds (436). The \$3,750 is to be refunded to the Bank of California, National Association, in accordance with agreement dated June 24, 1959 in which the Bank of California agreed to make in lieu payment of \$3,750 for five additional parking spaces required in connection with the construction of a new bank building at the corner of Twelfth and J Streets, the in lieu payment to be refunded in the event the five parking spaces were added within a period of five years from the date of the agreement. Mr. Keefe said that the five spaces have been provided and recommended that the in lieu payment of \$3,750 be refunded to the bank.

RESOLUTION NO. 63-190

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,750 FROM IN LIEU PARKING, GENERAL RESERVE TO REFUNDS

Introduced by Shastid            Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None            Absent: None

LEGISLATIVE MATTERS

AB-1771 - Aircraft Financial Responsibility - The City Manager stated that this provides generally for a system of aircraft financial responsibility under the administration of the California Aeronautics Commission, requiring "the operator of any aircraft involved in an accident resulting in death, personal injury or property damage in excess of \$400 to report the accident and furnish required security, that the only injury is to the operator or his guest, that an aircraft liability policy meeting its conditions was in effect at the time of the accident, or that certain other conditions exist." The operating privileges of the owner and operator are suspended if these requirements are not met. Mr. Miller said that the City's present system was better in that all owners and operators are required to have liability insurance before they can base their plane at the City-County Airport. He recommended that the Council indicate its opposition to the bill.

MOTION

That the Council indicates its opposition to AB-1771

Moved by Johansen      Seconded by Patton      Unanimously carried

MATTERS FOR THE GOOD OF THE COMMUNITY

Request for military leave by City Attorney - Unanimous Consent Item

The City Attorney requested approval of 15 days military duty with the U.S. Air Force Recovery Group at Alameda for the period April 28 to May 12, 1963.

MOTION

That the City Attorney's request for military leave for the period April 28 to May 12, 1963 be approved

Moved by Shastid      Seconded by Johansen      Unanimously carried

RESOLUTION EXPRESSING APPRECIATION TO CENTRAL CALIFORNIA ART LEAGUE FOR MURALS IN CITY HALL BASEMENT GARAGE

RESOLUTION NO. 63-191

A RESOLUTION EXPRESSING APPRECIATION TO CENTRAL CALIFORNIA ART LEAGUE FOR PAINTING MURALS ON THE WALLS OF THE CITY HALL PARKING GARAGE

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

In proposing the resolution, Councilman Johansen suggested that copies be sent to Louise Miller Clark, Opha Irvine, Vera Jackson, Marian Miller, C. M. Roth and Chella Gonsalves.

MEETING OF PUBLIC PROJECTS COMMITTEE

A meeting of the Public Projects Committee was set for Thursday, April 25, 1963, at 4:00 P.M. to discuss parks policy, sign regulations, Osterberg Water Company, and the Holtham property offer.

REPORT ON MEETING IN SOUTH MODESTO RE: OSTERBERG WATER COMPANY

Deputy City Manager Keefe stated that at a recent meeting in South Modesto, comprised of citizens using Osterberg Water Company facilities, it was unanimously voted that a water district be established. Mr. Keefe suggested that the matter be referred to the Public Projects Committee for discussion.

Councilman Shastid stated that he could see no reason why the City should place itself in the position of purchasing a water system outside the City against the wishes of the people involved.

The City Manager stated that it was extremely important that the City make its position clear and that the staff would be willing to meet with the Committee representing the people in order to review all the facts in the matter.

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Mayor Hammond stated that inasmuch as the Council has not indicated its intention to acquire the Osterberg Water Company, a lot of time and work should not be expended on this matter.

REPORT ON STATE COMPENSATION INSURANCE FUND

A memorandum from Bernice Mitchel, Personnel Officer, dated April 11, 1963, subject, "State Compensation Insurance Fund Report, 1961-62," was read by the Deputy City Manager. The memorandum indicated that no workmen's compensation premium refund was received for fiscal year 1961-62 because the State Compensation Fund is holding \$46,300 in reserve for six employee injuries which occurred during fiscal year 1961-62 and are still open.

GROUND BREAKING CEREMONY FOR POLICE-COMMUNICATIONS CENTER BUILDING

Deputy City Manager Keefe announced that ground breaking ceremonies for the Police-Communications Center Building will be held April 17, 1963 at 10:30 A.M. and that Congressman McFall would be present. He invited all Council members to attend.

The City Attorney stated that the contractor has been given formal notice to proceed with the contract, effective April 17, 1963.

Announcement

Mayor Hammond announced that the tabulation and election return information for the General Municipal Election would be handled by the City and County Clerk personnel in the County Clerk's office Tuesday evening, April 16, 1963.

ADJOURNMENT


MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 7:37 P.M.

ATTEST:

  
\_\_\_\_\_  
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond presiding.

The City Clerk called the roll and there were

Present: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert,  
VanderWall, Mayor Hammond  
Absent: Councilmen: None

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

Reverend L. B. Lewis gave the invocation.

#### INTRODUCTION OF TURLOCK CITY OFFICIALS

Mayor Hammond introduced the following Turlock city officials who were in the audience: Mayor Christopherson; Councilman Nikolausen; Councilman Bonander; Planning Director Bettencourt; City Attorney Cullins; City Administrator Dick Isenberg; Mrs. Rita Miller, Manager, Chamber of Commerce.

#### LETTER FROM JAMES P. MOWER, ATTORNEY, REQUESTING TRANSFER OF YELLOW CAB TAXI STAND FROM NORTHWEST CORNER OF 10TH AND I STREET TO G STREET (Sam Secreto)

At the request of Mr. Mower, and with the consent of Attorney Dean Price, representing Red Top Taxi, and the Council, this matter was held over to the May 6, 1963 meeting.

#### COMMUNICATION FROM ASSEMBLYMAN JOHN G. VENEMAN RE: RESOLUTION HONORING FORMER MAYOR HARRY MARKS AND A COPY OF THE RESOLUTION

A letter from Assemblyman John G. Veneman, dated April 10, 1963, enclosing a copy of an assembly resolution honoring former mayor Harry Marks, was read by the City Clerk.

The letter was ordered filed.

#### LETTER FROM CHARLES L. Tocalino RESIGNING FROM THE CITY PLANNING COMMISSION

A letter from Charles L. Tocalino, dated April 17, 1963, tendering his resignation from the City Planning Commission effective immediately, was read by the City Clerk.

#### MOTION

That the resignation of Charles L. Tocalino from the City Planning Commission be accepted and that a certificate of service be awarded

Moved by Shastid      Seconded by VanderWall      Unanimously carried

#### LETTER FROM LES DABRITZ, SECRETARY, DOWNTOWN MODESTO ASSOCIATION, REAFFIRMING THE ASSOCIATION'S UNANIMOUS ENDORSEMENT OF A REDEVELOPMENT AGENCY

A letter from Les Dabritz, Secretary, Downtown Modesto Association, dated April 17, 1963, stating that the directors of the Downtown Modesto Association have passed a resolution reaffirming the Association's unanimous endorsement of the City Council's action approving formation of a redevelopment agency for the City of Modesto, was read by the City Clerk.

The letter was ordered filed.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF SUBTRUNK SEWER ON CARVER ROAD AND DEBONAIRE DRIVE TO BRENTWOOD ESTATES 1-50

Deputy City Manager Keefe stated that six bids were received for the construction of the subtrunk sewer on Carver Road and Debonaire Drive to Brentwood Estates, the low bid submitted by George Reed, Inc. in the sum of \$11,937.50. He recommended that the bid be awarded to George Reed, Inc.

RESOLUTION NO. 63-192

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE CONSTRUCTION OF SUBTRUNK SEWER ON CARVER ROAD AND DEBONAIRE DRIVE TO BRENTWOOD ESTATES UNIT NO. 1 SUBDIVISION

Introduced by Tabbert      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

CONSIDER BIDS RECEIVED FOR WATER LINES IN BRENTWOOD ESTATES UNIT NO. 1 SUBDIVISION

Deputy City Manager Keefe stated that no bids were received for the construction of water lines in Brentwood Estates No. 1 Subdivision and recommended that the work be done by city forces. Estimated cost of the construction is \$10,848.04.

RESOLUTION NO. 63-193

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR THE CONSTRUCTION OF WATER LINES IN BRENTWOOD ESTATES NO. 1 SUBDIVISION

Introduced by Shastid      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

CONSIDER AWARD OF BID FOR CONSTRUCTION OF SEWAGE TREATMENT PLANT MAINTENANCE BUILDING

Deputy City Manager Keefe reported that six bids were received for construction of a maintenance building at the Sewage Treatment Plant, the low bid submitted by Sam A. Jones in the amount of \$3,818. He recommended that the bid be awarded to Sam A. Jones.

The City Attorney noted that the bid bond was \$1 short; that in the opinion of the City Attorney's office, the irregularity was minor and could be waived; that the resolution awarding the bid should indicate that the error was waived.

RESOLUTION NO. 63-194

A RESOLUTION ACCEPTING THE BID OF SAM A. JONES FOR THE CONSTRUCTION OF A SEWAGE TREATMENT PLANT MAINTENANCE BUILDING (waiving the bid bond irregularity)

Introduced by Shastid      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

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RESOLUTION APPROVING SPECIFICATIONS AND CALL FOR BIDS FOR SPRINKLER SYSTEM, CALIFORNIA-FRANKLIN PARK SITE (Estimated cost \$10,800)

RESOLUTION NO. 63-195

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR INSTALLATION OF A SPRINKLER SYSTEM AT THE CALIFORNIA-FRANKLIN PARK SITE

Introduced by Mitchell      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: None

May 3, 1963 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

ORDINANCE AMENDING SECTION 3-2.1501 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO PARKING METERS IN THE CITY OF MODESTO

ORDINANCE NO. 578-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1501 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO PARKING METERS IN THE CITY OF MODESTO"

was introduced and ordered published as required by the Charter.

Moved by Shastid      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: None

FURTHER REPORT ON PROPOSAL TO MAKE A STUDY OF THE CITY OF MODESTO WATER UTILITY OPERATION, BROWN AND CALDWELL, CONSULTING ENGINEERS

Deputy City Manager Keefe stated that at the last Council meeting, the staff was directed to notify Brown and Caldwell of the conditions under which the City would offer cooperation to the firm in connection with its request to review the practices of the City of Modesto with respect to extension of water service facilities outside the city limits.

Mr. Keefe read a letter from Kennan H. Beard, President, Del Este Water Company, dated April 17, 1963 containing the assurance that it was satisfactory to Del Este Water Company that a copy of the report and related working papers be made available to the City prior to public use of such information.

On the basis of the letter, Deputy City Manager Keefe recommended that Brown and Caldwell be permitted to check city records, subject to no disruption of city operations.

MOTION

That Brown and Caldwell, Consulting Engineers; be permitted access to certain city records, subject to no disruption of city operations

Moved by VanderWall      Seconded by Johansen      Unanimously carried

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR THE ACQUISITION OF RIGHT OF WAY FROM W. G. McMANUS AND BELVA F. McMANUS FOR WIDENING OF ROSEBURG AVENUE (Project No. 55-16, Parcel 833-1)

Deputy City Manager Keefe reported that W. G. and Belva F. McManus have executed a right of way contract and grant deed with the City donating property on Roseburg Avenue. The right of way contract provides that the City pay \$240 for the relocation or replacement of a fence and brick work, and the loss of plants and shrubs.

RESOLUTION NO. 63-196

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND W. G. AND BELVA F. McMANUS FOR WIDENING OF ROSEBURG AVENUE (Project No. 55-16, Parcel 833-1)

Introduced by Johansen      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (CRESTVIEW NO. 3 ADDITION)

RESOLUTION NO. 63-197

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (Crestview No. 3 Addition)

Introduced by Shastid      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND AVENUE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (CATHERINE EVERETT SCHOOL ADDITION)

RESOLUTION NO. 63-198

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE WOODLAND AVENUE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (Catherine Everett School Addition)

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

ACCEPT AS COMPLETE INDUSTRIAL ELECTRICAL COMPANY'S CONTRACT FOR RELOCATION OF FREEWAY STREET LIGHTING

Deputy City Manager Keefe reported that all work in connection with the relocation of freeway street lighting has been completed to the satisfaction of the Public Works Department, that it would be in order for the Council to accept the work as complete, the City Clerk authorized to file a notice of completion, and payment authorized. The contract bid price was \$17,030.65; total cost of work done, \$19,291.44; work was completed on April 11, 1963; there were two change orders totaling \$1,623.17.

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RESOLUTION NO. 63-199

A RESOLUTION ACCEPTING THE CONSTRUCTION OF RELOCATION OF FREEWAY STREET LIGHTING BY INDUSTRIAL ELECTRICAL COMPANY

Introduced by Shastid                      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None                      Absent: None

ACCEPT IMPROVEMENTS IN CAMPUS EDGE NO. 2 SUBDIVISION AS COMPLETE AND  
AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND

Deputy City Manager Keefe stated that all work required by the subdivision agreement for Campus Edge No. 2 Subdivision has been completed to the satisfaction of the Public Works Department, all inspection fees paid, and that it would be in order for the Council to accept the improvements as complete and authorize the City Clerk to release the subdivision improvement bond in the amount of \$3,000. He recommended that the improvements be accepted as complete.

RESOLUTION NO. 63-200

A RESOLUTION AUTHORIZING THE RELEASE OF THE GENERAL INSURANCE COMPANY OF AMERICA SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN CAMPUS EDGE NO. 2 SUBDIVISION

Introduced by Tabbert                      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None                      Absent: None

A RESOLUTION OF GOVERNING BODY OF APPLICANT (CITY OF MODESTO) STATING  
THERE HAS BEEN NO DECREASE IN THE TOTAL AMOUNT OF PLANNED CAPITAL  
EXPENDITURES FOR THE FISCAL YEARS COVERED BY THE GRANT AGREEMENT WITH  
THE HOUSING AND HOME FINANCE AGENCY FOR AID IN FINANCING THE CONSTRUCTION  
OF THE POLICE-COMMUNICATIONS BUILDING, PROJECT NO. APW-CALIF-38G

The City Attorney stated that adoption of the proposed resolution was required by the H.H.F.A. in order to receive the federal grant for the construction of the police-communications center building.

RESOLUTION NO. 63-201

A RESOLUTION STATING THERE HAS BEEN NO DECREASE IN THE TOTAL AMOUNT OF PLANNED CAPITAL EXPENDITURES FOR THE FISCAL YEARS COVERED BY THE GRANT AGREEMENT WITH THE HOUSING AND HOME FINANCE AGENCY FOR AID IN FINANCING THE CONSTRUCTION OF THE POLICE-COMMUNICATIONS BUILDING, PROJECT NO. APW-CALIF-38G

Introduced by VanderWall                      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None                      Absent: None

ACQUISITION OF PARK SITE NORTH OF DOWNEY HIGH SCHOOL (LAMON WRIGHT  
PROPERTY)

A memorandum from the City Manager, dated April 18, 1963, subject, "Report on Agenda Item No. 20-a -- Acquisition of Park Site North of Downey High School (Lamon Wright Property)," was furnished the Council

prior to the meeting, a copy of which is on file with the record of the minutes. The City Manager recommended that the City Attorney be authorized to prepare the necessary documents to institute condemnation proceedings. Mr. Keefe stated that this parcel was needed to complete the proposed Downey Community Park site.

A sketch of the proposed Downey Community Park was shown the Council by Planning Director Fey, and its relation to the proposed widening of Brighton Avenue discussed.

The City Attorney stated that in view of the situation, although it might be excess condemnation, it appeared desirable from a legal point of view to acquire the entire parcel of property rather than just a portion; that this would eliminate any question of severance damages and the portion not needed for park purposes could later be sold by the city.

Upon questioning, Direction of Parks and Recreation Cowie stated that the proposed community park would comprise about 13 acres with the contemplated purchase of the above property.

#### MOTION

That the City Attorney be directed to prepare a condemnation resolution for Council approval

Moved by VanderWall      Seconded by Shastid      Unanimously carried

RESOLUTION DESIGNATING JOHN C. KEEFE AS THE AUTHORIZED OFFICER TO SIGN LEGAL DOCUMENTS WITH THE HOUSING AND HOME FINANCE AGENCY RELATIVE TO THE POLICE-COMMUNICATIONS BUILDING, TO BE EFFECTIVE MAY 1, 1963

Deputy City Manager Keefe stated that because of the resignation of City Manager Miller, effective April 30, 1963, it was necessary that a resolution be adopted designating John C. Keefe as the city officer authorized to sign legal documents with the Housing and Home Finance Agency relative to the police-communications center building.

#### RESOLUTION NO. 63-202

A RESOLUTION DESIGNATING CITY MANAGER JOHN C. KEEFE THE AUTHORIZED OFFICER TO SIGN LEGAL DOCUMENTS WITH THE HOUSING AND HOME FINANCE AGENCY RELATIVE TO THE POLICE-COMMUNICATIONS BUILDING (effective May 1, 1963)

Introduced by VanderWall      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

APPROVAL OF BILLS FROM THE COUNTY FOR PRISONER CARE FOR MONTH OF MARCH, 1963

#### MOTION

That bills submitted by the County for prisoner care in the amount of \$131.04 for the month of March, 1963, be approved for payment

Moved by Shastid      Seconded by Johansen      Unanimously carried

CONSIDER AUTHORIZING CITY ATTORNEY TO REQUEST ASSEMBLYMAN JACK VENEMAN TO REQUEST AN OPINION FROM THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA RE: THE PROBLEM OF DIVISION OF ASSETS OF FIRE DISTRICTS UPON THEIR ANNEXATION TO THE CITY

City Attorney Grimes stated that the offices of the City Attorney

and County Counsel disagree in the interpretation of state law relating to annexations of the Woodland Fire District when the areas annexed represent less than one-half of one per cent of the total assessment value; that in order to arbitrate the difference in interpretation, he requested Council authorization to secure an opinion from the State Attorney General through Assemblyman Veneman.

## MOTION

That the City Attorney be authorized to secure an opinion from the State Attorney General, through Assemblyman Jack Veneman, on the matter outlined above

Moved by Shastid      Seconded by VanderWall      Unanimously carried

REQUEST FOR PERMISSION TO TRIM TREES LOCATED AT THE END OF THE AIRPORT RUNWAY ON THE PRIVATE PROPERTY OF MRS. LELA M. HUDSON, 1706 OREGON DRIVE, MODESTO

Deputy City Manager Keefe stated that Airport Manager Sham has requested that the trees located at the end of the airport runway on the private property of Mrs. Lela M. Hudson, 1706 Oregon Drive, be trimmed as the trees are a hazard to low flying aircraft. Mrs. Hudson, in a letter dated April 15, 1963, has requested that the work be performed by the City.

## MOTION

That the staff be authorized to trim trees located at the end of the airport runway on private property of Mrs. Lela M. Hudson, 1706 Oregon Drive

Moved by VanderWall      Seconded by Johansen      Unanimously carried

CONSIDER OPERATING MODESTO JUNIOR COLLEGE SWIMMING POOL ON SUNDAYS DURING SCHOOL SUMMER VACATION

Deputy City Manager Keefe stated that last year the Council authorized the staff to open the Downey High School swimming pool on Sundays from 1:00 to 6:00 P.M. during the summer vacation period, and suggested that the Council consider operation of the Modesto Junior College swimming pool on Sundays between the same hours, on the basis that the Sunday program be discontinued if it proves to be not self-supporting.

## MOTION

That the staff be authorized to include the Modesto Junior College swimming pool in the Sunday operation (from 1:00 to 6:00 P.M.) with the understanding the program will continue only if it proves to be self-supporting

Moved by Shastid      Seconded by Patton      Unanimously carried

PROPOSED CHANGES IN SWIMMING POOL RATES

A memorandum from Director of Parks and Recreation Cowie, dated April 16, 1963, subject, "Proposed changes for Swimming Pool Rates," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum recommended that present rates be increased as follows: Family, from \$17.50 to \$20.00; Adult, from \$10.00 to \$12.50; Child, from \$7.50 to \$9.00; pool rental charges, each additional hour from \$4.00 to \$5.00. Mr. Cowie recommended that the rates for lesson registration fees, child and adult admissions, and pool rental charges remain the same.

Mr. Keefe stated that it was the staff's judgment that the suggested increase in rates would help to make the program self-supporting.

RESOLUTION NO. 63-203

A RESOLUTION ESTABLISHING RATES FOR THE USE OF THE SWIMMING POOLS AT THE MODESTO HIGH SCHOOL, DOWNEY HIGH SCHOOL AND THE MODESTO JUNIOR COLLEGE DURING THE SUMMER VACATION SEASONS WHILE POOLS ARE BEING OPERATED BY THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 61-267 (effective June 1, 1963)

Introduced by Mitchell      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

HEARING ON DOWNTOWN REVITALIZATION PROGRAM

John Atkins, Executive Director, Merced Development Agency, outlined his experience as executive director of the agency for the past two years.

Mr. Atkins said that Merced's program was envisioned in the fall of 1957, was underway in April, 1958, and that because of complications, the original plans for a 75-acre project in the central portion of the City was eventually scaled down to 35 acres.

Mr. Atkins displayed a map showing the area in Merced undergoing redevelopment, stating that an active citizens' group consisting of local realtors began the project and carried through for about one and one-half years.

Upon questioning, Mr. Atkins said that "scaling down" occurred because it was felt that the project was too ambitious; that marketability studies should have been made simultaneously with planning; that when marketability studies were made on the larger area, it was felt that it would take from ten to fifteen years to actually dispose of the property, thus tying up investments for too long a period.

Mr. Atkins discussed the proposed formation of a parking district encompassing 32 acres in the downtown Merced area to provide additional parking for this area. He said that approval of the district will provide about 3½ acres of additional parking; that the estimated cost of the parking project is \$962,000 (principal and interest); that cost to the owners would be about \$25 per 50-foot lot. The proposed additional parking will be free with a two-hour limit, with metered parking on the streets.

Mr. Atkins recommended that the Council be established as the Agency at least during the preliminary stages, to set the guide lines and policy for the Agency; that the steering committee of the citizen group appointed be limited from five to seven members; that the Agency staffing be limited, with matters handled by the City Manager in the preliminary stages. He suggested that when the plan is ready for execution, a good administrator versed in planning, some engineering, and perhaps legal experience be hired; and an additional person to perform relocation work and one to perform clerical work be hired. He listed methods by which the program could be financed.

Mr. Atkins briefly discussed Merced's problems of relocation, stating that relocation in Merced involved 41 businesses, 38 families, transients, and elderly single males with incomes of less than \$1,800 per year, at a cost of about \$50,000.

He stressed the importance of a well-coordinated program, with businessmen, landowners, the Downtown Association and governmental bodies. He said that the program should be phased and the essential elements budgeted at the inception.

Upon questioning by the Council, Mr. Atkins discussed the following: the importance of establishing the program by phases, keeping people in the area well informed of the timing; the degree of opposition in Merced to federal participation; the degree of federal control under federal participation; the general attitude of the businessmen and public towards the project; the proposed parking district and cost thereof; and owner participation.

Frank Helm, Jr., 800 Carmel Drive, introduced Joseph Jones, Merced, who presented his views on the Merced Redevelopment Program. Mr. Jones discussed several problems in connection with Merced's redevelopment program, including errors made in the plans for the original 75-acre development program.

He suggested that both sides be contacted for information on urban redevelopment, those who will profit by the redevelopment, and those whose property is taken.

Mr. Jones discussed the problems connected with the use of federal funds, the deliberate under-estimation of the cost of a redevelopment program; the usual over-estimation of resale value (Mr. Jones suggested that the Santa Cruz project be checked on this last point); depreciation of property values because of the use of the term "slum area." He referred the Council to the 1959 San Francisco Grand Jury Report on depreciated values.

Mr. Jones described his personal experience with the Merced Redevelopment Program in connection with the purchase of his property by the agency at a price less than four times the assessed valuation, and the loss of two years' rental due to poor timing information. He listed the criteria used in declaring an area a "slum area," stating that in no place was the criteria based upon inadequacy of wiring, soundness of the buildings, etc. It was his opinion that if buildings existed which were unfit for habitation, the City should condemn the buildings and permit the owners to rebuild their own property. This, he said, would make the redevelopment independent of federal aid.

Mr. Jones discussed the owner-participation phase of Merced's redevelopment program, stating that although he was told that he could participate, he was not permitted to do so.

He referred to the redevelopment programs of Santa Cruz and Sacramento, stating that when property is unmarketable, another governmental agency attempts "to bail them out" by constructing government buildings on part of the land.

Mr. Jones spoke briefly on methods of financing and the workable plan, which must be recertified each year in order to retain federal assistance; and on promotion of the proposed parking district in Merced.

Mr. Jones' presentation was followed by Council questioning.

George Gagos, 225 El Rio, a downtown property owner and farmer, spoke of his pride in Modesto and congratulated the Council for indicating its intent to appoint itself the agency for the redevelopment program. He said that to his knowledge no one has ever suggested a method of financing the redevelopment of a deteriorating downtown area without federal aid. In checking urban renewal projects in various cities, Mr. Gagos said that the main obstacle appeared to be the disposal of property for development after it is cleared. He emphasized the need for community cooperation.

A copy of a proposed ordinance declaring the need for a redevelopment agency to function under the Community Redevelopment Law of the State of California, to be known as the Modesto Redevelopment Agency, was furnished the Council prior to the meeting.

The City Attorney reviewed the provisions of the proposed ordinance, which provides that the Council shall act as the legislative body of the Agency, and to become effective thirty days after adoption.

ORDINANCE NO. 579-C.S. entitled

"AN ORDINANCE OF THE CITY OF MODESTO DECLARING A NEED FOR AN URBAN RENEWAL AGENCY TO FUNCTION; DECLARING A NEED FOR URBAN RENEWAL AND DECLARING THE LEGISLATIVE BODY OF THE COMMUNITY TO BE THE AGENCY; AND FOR OTHER PURPOSES"

was introduced and ordered published as required by the Charter.

Moved by VanderWall      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

The Council expressed its appreciation to Mr. Atkins, Mr. Jones, Mr. Frank Helm, Jr., and Mr. Gagos for appearing at the meeting.

Councilman Mitchell stated that he hoped, upon establishment of the policy of the redevelopment agency, after a director is hired and determination made as to whether or not federal assistance will be sought, that it would still be possible to turn the day-to-day work over to a citizens' group to wear the Council's "second hat." It was his opinion that the Council, acting as the Redevelopment Agency, might be able to carry the burden for a year or two in handling public relations, proper interpretation, fair negotiations and treatment of citizens, etc. He emphasized the importance of keeping the public well informed and stated that there should be some way to prevent tenants from moving out prematurely. He suggested that a cut-off schedule be agreed upon as far in advance as possible, notifying the tenants and landlords that any property acquisitions would be subject to possession at a certain terminal date.

Councilman Shastid suggested that various citizens committees be appointed at the beginning to handle particular facets of the program, and report back to the Council.

Mayor Hammond stated that the City has a tremendous reservoir of talent in the community well versed with Modesto's downtown problems, both the Chamber of Commerce and Forward Modesto '62 Committees.

The meeting was recessed at 10:05 P.M., reconvening at 10:10 P.M.

REPORT ON DOWNTOWN SURVEY, BLOCK 55, BETWEEN H & I, 9TH AND 10TH STREETS

A memorandum from Director of Parking and Traffic Carmody, dated April 19, 1963, subject, "City of Modesto Downtown Survey, Block 55, H, I, 9th and 10th Streets," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Deputy City Manager Keefe said that at a meeting with the property owners in this block, many favored the creation of a redevelopment agency.

HEARING ON PROPOSED ANNEXATION OF THE NORTH WOOD ESTATES ADDITION

Mayor Hammond announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of the North Wood Estates Addition, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on March 21 and 28, 1963, and notices mailed to all property owners in the area and other interested persons, on March 21, 1963. No written protests were filed with the City Clerk.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

The City Attorney stated that Planning Commission Resolution No. 910 recommends that the area be annexed.

ORDINANCE NO. 580-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE NORTH WOOD ESTATES ADDITION TO THE CITY OF MODESTO"

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

Moved by Johansen      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

HEARING ON PROPOSED ANNEXATION OF WALNUT ACRES ADDITION

Mayor Hammond announced that the hour of 8:10 P. M. had arrived, the time set for consideration of the proposed annexation of Walnut Acres Addition, and opened the hearing.

The City Clerk reported that notice was published in the Modesto Tribune on March 21 and 28, 1963, and notices mailed to all property owners and other interested persons on March 21, 1963. No written protests were filed with the City Clerk.

No one in the audience asked to be heard, and Mayor Hammond declared the hearing closed.

Councilman Shastid stated that in the very near future, the Council should take a close look at the City's annexation policy where the City cannot now or at any time in the near future provide sewer facilities.

The City Attorney stated that Planning Commission Resolution No. 911 recommends annexation of Walnut Acres Addition.

ORDINANCE NO. 581-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE WALNUT ACRES ADDITION TO THE CITY OF MODESTO"

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

Moved by Mitchell      Seconded by VanderWall

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Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None Absent: None

HEARING ON APPLICATION OF JAMES T. ADAMS FOR LICENSE TO COLLECT SWILL  
IN THE CITY OF MODESTO

Mayor Hammond announced that the hour of 8:15 P.M. had arrived, the time set for consideration of the application of James T. Adams to collect swill in the City of Modesto and opened the hearing.

Deputy City Manager Keefe read an application, dated April 5, 1963, in which Mr. Adams indicated that his present pick-ups were at Roosevelt School, Carmen's Restaurant in McHenry Village, Safeway Grocery on McHenry Avenue, and Downey High School, stating that he wished to extend his pick-up area.

The City Clerk reported that notice of the hearing was sent to all holders of garbage and swill licenses in the City.

Rudy Bonzi, one of the two holders of a swill license in the City, said that his firm did not collect swill from restaurants because there was not enough for two firms; that his swill collection was limited to vegetables. He opposed the issuance of a swill license to Mr. Adams.

Joe Agresti, American Hog Farm, spoke in opposition to the granting of a license to Mr. Adams.

Upon questioning, Deputy City Manager Keefe stated that Mr. Adams has been operating without benefit of a license, and was recently picked up for this violation, resulting in his present request for a license.

A memorandum from the Director of Public Works, dated April 18, 1963, subject, "Report on Application for Swill Collector's License: James T. Adams," recommended to the City Manager that a license be granted to Mr. Adams subject to the conditions of Resolution No. 62-88 plus the following provision: "Any vehicle or vehicles used for the collection and transportation of swill shall be first approved by the Health Officer."

Upon questioning, Director of Public Works Ray stated that he had had no contact with Mr. Adams, that he had a copy of the police report indicating that Mr. Adams was collecting swill without benefit of a license; that he did not know how long Mr. Adams had been operating in violation of the code; that the Municipal Code provides for non-exclusive swill license and exclusive garbage licenses, so that the matter of service rested with the City Council after report and recommendation by the City Manager. Mr. Ray said it appeared that there was some segregation of swill collection between the two presently licensed by the City, although both are non-exclusive; that it was possible that in such a circumstance collusion could occur in what is paid and what is charged for collection of the swill. It was his opinion that a non-exclusive swill license meant exactly that, and that it would be in order for the Council to issue an additional swill license, thus deriving an additional \$200 in revenue. He said it would be in the province of the Council to make the license applicable to the particular enterprises listed.

Upon questioning, the City Attorney stated that the Council was not required to issue a license to anyone willing to pay the required license fee; that it was discretionary with the Council.

Councilman Johansen suggested that more police enforcement be provided in connection with the unlicensed collection of swill.

RESOLUTION NO. 63-204

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING IN THE MATTER OF GRANTING LICENSE FOR THE COLLECTION OF SWILL IN THE CITY OF MODESTO

Introduced by Mitchell      Seconded by Shastid

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

Noes: None      Absent: None

May 13, 1963 at 8:20 P.M. in the Council Chambers of the City Hall was set as the time and place for public hearing.

Mr. Borghello of the Modesto Garbage Company asked that the Council review the ordinance presently in effect concerning the collection of swill, particularly in connection with its transportation.

Councilman Johansen asked that Deputy City Manager Keefe discuss enforcement problems with the Chief of Police.

Councilman Mitchell suggested that the applicant be notified of the newly scheduled hearing.

The requirement of windshield stickers on licensed trucks was discussed.

Councilman Mitchell suggested that merchants be informed that they are supposed to deal with licensed collectors, and that unlicensed collectors be cited for violations of the Code.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 1619 HONEYSUCKLE DRIVE

Deputy City Manager Keefe stated that the property was located immediately east of McHenry Village Shopping Center between Granger Avenue and Northern Boulevard, and that the owner has agreed to the usual City requirements to annex, etc. The area is contiguous to the City.

Director of Public Works Ray said that there was no cost involved on the part of the City.

MOTION

That the request for sewer service to property located at 1619 Honey-suckle Drive be approved

Moved by VanderWall      Seconded by Shastid      Unanimously carried

RECOMMEND AMENDMENT TO SECTION 20 OF THE ZONING MAP

Deputy City Manager Keefe stated that Planning Commission Resolution No. 932, adopted April 16, 1963, recommends the rezoning of property on the south side of Roseburg, approximately 210 feet west of McHenry Avenue, from R-1 to R-3.

RESOLUTION NO. 63-205

A RESOLUTION SETTING THE TIME AND PLACE FOR PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 20 OF THE ZONING MAP (Laconte)

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Introduced by Mitchell      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

May 13, 1963 at 8:05 P.M. in the Council Chambers of the City of Modesto was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 21 OF THE ZONING MAP (FAIR ADDITION)

Deputy City Manager Keefe stated that Planning Commission Resolution No. 928 adopted April 16, 1963, recommends rezoning from R-1 to C-2, property located on the east side of McHenry Avenue from south of Fairmont Avenue to Roseburg Avenue, known as the Fair Addition.

RESOLUTION NO. 63-206

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 21 OF THE ZONING MAP (FAIR ADDITION)

Introduced by Johansen      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

May 13, 1963 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 31 OF THE ZONING MAP (GANT ADDITION)

Deputy City Manager Keefe stated that Planning Commission Resolution No. 927 recommends the rezoning from R-1 to C-1, property located on the west side of Franklin Street at Paradise Avenue, known as the Gant Addition.

RESOLUTION NO. 63-207

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 31 OF THE ZONING MAP (GANT ADDITION)

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

May 20, 1963 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 20 OF THE ZONING MAP (RAY GADA)

Deputy City Manager Keefe stated that Planning Commission Resolution No. 930, adopted April 16, 1963, recommends rezoning of property located west of McHenry Avenue on the north side of Coolidge Avenue in the Mira Loma Tract, from R-1 to C-2.

RESOLUTION NO. 63-208

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 20 OF THE ZONING MAP (RAY GADA)

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Introduced by Tabbert      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None      Absent: None

May 20, 1963 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND REZONING FROM R-1 TO R-3, PROPERTY OF HALL AND STENSAAS LOCATED ON THE SOUTH SIDE OF CLAYTON AVENUE WEST OF CARVER ROAD

Deputy City Manager Keefe stated that Planning Commission Resolution No. 929, adopted April 16, 1963, recommends the rezoning of property located at Clayton and Carver from R-1 to R-3.

RESOLUTION NO. 63-209

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 19 OF THE ZONING MAP (HALL AND STENSAAS)

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None      Absent: None

May 20, 1963 at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMENDATION TO ABANDON THE EASTERLY 15 FEET OF NELLIE AVENUE BETWEEN NEEDHAM AVENUE AND M.I.D. LATERAL NO. 4

Deputy City Manager Keefe reported that Planning Commission Resolution No. 924, adopted April 2, 1963, recommends vacation and abandonment of the easterly 15 feet of Nellie Avenue between Needham Avenue and M.I.D. Lateral No. 4; that the title search will have been completed in time for the suggested hearing date.

RESOLUTION NO. 1013-S.P.  
RESOLUTION OF INTENTION NO. 299

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE EASTERLY FIFTEEN (15') FEET OF NELLIE AVENUE BETWEEN NEEDHAM AVENUE AND M.I.D. LATERAL NO. 4 IN THE CITY OF MODESTO

Introduced by Mitchell      Seconded by Patton

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond  
Noes: None      Absent: None

APPROPRIATION TRANSFER - SPECIAL FUND FOR CAPITAL OUTLAYS, PARKS, \$60,000

Deputy City Manager Keefe stated that at an earlier meeting, the Council directed that \$60,000 be set aside for the development of California-Franklin Park, Garrison Park and Kewin Park, and that the proposed appropriation transfers would transfer the \$60,000 from various accounts in the Special Fund for Capital Outlays to be used for the park improvements, as follows: From Park Dev., Plans & Eng. (503) \$5,000; Unapprop. Fund Bal (95) \$25,000; Disposal (Garbage & Refuse) Purch. land for land fill (501) \$5,000; Var. Trunk & subtrunk ext. (503) \$10,974; Hatch Road Realign (503) \$4,500; Dryden Park/Neece Drive Ent. (503)

\$2,000; Park Acquis. No Sylvan School, New Site, Nghbrhd #4 (501)  
\$7,000; Curbs, gutters & sidewalks, var. parks (503) \$526.

RESOLUTION NO. 63-210

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$60,000 FOR DEVELOPMENT OF CALIFORNIA-FRANKLIN, GARRISON AND KEWIN PARK SITES

Introduced by VanderWall      Seconded by Mitchell

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

LEGISLATIVE MATTERS - AB-1194 AND AB-1632

Deputy City Manager Keefe stated that a letter dated April 9, 1963, was received from Assemblyman John G. Veneman, informing the Council that at the present time it was his intention to support the Council's stand on AB-1632 regarding bond elections, and AB-1194 pertaining to services of firemen.

The letter was ordered filed.

SALE OF CITY'S INTEREST IN THE BROUGHTON PROPERTY - UNANIMOUS CONSENT ITEM

Deputy City Manager Keefe stated that an agreement has been prepared in accordance with the Council's previous direction wherein the City agrees to sell its remainder interest in property at 115 Downey Avenue to Jackson B. and Merna Broughton for the sum of \$6,000, the funds to be used for the same general purposes provided in Miss Broughton's will.

RESOLUTION NO. 63-211

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JACKSON B. AND MERNA BROUGHTON WHEREIN THE CITY AGREES TO SELL ITS REMAINDER INTEREST IN PROPERTY AT 115 DOWNEY AVENUE, MODESTO

Introduced by Mitchell      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Hammond

Noes: None      Absent: None

PROJECT REPORT FROM DIVISION OF HIGHWAYS ON ONE-WAY STREET UNDERPASS COUPLETS

Deputy City Manager Keefe stated that two copies of a project report on one-way street underpass couplets were received from the State Division of Highways, but that the report did not include the G and I Street couplets now being recommended by the Planning Commission. If approved by the Council, Mr. Keefe stated that the State Division of Highways would be asked to make a report on these two streets.

MOTION

That the staff be authorized to request the State Division of Highways to make a report on underpasses for street couplets at G and I Streets

Moved by VanderWall      Seconded by Shastid      Unanimously carried

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REPORT ON "ESCUELA CIUDAD HERMANA DE MODESTO"

Copies of a letter from Carlos Recio, Barranquilla, Colombia, dated April 13, 1963, stating that the "Escuela Ciudad Hermana de Modesto" was dedicated on March 31, 1963, were distributed to each Council member.

City Manager Miller stated that the idea for the school was suggested by Mr. Recio during his visit in Modesto several months ago, and was established to honor Modesto in connection with the sister city relationship. The intent of the school is to provide a short course to teach children to read and write, who would never otherwise have an opportunity to go to school.

He suggested that appreciation be expressed to Mr. Recio for the gesture of friendship.

MOTION

That the Mayor write a letter of appreciation to Carlos Recio

Moved by Mitchell      Seconded by VanderWall      Unanimously carried

REPORT ON PRESENT ANALYSIS FOR RELOCATION OF TIDEWATER SOUTHERN RAILROAD TRACKS ON 9TH STREET

A memorandum prepared by the City Manager, dated April 17, 1963, subject, "Tidewater Southern Railroad Relocation," was distributed to the Council.

The City Manager said that it has been determined that relocation of the Tidewater Southern operation onto the Southern Pacific tracks can be accomplished; the Southern Pacific Company has consented to negotiate, and that it was now a question of timing and as to how the project would be financed. He pointed out that the State has agreed to completely reconstruct 9th Street before it is turned over to the City as a city street, and if the tracks remain on 9th Street, they will be firmly planted at the time the street is reconstructed at a cost of about \$80,000.

Upon questioning, Mr. Miller said that the state would probably be in a position to resurface 9th Street within two or three years, and suggested that a new appraisal of the freeway time schedule be obtained from the State Division of Highways. He said that construction of the freeway structures appeared to be running ahead of schedule.

Mr. Miller said he thought it would be in the City's interest to encourage the relocation; that whether or not the financing could be handled would have to be determined. He said that Southern Pacific Company was not interested in financing the project.

Upon questioning, Mr. Miller said it was his impression that the major costs of relocating railroads in Stockton and Sacramento were borne by the railroads.

Mr. Miller said that a summary report of the general situation would be furnished the Council.

"HASTA LA VISTA" BY CITY MANAGER ROSS MILLER

City Manager Miller congratulated Councilman Johansen on his election as Mayor and Councilmen VanderWall, Patton and Mitchell on their re-election. Mr. Miller thanked the Council, the Boards and Commissions, staff and all city employees for making his tenure in office so rewarding.

Mayor Hammond stated that it was a real pleasure to have been associated with City Manager Miller for the past eight years; that during these eight years he learned to respect him and to appreciate the tremendous job he had rendered the community.

ANNOUNCEMENTS

Mayor Hammond announced that a special meeting of the City Council would be held Tuesday, April 23, 1963 at 4:00 P.M. to canvass the election returns, as required under the State of California Election Code.

Deputy City Manager Keefe reminded the Council of the Central Valley League Dinner to be held April 26th at the Elks Club.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned.

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 11:00 P.M.

ATTEST

  
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in special session this date at 4:00 P.M., as provided by Section 2-1.02 of the Modesto Municipal Code, and Section 22932 of the Election Code of the State of California, to canvass the returns and results of the General Municipal Election and Special Municipal Charter Amendment Election held on April 16, 1963, to elect a mayor, councilmen, members of the Board of Education in the City of Modesto, and the Modesto School District, and proposed charter amendments.

The City Clerk called the roll and there were:

Present: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond

Absent: Shastid

The returns of the election, prepared and signed by the election officers, and the absentee ballots were canvassed by the Council.

Peter W. Johansen was elected Mayor.

The following Councilmen were re-elected for a full term:

- Councilman Richard VanderWall, Chair 1
- Councilman William R. Mitchell, Chair 3
- Councilman William R. Patton, Chair 6

The following Board of Education members were elected:

- Cecil G. Plummer
- Fred G. Thiemann
- Harriette Kirschen

Proposition No. 1 pertaining to the duties of the Mayor carried; Propositions No. 2 and 3 relating to additional compensation for the Mayor and Councilmen failed to carry.

RESOLUTION NO. 63-212

A RESOLUTION OF THE CITY OF MODESTO DECLARING CANVASS OF RETURNS AND RESULT OF GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, APRIL 16, 1963

Introduced by VanderWall      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: Shastid

RESOLUTION NO. 63-213

A RESOLUTION OF THE CITY OF MODESTO DECLARING CANVASS OF RETURNS AND RESULT OF VOTES CAST FOR SCHOOL GOVERNING BOARD MEMBERS AT THE GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, APRIL 16, 1963

Introduced by VanderWall      Seconded by Johansen

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: Shastid

The City Attorney stated that the County Superintendent of Schools is required by law to publicly confirm the canvass of these returns.

RESOLUTION NO. 63-214

A RESOLUTION AUTHORIZING PAYMENT TO ELECTION OFFICIALS AND RENTAL OF POLLING PLACES FOR THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 16, 1963

Introduced by VanderWall      Seconded by Tabbert

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: Shastid

RESOLUTION COMMENDING CITY MANAGER ROSS MILLER

RESOLUTION NO. 63-215

A RESOLUTION COMMENDING ROSS MILLER FOR OUTSTANDING SERVICES RENDERED TO THE CITY OF MODESTO AS ITS CITY MANAGER

Introduced by Mayor Hammond      Seconded by VanderWall

Ayes: Johansen, Mitchell, Patton, Tabbert, VanderWall, Mayor Hammond  
Noes: None      Absent: Shastid

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 4:06 P.M.

ATTEST:

  
Rex E. Gaillfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Hammond opening the meeting.

The City Clerk called the roll and there were:

Present: Councilmen: Johansen, Mitchell, Shastid, Tabbert, VanderWall,  
Mayor Hammond  
Councilmen Patton arrived at 4:01 P.M.

Absent: Councilmen: None

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

Reverend Darrell Thomas gave the invocation.

Mayor Hammond read the following statement:

"In a few minutes a newly elected Mayor will be sworn into office, together with three re-elected City Councilmen: This means that every member of the City Council which now takes office is already experienced in matters of city government. You don't need any words of advice from me. But there are a couple of points I would like to stress a little as I leave.

"First, I would note that none of you initially sought the positions you hold--that all of you were persuaded to make yourselves available for public office by people who knew your capabilities, had recognized in you the qualities of leadership, and were mindful of your demonstrated interest in the welfare of this community. The record of your performance since taking office confirms the judgment of those who encouraged you to make yourselves available for this service--and will help to see that others like you continue to come forward to assume, in their turn, the important duties of community responsibility and leadership.

"By your daily example as Mayor and Councilmen you strongly influence the level of integrity and dedication of those who will follow you. Also, by your selection of citizens to fill the vacancies which now and then occur on City Boards and Commissions--and sometimes on the City Council--you select other strongly influencing factors in current city operations. I know you recognize the importance of these selections, and of encouraging top-flight people, just as you were once encouraged, to accept such appointments.

"Second, I want to say once more that service on a City Council is temporary--a matter of a few short years--but the decisions you make, and the actions you take--or fail to take--may endure for fifty or a hundred years. Yours is a trust--to so serve your community that by your actions it will have become a better place to live, not only now but in all the years to come.

Lastly, working with you and with the others who served on the Council before you has provided me with a feeling of accomplishment that will be with me for the rest of my life. My associations with the Council, the staff, and the people of the community during these past eight years will furnish me with memories that will be warm and pleasurable."

Oaths of office were administered to Mayor Elect Peter W. Johansen and Councilmen William R. Mitchell, William R. Patton and Richard VanderWall by City Clerk Rex E. Galifus.

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Former Mayor Hammond turned the gavel over to Mayor Johansen, who presided over the rest of the meeting.

A resolution commending Mayor Hammond for outstanding services rendered the City was introduced and read by Councilman VanderWall.

RESOLUTION NO. 63-216

A RESOLUTION COMMENDING DON D. HAMMOND FOR OUTSTANDING SERVICES RENDERED TO THE CITY OF MODESTO

Introduced by VanderWall      Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

Mayor Johansen read a letter from Lewis Franklin, President, Chamber of Commerce, commending former Mayor Hammond for his service to the community.

Mayor Johansen read the following statement:

"On April 16 the citizens of Modesto elected a Mayor and three City Councilmen. I would like, first, to commend the people who were interested enough in their city government to go to the polls and vote, and, second, to assure every citizen of Modesto that we who were elected now represent not just those who voted for us but all the people of this city.

"May I express for all the Council and, I am sure, for all Modestans as well, our sincere appreciation to Don Hammond for his able service to this city--as Mayor for the last four years and as City Councilman for four years before that. He is a fine example of the conscientious citizen who accepts and vigorously carries out his personal responsibility for good government in his community. Because of him, and all the others like him who have served this city through the years--on Councils, Boards, and Commissions, on citizen committees, and individually in the community's interest--Modesto is widely known as a progressive, forward-looking city.

"We here today assume the responsibility for carrying forward a program of progress and improvement. We approach our assignment with humility and respect--because we know its scope, its urgency, and many of its problems. We approach it, too, with zest and confidence, because we know the community interest and cooperation we can count on, our own sincerity and determination, and the capability and loyalty of our staff.

"I want to propose that we place additional emphasis on certain fundamental elements of our job to which day-by-day developments lend growing urgency:

"First, public information. This is an era of unprecedented growth and resultant problems which only cooperative community endeavor can solve. Therefore the leadership responsibilities of the Mayor and members of the City Council, as spelled out in the recently adopted new charter provisions, become increasingly important. I would propose and urge that all of us--not just the Mayor and Vice-Mayor, but all of us--make ourselves available as speakers to civic groups on city matters. If you agree, we will request the staff to spread the word to this effect and stress our willingness to talk to any group on city subjects of their choice. Keeping the public adequately informed on public matters is always difficult, even with the consistent, objective coverage given by press and radio. It is not enough that we ourselves weigh

carefully all the aspects of a situation; we must also be sure that there is sufficient citizen understanding to insure community approval and support of appropriate action. One way to gain in this field is for city officials to discuss such matters personally with the many, many citizens who do care about community problems, and they in turn will help by informing others. Stepped-up availability of Councilmen as speakers would require of us both additional time and effort, and would require extra staff assistance to help assure that in summarizing problems and possibilities we take all factors into account.

"Second, cooperative effort. There are already in existence close, well-established working relationships between the City and other governmental agencies and community groups and organizations. As the problems we face become more intertwined and complex, and more and more impossible for any one agency to solve, the need for "wide-lens" appraisal of problems and possible joint solutions on an area basis becomes increasingly essential.

More than mere willingness to cooperate is needed. We should actively seek out and analyze possible long-range answers, propose them for community consideration and help set up and activate whatever kind of citizen-public agency effort will assure appropriate action. I pledge to you and to the community my sincere best efforts toward this end.

"Third, long-range thinking and planning. It is this Council's responsibility to deal wisely not only with the problems of today or tomorrow but with those of the future. This is a sobering task. It requires clear, forward-looking vision, perceptive responsiveness to community needs, and insistence upon taking whatever time we require to properly weigh the needs with community willingness and ability to pay. We must not be swayed in our evaluations of need, or in establishing priorities, by the loudness, emotional appeal, or persistence of presentations by individuals or groups supporting special projects.

"To prevent the Council, Planning Commission, or staff from being "bogged down" by day-to-day demands, clear policy and procedural decisions are an urgent need. These will serve as "guide-lines," will reduce delays and duplications of effort, and will help us progress toward such overall goals as an orderly annexation program. If we review this and other "problem areas" and define the policies we intend to follow, it will help tremendously both in prompt clearance of current matters and in bringing to completion the various "precise plans" needed to supplement our adopted General Plan.

"We have had the recommendations of numerous citizens' committees on specific community needs, and we will soon receive the recommendations of the Forward Modesto Committee '62, which is winding up its detailed studies of a wide range of community needs. We need now to put to use the "tools" and studies and recommendations we have. We need to forge ahead in meeting the needs of our community for now and for the future.

"I would like to propose that we take action as promptly as possible to achieve these specific things:

"1. Up-dating of the Modesto General Plan. Much of the basic data on which our overall General Plan was based is now several years old, and should be brought up to date. Also the general provisions of the Plan should be reviewed periodically in the light of changing needs and of unforeseen developments. Such review is the concern of the whole community, and the discussion process involves many public meetings and takes considerable time. We should try to get it under way immediately.

"2. Selection and designation of sites for needed community buildings. Firm decisions regarding the eventual location of needed public buildings would clear the way for other determinations--such as street patterns (including one-way street couplets), grade separations, desirable public parking areas, the area to be considered for an urban renewal project, and many others.

"3. Cooperative city-county planning for developing urban areas. This is a must, and county officials also recognize the urgent need of a workable format for inter-agency review and action. A meeting is now being arranged between members of the Board of Supervisors, the City Council, and the City and County Planning Commissions.

"4. Revitalization of our central business district into a more prosperous and inviting regional shopping center, and up-grading of neighborhoods where the people wish to make improvements. The Council is establishing a Redevelopment Agency, which will help with these, and has indicated its intention of serving as members of the Agency initially. Also, we are going to have to enforce more strictly existing structural, housing, and health regulations, and this may help clear a number of problems.

"5. Stepped-up city cooperation and participation in a vigorous program to seek out and attract desirable new industries--to strengthen our tax base and to provide additional employment. I believe that the Council must take a more active part in this program. New industry of the right kind will not only bolster our economy with needed year-round jobs but help provide the additional city revenue--through sales tax, business licenses, service fees, etc.--needed to make possible the cultural facilities this community wants and needs.

"6. Presentation, for community study and action, of means of providing sewer service to developing areas north of the city. It is essential to this area's continuing healthy growth that we work out a practical long-range solution to this problem now.

"7. Specific proposals for storm drainage in areas not now served. We need an active program of getting to the people in the areas concerned clear, factual information about possible solutions, with basic engineering data, cost estimates, and summaries of improvement district procedure.

"8. Determination of location of grade separations to carry traffic to and from the 99 freeway. We have worked with the Division of Highways on this for a long time, and we are just now getting to the "pinning down" stage. We must keep pushing strongly on this one, to be sure it is cleared with all possible promptness. As with site selections for public buildings, other determinations hinge on or must relate to this.

"9. A decision on the removal of the tracks from 9th Street. It seems clear that if we don't move ahead on this now and get the tracks moved before 9th is resurfaced and becomes a city street, we may have this problem permanently. Immediate action is essential.

"We have made tremendous gains in Modesto in the past several years. We must continue and, if possible, quicken the pace of progress if we are to keep abreast of developing needs. We recognize that we cannot do everything at once. But we must try harder to see that our efforts go beyond the study and discussion stages and achieve decisions without undue delay. We must know our needs and our resources. We must schedule what comes first, and then get the work under way.

"Will each of you submit for the Council's consideration the projects which you believe merit first attention, and we can then set up Council work sessions with the staff, the Blanning Commission, and others interested, to determine priorities and to assign specific responsibility for getting projects under way.

"Again, I would like to thank all the people who have helped make Modesto the fine city that it is. We invite and welcome participation in all these decisions by interested citizens and by other agencies and organizations. The future of Modesto is everybody's business."

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meetings of April 1 and 8, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

#### LETTER FROM RAYMOND E. COVELL OFFERING PROPERTY AT THE SOUTHWEST CORNER OF 11TH AND K STREETS FOR SALE TO THE CITY FOR PARKING PURPOSES

A letter from Raymond E. Covell, dated April 25, 1963, offering to sell property located at the southwest corner of 11th and K Streets for \$140,000 was read by the City Clerk, the offer to stand until June 6, 1963.

City Manager Keefe said that Mr. Covell's original offer was \$175,000. He suggested that an appraisal of the property be obtained.

Councilman Shastid suggested that the staff discuss a leasing arrangement with Mr. Covell, with an option to purchase, in an effort to determine if sufficient merchant interest exists to make the parking lot self-supporting. If sufficient interest is not expressed by the merchants, it was Mr. Shastid's opinion that the matter should not be pursued further.

It was Councilman Patton's opinion that acquisition of the Holtham property should be resolved before making a decision on acquisition of the Covell property. He suggested that both proposed acquisitions be referred to the Public Projects Committee for recommendation as to which should be considered if both parcels cannot be acquired.

Councilman Shastid suggested that the Public Projects Committee check the preliminary budget to determine the amount of funds available for capital expenditures and where it should be expended.

#### MOTION

That the staff be directed to secure cost of an appraisal on the Covell property and then refer the matter to the Public Projects Committee for report and recommendation to the Council

Moved by VanderWall      Seconded by Shastid      Unanimously carried

#### LETTER FROM JAMES P. MOWER, ATTORNEY, APPLYING FOR CHANGE OF YELLOW CAB TAXI STAND FROM NORTHWEST CORNER OF 10TH AND I STREETS TO G STREET AROUND THE CORNER FROM 10TH STREET (SAM SECRETO)

Attorney James P. Mower stated that at the present time, Mr. Secreto has two taxi stands at two corners of 10th and I Streets and wishes to relinquish one corner at 10th and I and obtain a permit for a stand on G Street around the corner from 10th Street, where the Greyhound Bus Depot is located. Red Top Taxi presently has three taxi

stands in front of this Depot. Mr. Mower stated that Director of Parking and Traffic Carmody has advised that he has no objections to the change of location; that although it is the function of the Department of Parking and Traffic to issue taxi stand permits, Mr. Carmody has asked that the decision be made by the Council.

Mr. Mower asked the Council to reconsider the precedent established by the Council whereby only one taxicab company is permitted to have stands at a given location, pointing out that the Greyhound Bus Depot is the only location in Modesto having mass transport. It was his belief that there was sufficient business at this location for both cab companies.

Attorney Dean E. Price, representing Red Top Taxi, outlined reasons why the precedent established by the Council in regard to location of taxi stands should be maintained.

Upon questioning, Director of Parking and Traffic Carmody stated that from a staff point of view, he felt that adequate service was being rendered at the Greyhound Bus Depot at the present time; that this matter was referred to the Council because of its decision in 1958 not to have more than one cab company at a certain location; that if the Council approved Mr. Secreto's request, there would be no difference in revenue to the City as it would be merely an exchange of spaces; that in San Francisco, several taxicab companies are permitted stands at the Greyhound Bus Depot.

Mr. Mower asked the Council to consider that no legislative body should enact a policy which encourages a monopoly.

#### MOTION

That Mr. Secreto's request for a change in location of a taxicab stand from 10th and I Streets to G Street around the corner from 10th Street be denied

Moved by VanderWall      Seconded by Shastid      Unanimously carried

#### LETTER FROM ROBERT E. BIBENS, PRESIDENT, MODESTO JUNIOR CHAMBER OF COMMERCE RE: USE OF DEL WEBB FIELD FOR ANNUAL CIRCUS

A letter from Robert E. Bibens, President, Modesto Junior Chamber of Commerce, requesting use of Del Webb Field for a circus on June 3, 1963 from 10:00 A.M. to 12:00 midnight, was summarized by the City Clerk. The letter indicated that full insurance coverage is carried by both the Circus and the Junior Chamber of Commerce, and that custodial arrangements have tentatively been made.

City Manager Keefe recommended that the request be approved on the same terms and conditions granted last year under the provisions of Resolution No. 62-263.

#### RESOLUTION NO. 63-217

A RESOLUTION GRANTING A PERMIT TO THE MODESTO JUNIOR CHAMBER OF COMMERCE TO HOLD A CIRCUS AT DEL WEBB FIELD ON JUNE 3, 1963

Introduced by Shastid      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

LETTER FROM J. C. BROOKMAN, SALES MANAGER, TEXACO, INC., REQUESTING DRIVEWAY VARIANCE

A letter from J. C. Brookman, Texaco, Inc., 255 California Street, San Francisco 11, California, dated April 29, 1963 requesting driveway variances for a service station located at 6th and G Streets was summarized by the City Clerk. Because no representative of the company was present, the matter was held over for one week at the request of the Council.

LETTER FROM RICHARD L. GOODWILL, 2901 LINCOLN AVENUE, MODESTO RE: TRAFFIC THROUGH MODESTO

A letter from Richard L. Goodwill, dated April 30, 1963, objecting to a recent traffic survey which delayed him while on his way to work, was summarized by the City Clerk.

Director of Parking and Traffic Carmody was directed to write a letter to Mr. Goodwill explaining the reason for the survey.

The letter was ordered filed.

COMMUNICATION FROM EXECUTIVE COMMITTEE OF FORWARD MODESTO COMMITTEE '62

Copies of a letter from Paul V. Birmingham, General Chairman, Forward Modesto Committee '62, dated May 2, 1963 were furnished the Council prior to the meeting. Attached to the letter was a recommendation of the Leisure Time Facilities Subcommittee, unanimously adopted by the Forward Modesto Committee '62, that the Council take immediate steps to acquire the Dryden poultry farm property, comprising approximately 35 acres, for park purposes.

MOTION

That the matter be referred to the Planning Commission for report and recommendation

Moved by VanderWall    Seconded by Shastid    Unanimously carried

CONSIDER AWARD OF BID RECEIVED FOR THE CALIFORNIA-FRANKLIN AND GARRISON PARK SITE SPRINKLER SYSTEMS

City Manager Keefe stated that an application submitted by the City for federal funds for the improvement of the California-Franklin and Garrison Park sites is now under consideration, and suggested that the award of bids for sprinkler systems for both the California-Franklin and Garrison Park sites be held over until such time as determination is made that federal funds will or will not be available. Mr. Keefe stated that application of \$60,000 has been made to match a similar amount appropriated by the City for development of California-Franklin, Garrison and Kewin Parks.

Mr. Keefe stated that applications have also been made for federal funds for construction of the Kearney Colwell fire station and North Modesto sanitary sewer; that an application for federal funds will be made for the construction of the North Modesto fire station once the site is acquired.

Upon questioning as to the time factor, Mr. Keefe stated that if federal funds are available, it would be necessary to issue another call for bids for the sprinkler systems.

Director of Parks and Recreation said that if the bids were awarded now, the sprinkler systems could be immediately installed by June 13, 1963 and the park area ready for use by June 1963; that delay

in awarding the bids would result in a comparable delay in use of the parks.

MOTION

That the award of bids for sprinkler systems for the California-Franklin and Garrison Park sites be held over

Moved by Mayor Johansen      Seconded by Shastid      Unanimously carried

City Manager Keefe stated that federal assistance in the amount of \$60,000 would almost assure full development of California-Franklin, Garrison and Kewin park sites.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR THE IMPROVEMENT OF ROSEBURG AVENUE BETWEEN CARVER ROAD AND MILLS AVENUE

City Manager Keefe stated that the improvement of Roseburg Avenue between Carver Road and Mills Avenue, a Major City Street Project, has been approved by the State Division of Highways.

RESOLUTION NO. 63-218

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR IMPROVEMENT OF ROSEBURG AVENUE BETWEEN CARVER ROAD AND MILLS AVENUE

Introduced by VanderWall      Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

May 21, 1963 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR DRILLING, CASING, TESTING AND DEVELOPMENT OF ONE DEEP WELL FOR THE CITY OF MODESTO

The City Manager stated that the well is located on the north side of the newly acquired park property north of Sherwood School; that the proposed plans, specifications and call for bids cover drilling and developing of the well; that further bid calls covering the pump, pump house and sand trap will be submitted for Council approval at a later date. Estimated cost is \$4,000.

RESOLUTION NO. 63-219

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR DRILLING, CASING, TESTING AND DEVELOPMENT OF ONE DEEP WELL FOR THE CITY OF MODESTO (Deep Well No. 27 - newly acquired park property north of Sherwood School)

Introduced by VanderWall      Seconded by Mitchell

Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: Shastid      Absent: None

May 21, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 578-C.S. - PARKING METER REGULATIONS

ORDINANCE NO. 578-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1501 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO PARKING METERS IN THE CITY OF MODESTO"

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introduced on April 22, 1963 and having been published as required by the Charter, was moved and adopted (effective June 5, 1963).

Moved by Shastid      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

ADOPTION OF ORDINANCE NO. 579-C.S. - URBAN RENEWAL AGENCY

Councilman Shastid, seconded by Councilman Patton, moved that the Council refuse to adopt Ordinance No. 579-C.S. relating to the establishment of an Urban Renewal Agency.

Assistant City Attorney Bienvenu stated that upon the advice of the City's bond counsel, Orrick, Danlquist, Herrington & Sutcliffe, the City Attorney's office recommended that the ordinance not be adopted because a resolution adopted by the Council in May, 1961, setting up an urban renewal agency has not been rescinded.

Councilman Shastid, seconded by Councilman Patton, withdrew the motion that the Council refuse to adopt Ordinance No. 579-C.S.

MOTION

That the matter be held over for one week

Moved by Shastid      Seconded by VanderWall      Unanimously carried

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO

City Manager Keefe stated that an informal request to install curb and gutters on a portion of Block 2126 (Severin Avenue) was sent to the property owner over thirty days ago; the work has not been done. He recommended that a resolution be adopted authorizing the Superintendent of Streets to give notice requiring construction of curbs and gutters, and a time set for hearing. Director of Public Works Ray stated that a written request was received by the Public Works Department asking that this action be taken.

RESOLUTION NO. 63-220

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (PORTION OF BLOCK 2126, SEVERIN AVENUE)

Introduced by Tabbert      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

May 20, 1963 at 4:45 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

ACCEPT AS COMPLETE THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTS AT 7TH AND L STREETS AND AT GRANGER AND McHENRY AVENUES AND AUTHORIZING FINAL PAYMENT

City Manager Keefe stated that the traffic signals and street lights at 7th and L Streets, and Granger and McHenry Avenues were completed in accordance with plans and specifications, and within the time limit specified. He recommended that the work be accepted, the City Clerk

authorized to file a notice of completion, and payment be made in accordance with the contract. Total cost of the projects is \$15,095.

RESOLUTION NO. 63-221

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTS AT 7TH AND L STREETS AND AT GRANGER AND McHENRY AVENUES BY INDUSTRIAL ELECTRICAL COMPANY

Introduced by VanderWall      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

CONSIDER AUTHORIZING STAFF TO PROCEED WITH NEGOTIATIONS FOR ACQUISITION OF HOLTHAM PROPERTY      6-20

Councilman VanderWall reported that the Public Projects Committee has recommended that the staff proceed with the preparation of necessary documents to acquire the Holtham property for \$50,000.

Use of parking meter funds was discussed.

City Manager Keefe stated that investigation reveals that the sewer and water easement at the rear of the property cannot be abandoned.

Upon questioning, Director of Parking and Traffic Carmody stated that a cellar approximately 9' x 9' exists under the building.

The City Manager stated that developing the property for a parking lot will cost about \$7,000 for demolition, filling, paving, etc.

Councilman Patton asked Councilman VanderWall if the Public Projects Committee had considered the fact that funds for the proposed purchase of the Holtham property might be needed for city participation in the urban redevelopment program. It was his opinion that no action should be taken on the proposed acquisition until such time as an overall policy for the urban renewal program has been established.

City Manager Keefe pointed out that it would be at least three and possibly five years before land would be available for purchase in the redevelopment area.

It was Councilman Shastid's opinion that acquisition of the property was not vital at this time; that it was not sound city policy to take out of service a building which could be remodeled; that he preferred that funds be conserved for seriously depressed and vacant areas.

Councilman Mitchell pointed out that the buildings under discussion have been vacant for some time.

MOTION

That the City Attorney be authorized to prepare the necessary documents to acquire the Holtham property for \$50,000

Moved by VanderWall      Seconded by Mitchell

The motion carried, Councilmen Patton and Shastid dissenting.

APPROVE AGREEMENT WITH STATE FOR MODERNIZATION OF NEEDHAM, DOWNEY AND McHENRY SIGNALS

City Manager Keefe stated that the Needham, McHenry, Downey

signals are scheduled for modernization with 12" mast arm signals, with the State paying one-half the costs. Although this project was scheduled for 1963-64, Mr. Keefe recommended that the agreement be approved at this time with an appropriation transfer of \$1,000 to cover the City's share of the costs.

RESOLUTION NO. 63-222

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR MODERNIZATION OF TRAFFIC SIGNALS AT NEEDHAM, DOWNEY AND McHENRY AVENUES

Introduced by Shastid                      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None                      Absent: None

Director of Parking and Traffic Carmody stated that under State law, parking meter funds could be used for this purpose, but at the present time, the Council has earmarked parking meter funds for acquisition and development of parking lots only.

Councilman Shastid said he thought it desirable that the City re-examine its policy on the use of parking meter funds.

RESOLUTION NO. 63-223

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,000 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, GENERAL RESERVE, TO TRAFFIC SIGNAL MODERNIZATION, NEEDHAM, McHENRY AND DOWNEY

Introduced by Tabbert                      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None                      Absent: None

MOTION

That review of the Council's policy in regard to use of parking meter funds be placed on a future agenda, and a report and outline submitted by the staff

Moved by Shastid                      Seconded by VanderWall                      Unanimously carried

Councilman Mitchell said he hoped that the above motion, although unanimous, was not necessarily an indication that the Council intends to change its policy.

Mayor Johansen said he believed the intent of the motion was to permit the Council to review the policy.

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM McHENRY-DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (NORTH WOOD ESTATES ADDITION) 7-32

RESOLUTION NO. 63-224

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (North Wood Estates Addition)

Introduced by VanderWall                      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None                      Absent: None

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RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-  
DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION  
TO THE CITY OF MODESTO (WALNUT ACRES ADDITION)

RESOLUTION NO. 63-225

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-  
DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION  
TO THE CITY OF MODESTO (Walnut Acres Addition)

Introduced by VanderWall      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

ACCEPT IMPROVEMENTS IN CAMPUS TRACT NO. 2 SUBDIVISION AS COMPLETE AND  
AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND

City Manager Keefe stated that a memorandum from the Assistant  
Director of Public Works dated May 1, 1963 indicates that all work  
required by the subdivision agreement for Campus Tract No. 2 Subdivision  
has been completed to the satisfaction of the Public Works Department,  
all inspection fees paid, and that it would be in order for the Council  
to accept the improvements as complete and authorize the City Clerk to  
release the subdivision improvement bond in the amount of \$1,500. Mr.  
Keefe recommended that the improvements be accepted as complete.

RESOLUTION NO. 63-226

A RESOLUTION AUTHORIZING THE RELEASE OF CASH DEPOSIT FILED TO GUARANTEE  
IMPROVEMENTS IN CAMPUS TRACT NO. 2 SUBDIVISION (\$1,500)

Introduced by Shastid      Seconded by Johansen

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

APPROVAL OF SUBDIVISION AGREEMENT AND FINAL MAP FOR CRESTWOOD TERRACE  
NO. 2 SUBDIVISION

City Manager Keefe stated that the subdivision agreement for Crest-  
wood Terrace No. 2 Subdivision has been signed and all fees paid. The  
subdivision contains 3.9 acres and is located north of Rumble Road and  
east of Sherwood Forest Subdivision. He recommended that the  
subdivision agreement and final map be approved.

RESOLUTION NO. 63-227

A RESOLUTION APPROVING THE FINAL MAP OF THE CRESTWOOD TERRACE NO. 2  
SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

RESOLUTION APPROVING AGREEMENT BETWEEN CITY AND FRONTIER SAVINGS AND  
LOAN, A CORPORATION, WHEREBY CITY AGREES TO INSTALL WATER LINES ON  
TERMS AND CONDITIONS SET FORTH IN THE MUNICIPAL CODE

City Manager Keefe said that under the proposed agreement the City

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agrees to furnish water service and facilities to Robin Hood Estates Subdivision, and the Frontier Savings and Loan agrees to pay the City \$20 per lot for each lot in the subdivision for the purchase of park land and park improvements. The water lines will be installed on the terms and conditions set forth in the Code. Estimated cost of installation is \$4,524.

Upon questioning, Director of Public Works Ray said that for many years the Code required that any water service outside the city limits be metered. Agreements were made with subdividers from that time on that they would agree to annex to avoid the necessity of installation of meters. Mr. Ray said that the Code was recently revised to remove the requirement of meters on residential services outside the city limits. Mr. Ray said that the proposed agreement was on the same basis as the one with the developers of Sherwood Forest No. 2 Subdivision, recently approved by the Council, which provides for connection fees at outside-the-city rates, payment of park fees, no agreement to annex, and paying regular city rates for water service as provided in the Code.

Councilman Shastid expressed his disapproval of the City furnishing unmetered water service to areas which do not agree to annex to the City. It was his opinion that the City should go back to its former policy of requiring an annexation agreement.

City Manager Keefe pointed out that installation of the water lines was a good investment from a financial standpoint.

Harold Smith, representing Frontier Savings and Loan Corporation, stated that application was made for city water service to the subdivision because of its proximity to Sherwood Forest No. 2 Subdivision where water mains have already been extended. Upon questioning, Mr. Smith said that he did not believe the developers of Robin Hood Estates Subdivision would object to annexation whenever it became possible to do so. Mr. Smith pointed out, however, that when that time came the developers might no longer own the property.

Councilman Mitchell moved that the proposed agreement be amended to include agreement by the subdivider to annex to the City when it becomes legally possible to do so.

#### RESOLUTION NO. 63-228

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRONTIER SAVINGS AND LOAN FOR THE INSTALLATION OF WATER LINES IN ROBIN HOOD ESTATES SUBDIVISION SUBJECT TO AMENDMENT OF AGREEMENT (to annex when legally possible to do so)**

Introduced by Mitchell      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

**RESOLUTION OF THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY REQUESTING THE CITY TO STOP THE UNNECESSARY REMOVAL OF TREES NEAR THE CITY-COUNTY AIRPORT**

Copies of a letter from C. G. Hand, District Airport Engineer, Federal Aviation Agency, Burlingame, California, dated April 23, 1963 addressed to Harry Sham, Manager, City-County Airport, were furnished the Council prior to the meeting. The letter recommended removal of

of tree obstructions in the clear zone area of Runway 29R protruding above a 40:1 slope as soon as possible. Copies of a resolution adopted by the County Board of Supervisors adopted April 23, 1963 requesting abatement of tree cutting at the City-County Airport were also furnished the Council.

Mr. Keefe said that receipt of Mr. Hand's letter resulted in removal of trees and cutting of underbrush in the designated area; that Supervisor Ruggieri, who introduced the County resolution, stated that he had not visited the area, but merely wanted to be assured that the City had done a good job.

RESOLUTION PETITIONING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO EXCLUDE ALL PROPERTY WITHIN THE INCORPORATED LIMITS OF THE CITY OF MODESTO FROM THE COUNTY TAX LEVY FOR SUPPORT OF FIRE PROTECTION IN THE COUNTY PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 25643 8-115

RESOLUTION NO. 63-229

A RESOLUTION PETITIONING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO EXCLUDE ALL PROPERTY WITHIN THE INCORPORATED LIMITS OF THE CITY OF MODESTO FROM COUNTY TAX LEVY FOR SUPPORT OF FIRE PROTECTION IN THE COUNTY PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 25643

Introduced by Shastid      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT THE SOUTHWEST CORNER OF CHICAGO AND HARRIS AVENUES

Director of Public Works Ray stated that the property located at the corner of Chicago and Harris Avenues for which sewer service is requested is not contiguous to the city limits at this time, and is proposed for development of about 25 lots. He said that the property was immediately adjacent to the City's west side trunk sewer. Laterals would be constructed at the property owner's expense.

MOTION

That sewer service to property located at the corner of Chicago and Harris Avenues be approved

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

RESOLUTION REJECTING THE CLAIM OF LOUIS FLORES AGAINST THE CITY OF MODESTO 8-2

Acting City Attorney Bienvenu stated that Louis Flores, 13777 Westside Boulevard, Livingston, has filed a claim against the City in the amount of \$5,024 for injuries allegedly sustained while being transported to jail. He recommended that the claim be rejected.

RESOLUTION NO. 63-230

A RESOLUTION REJECTING THE CLAIM OF LOUIS FLORES AGAINST THE CITY OF MODESTO

Introduced by Shastid      Seconded by VanderWall  
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

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CONSIDER REQUEST FOR SEWER SERVICE TO FOLLOWING PROPERTIES: 2039  
GLENDALE AVENUE; 2045 GLENDALE AVENUE

City Manager Keefe stated that the two properties were contiguous to the city limits and a line exists to serve the properties. No cost to the City is involved. He said that the property owners have signed the required agreement agreeing to annex, etc.

MOTION

That sewer service to properties located at 2039 and 2045 Glendale Avenue be approved

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

CONSIDER REQUEST FROM THE SYLVAN SCHOOL DISTRICT TO INSTALL AN 18 INCH  
UNDERGROUND IRRIGATION LINE ACROSS SHERWOOD PARK SITE

City Manager Keefe stated that the Sylvan School District has requested permission to install an 18 inch underground irrigation line across Sherwood Park site, the proposed line to be located in an easement placed two feet inside the easterly property line and three feet underground. Mr. Keefe recommended that the request be approved.

MOTION

That the City Attorney be authorized to prepare necessary documents granting the Sylvan School District a revocable permit to install an 18 inch underground irrigation line across Sherwood Park site

Moved by Mitchell      Seconded by VanderWall      Unanimously carried

RECOMMENDATION THAT COUNCIL REQUEST THE COUNTY TO SHARE IN THE COST OF  
CONSTRUCTION OF AN AIRPORT ADMINISTRATION BUILDING

City Manager Keefe stated that the Planning Commission, in its consideration of capital items for fiscal year 1963-64, has given top priority to the need for an administration building at the City-County Airport. Copies of a letter from Russell C. Fey, Secretary, Planning Commission, dated May 2, 1963 recommending that the Council request the County to participate equally with the City in the construction of the facility, were furnished the Council prior to the meeting.

MOTION

That the staff be instructed to request the County Board of Supervisors to share in the cost of construction of an administration building at the Modesto City-County Airport

Moved by VanderWall      Seconded by Shastid      Unanimously carried

RESOLUTION REFERRING PETITION FOR ANNEXATION OF NORTHLAND ESTATES II  
ADDITION TO THE PLANNING COMMISSION FOR REPORT AND RECOMMENDATION

RESOLUTION NO. 63-231

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS NORTHLAND ESTATES NO. 2 ADDITION

Introduced by Mayor Johansen      Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

RESOLUTION NO. 63-232

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A  
PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY  
OF MODESTO KNOWN AS WYLIE NO. 2 ADDITION

Introduced by VanderWall      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

APPROPRIATION TRANSFERS - None

LEGISLATIVE MATTERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Mr. Warren Boswell, 1501 Del Vista, introduced Jerry Chidester, Robert Hope, Mr. and Mrs. Harter Bruch, and Harry Merker, members of the steering committee of "Citizens for Safe Canals."

Mr. Boswell stated that the purpose of the committee was to study the correct and proper procedures to obtain what the community wants and needs in connection with safe canals. He assured the Council that the committee recognized that the City of Modesto and members of the staff had no legal responsibility with regard to canal safety. He said that the committee felt at this point that it could unofficially state that fenced canals will be had in the near future through a mutually cooperative arrangement between the committee, citizens of Modesto, and public agencies which agree to share the responsibilities.

The following questions were informally presented to the Council:

(1) Will the City of Modesto provide or agree to provide or recommend to provide any portion of the labor required for establishing a complete fence system within the city limits?

(2) Will the City help the Modesto Irrigation District, which has no police powers, by providing extra policing of fence and access gates on the canals?

(3) Will the City resolve or agree to maintain these fences inside the city limits once they are completely installed?

Mr. Boswell stressed the importance of mutual cooperative effort. He asked the Council to closely examine the three questions presented and to recognize and accept the committee as the body to be dealt with on this matter.

Upon questioning, Mr. Boswell said it was his understanding that any fence built would be constructed on M.I.D. property; that the proposed height of the fence was six feet, with three barbed wire strands at the top of the fence, slanting out on arms; that four access lock-type gates per crossing were planned; that the committee and certain members of the M.I.D. (unofficially) felt that the City could make a large contribution in the form of labor and that the construction could be handled without the use of an outside contractor; that cost of total coverage of the canals would be between six and eight million dollars.

Councilman Mitchell suggested that the committee consider obtaining volunteer labor from interested groups to erect the fence, which would avoid legal and financial problems on the part of the city.

Mr. Boswell said that the committee did not consider volunteer labor feasible for a project of this kind because of the requirement of a certain degree of skill.

Mr. Chidester described Manteca's canal covering project whereby canals lying within the city limits were either piped or covered, with the City of Manteca, the Irrigation District and citizens each sharing one-third of the costs. In subsequent development, the City and the individual property owner divide the cost.

Upon questioning, Mr. Chidester stated that the committee has not yet investigated the possible formation of an improvement district to cover the canals. Mr. Boswell stated that a possibility exists that formation of a district for this purpose is illegal.

Councilman Mitchell related personal experience with a district formed for this purpose in West Modesto, stating that the cost to each property owner prorated over a ten-year period was not prohibitive. He suggested that the committee not give up on the possibility of a district, since if it was not legal at the present time, statutes could be enacted which would make it legal.

Councilman VanderWall asked Mr. Boswell to secure figures on maintenance costs of the proposed fencing.

Councilman Tabbert asked for information as to possible legal problems which might arise through involvement by the City in maintaining a fence on M.I.D. property, and in connection with other questions submitted to the Council by the committee.

By Order of the Chair, the matter was referred to the Public Projects Committee, the committee to work with the staff and the Citizens for Safe Canals Committee.

#### REPORT ON OSTERBERG WATER COMPANY SALE OFFER

Councilman VanderWall, Chairman of the Public Projects Committee, stated that the Committee, by unanimous consent, recommends that no action be taken by the Council at this time to purchase the Osterberg Water Company, pending full investigation by inhabitants of the area on the possible formation of a water district; that it was the expressed opinion of the Committee that the City would not want to hinder development in this direction.

City Manager Keefe stated that if there were no objections by the Council, the matter would be removed from the agenda pending further development.

#### REPORT ON PLANS AND SPECIFICATIONS FOR THE FIRE ALARM SYSTEM, POLICE-COMMUNICATIONS CENTER BUILDING

City Manager Keefe stated that plans and specifications for the fire alarm system and communications equipment for the Police-Communications Building would be placed on next week's agenda for Council consideration, and were available for inspection through his office.

#### QUARTERLY REPORT FROM THE GREATER MODESTO CHAMBER OF COMMERCE (QUARTER ENDING MARCH, 1963)

The quarterly report from the Greater Modesto Chamber of Commerce for the quarter ending March, 1963 was presented to the Council and ordered filed.

REPORT ON WATER LINE INSTALLATIONS IN VARIOUS SUBDIVISIONS

Instead of an oral report on this item, City Manager Keefe was requested to furnish the Council a written report on the costs of water line installations in Northgate No. 4 and Northgate Estates; Northland Estates Subdivision; Morada Estates Subdivision; and Renee Manor No. 1 Subdivision.

REPORT ON DOWNTOWN DURVEY - BLOCKS 56 AND 57 - BETWEEN I AND K, 9TH AND 10TH STREETS

Copies of a memorandum from Director of Parking and Traffic Carmody, dated May 1, 1963, subject, "City of Modesto Downtown Survey - Block 56, I-J-9-10th Streets," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The report was ordered filed.

REPORT ON CITY PUBLIC LIABILITY INSURANCE COVERAGE 10-15

Copies of a memorandum prepared by the Director of Finance, dated April 30, 1963, subject, "City Public Liability Insurance Coverage," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Mayor Johansen directed that the staff present the letter at the appropriate budget hearing for Council consideration.

REPORT CONCERNING JUNIOR CHAMBER COMMUNITY SURVEY

A letter from Jack B. Broughton, Chairman, Community Development Committee, Modesto Junior Chamber of Commerce, dated April 25, 1963 formally presenting the results of the recent Junior Chamber Community Survey was summarized by the City Manager.

MOTION

That Mayor Johansen send a letter of thanks to the Junior Chamber of Commerce for its Community Survey Report

Moved by VanderWall      Seconded by Shastid      Unanimously carried

PRESENTATION OF THE 1963-64 PRELIMINARY BUDGET

Copies of the preliminary budget for fiscal year 1963-64 were furnished the Council.

Establish schedule for budget consideration

MOTION

That adjourned regular meetings for consideration of the 1963-64 preliminary budget begin Tuesday, May 14, 1963 at 4:00 P.M., to continue on subsequent Tuesdays and Thursdays at 4:00 P.M. until completely reviewed

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

ARRANGEMENTS BEING MADE TO VISIT FRESNO REDEVELOPMENT PROJECT

City Manager Keefe stated that arrangements were being made to visit the Fresno Redevelopment Project, with plans made to leave Modesto Friday, May 10, 1963 at 7:00 A.M. Council members were invited to make the trip.

REPORT ON PROPOSED JOINT MEETING OF THE CITY COUNCIL-CITY PLANNING COMMISSION-BOARD OF SUPERVISORS-COUNTY PLANNING COMMISSION (MAY 29 OR JUNE 11, 1963)

City Manager Keefe said that two dates have been tentatively suggested for the joint meeting of the City Council, City Planning Commission, Board of Supervisors and County Planning Commission, May 29 or June 11, 1963 (evening meeting), at a place yet to be designated.

MOTION

That the evening of June 11, 1963 be tentatively set for the joint meeting of the City Council, the City and County Planning Commissions, and Board of Supervisors, the staff to work with county representatives to prepare an agenda for the meeting

Moved by Mayor Johansen      Seconded by Shastid      Unanimously carried

NOTICE OF YOUTH IN GOVERNMENT DAY, WEDNESDAY, MAY 8, 1963

City Manager Keefe stated that the program for Youth in Government Day, May 8, 1963, would begin at 9:00 A.M. in the Council Chambers, with lunch at the Kiwanis Club. The Council was invited to attend the sessions and the luncheon. Mr. Keefe said that the theme would be redevelopment of the downtown area.

EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT TO PLANNING COMMISSION

Mayor Johansen announced that an executive session would be held immediately after the meeting to consider the appointment of a member of the Planning Commission to replace Mr. Tocalino, who recently resigned.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Shastid      Unanimously carried

The meeting adjourned at 5:27 P.M.

ATTEST:   
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll and there were

Present: Councilmen: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Absent: Councilmen: None

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

Reverend Luverne Sands gave the invocation.

REPORT ON YOUTH IN GOVERNMENT BY "MAYOR" BOB ACKERMAN

Bob Ackerman, who acted as "Mayor" in connection with Youth in Government Day, thanked the Council and staff for making this day possible.

Mr. Ackerman stated that the staff presentation of the need for urban redevelopment, plus the tour, was effective in bringing the problem to the attention of the group. He said that a resolution was adopted by the Council of the Key Club to the effect that revitalization of the downtown area was needed, with an amendment requesting that the City Council act as the redevelopment agency in its formative stage, until such time as policies for the agency are established.

After hearing Mr. Jacobs, in charge of redevelopment in Stockton, and staff members speak on the subject, Mr. Ackerman said that the Key Club Council favored federal participation. He stressed the importance of close cooperation between the agency and the businessmen, and dissemination of information to the public throughout the redevelopment period.

Mr. Ackerman again thanked the Council and staff for giving members of the Key Club an opportunity to become acquainted with local government.

Mayor Johansen thanked Mr. Ackerman for his presentation, stating that the interest of the group in local government was most gratifying.

LETTER FROM J. C. BROOKMAN, SALES MANAGER, TEXACO, INC., REQUESTING DRIVEWAY VARIANCE, CORNER SIXTH AND G STREETS

City Manager Keefe stated that this matter was held over from a previous meeting; that Mr. Brookman had met with the Director of Public Works earlier in the afternoon. He said that the Director of Public Works has recommended that two 36' driveways be permitted on the Sixth Street side of the service station, and two 30' driveways permitted on the G Street side. Mr. Keefe recommended that the driveway variance be granted.

RESOLUTION NO. 63-233

A RESOLUTION GRANTING THE VARIANCE REQUESTS FILED BY TEXACO, INC., TO CONSTRUCT TWO THIRTY (30') FOOT AND TWO THIRTY-SIX (36') FOOT DRIVEWAY APPROACHES TO PROPERTY LOCATED AT SIXTH AND G STREETS

Introduced by VanderWall

Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None                      Absent: None

PETITION REQUESTING INITIATION OF PROCEEDINGS FOR STORM DRAINAGE IN THE GENERAL AREA BOUNDED BY COLDWELL AVENUE, U.S. HIGHWAY 99, STANDIFORD ROAD AND T.S.R.R. 1-52

A petition signed by sixteen property owners requesting that the City of Modesto initiate proceedings for the institution of a storm drainage improvement district in the general area bounded by Coldwell Avenue, U.S. Highway No. 99, Standiford Road and Tidewater Southern Railroad, was read by the City Clerk. The petition was filed by L. R. Heune May 9, 1963.

The Director of Public Works stated that the petition represented eight properties, since it was signed by both husband and wife in each case. He said that the petition resulted from a recent Council discussion regarding drainage problems on Westland Drive at its intersection with Oakwood Avenue. Following this discussion, petition forms and information sheets were circulated for the formation of a storm drainage improvement district. He said that this was the first concrete result of the petition forms circulated in various parts of the area; that he hoped that other petitions would be forthcoming to indicate sufficient interest to the Council for the formation of a storm drainage district in this section. He recommended that the petition be filed pending receipt of further petitions.

Councilman Shastid stated that the Council would need evidence of a substantial interest before it could move forward.

By order of the Chair, the petition was ordered filed in the City Clerk's office.

LETTER FROM BILL BAIR, PRESIDENT, DOWNTOWN MODESTO ASSOCIATION, RE: PRESENTATION OF TWO RESOLUTIONS - ONE WAY STREETS AND OFF-STREET PARKING

Bill Bair, President, Downtown Modesto Association, read a letter dated May 13, 1963, stating that the Directors of the Downtown Modesto Association, at a recent meeting, passed a resolution favoring continuance of existing one-way streets in the Modesto central business district, their decision being based on the following:

- (1) Streets are too narrow for two-way traffic, having a good width for three lanes but being too narrow for four lanes (with the exception of Eye Street);
- (2) One-way streets handle traffic more expeditiously;
- (3) The timing of signals for traffic progression on one-way streets is far superior to that possible on two-way streets;
- (4) Traffic on parallel streets has been equalized; Mr. Bair compared the traffic count on 10th, 11th, H and I Streets before and after the change to one-way streets;
- (5) One-way streets have reduced travel time to the downtown area by fifty per cent;
- (6) A recent survey of downtown business firms by the Modesto Downtown Association shows that 60% favor one-way streets.
- (7) There are fewer accidents on one-way streets.

Mr. Bair listed several typical comments received from businessmen in connection with the above-mentioned survey of downtown business firms, to the effect that cross-town traffic should be out of the downtown area; shoppers are not concerned with the one-way streets; completion of the new freeway will ease traffic problems; merchants without parking should validate parking and so advertise; I Street should be made a two-way street, while G Street should be made a one-way street.

A letter addressed to Mr. Hy Youngheim, Parking Chairman, Modesto Downtown Association from E. W. Hutchison, J. S. West and Company, was read by Mr. Bair. The letter praised the ability and perspective of Director of Parking and Traffic Carmody in arranging the traffic pattern in and through the City, and suggested that the matter of one-way streets remain in the hands of a professional traffic engineer of proven worth whose opinions are not colored by special interests, and whose concern extends beyond a few city blocks.

Mr. Bair said that about 60% of the answers received from the businesses surveyed were in favor of one-way streets.

Mr. Bair said that another resolution adopted by the Modesto Downtown Association opposes any reduction in the rate of allocation of the off-street parking fund - that this money should all be used to promote additional off-street parking facilities; the Association recommends that the City Council purchase the Helm property and then consider the purchase of the Holtham property for municipal off-street parking facilities

Mr. Bair said that if desired, copies of the resolutions would be made available to the Council.

Councilman VanderWall pointed out that the Council had already taken favorable action on the acquisition of the Holtham property.

Upon questioning, Mr. Bair said that the survey conducted by the Downtown Modesto Association was made subsequent to presentation of a petition to the Council bearing about 300 names asking that the one-way streets be changed to two-way streets.

Upon questioning, Mr. Bair stated that 47 answers were received out of 200 questionnaires mailed.

Mr. Bair expressed the opinion that he felt that one-way streets were good and should be left where they are, but consideration should be given to expansion of the one-way streets to provide an alternate route for the heavy through-town traffic entirely unrelated with the downtown area.

Mayor Johansen suggested to City Manager Keefe that Mr. Youngheim, Parking Chairman of the Modesto Downtown Association, or a representative, be invited to attend a trip with the staff and/or Planning Commission and Council on a tour of other cities to observe traffic patterns and parking ideas in those cities.

**CONSIDER AWARD OF BID FOR THE CALIFORNIA-FRANKLIN AND GARRISON PARK SITES SPRINKLER SYSTEMS**

City Manager Keefe suggested that award of bids for the California-Franklin and Garrison Park Sites sprinkler systems be held over for one week, pending further word from the H.H.F.A.

**MOTION**

That award of bids for sprinkler systems for the above-named park sites be held over for one week

Moved by Shastid                      Seconded by VanderWall                      Unanimously carried

**APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR FIRE ALARM HEADQUARTERS EQUIPMENT**

**RESOLUTION NO. 63-234**

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR FIRE ALARM HEADQUARTERS EQUIPMENT FOR THE POLICE-COMMUNICATIONS CENTER BUILDING**

Introduced by Shastid                      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None                      Absent: None

June 4, 1963 at 2:00 P.M. in the City Clerk's Office was set as the time and place for opening of bids.

**APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR COMMUNICATIONS EQUIPMENT FOR POLICE-COMMUNICATIONS BUILDING**

**RESOLUTION NO. 63-235**

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR COMMUNICATIONS EQUIPMENT FOR THE POLICE-COMMUNICATIONS CENTER BUILDING**

Introduced by Shastid                      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None                      Absent: None

June 4, 1963 at 2:00 P.M. in the City Clerk's Office was set as the time and place for opening bids.

CONSIDER ADOPTION OF ORDINANCE NO. 579-C.S. - URBAN RENEWAL AGENCY

The City Attorney stated that advice has been received from the regional counsel of the Housing and Home Finance Agency and the City's bond counsel that revisions should be made in the City's proposed legislation relating to urban renewal, and that Ordinance No. 579-C.S. be dropped. Mr. Grimes said that this would be effected by no further action by the Council.

No further action was taken by the Council and Ordinance 579-C.S. was dropped.

CONSIDER INTRODUCTION OF ORDINANCES RELATING TO URBAN REDEVELOPMENT

(a) Ordinance declaring there is no further need for the Redevelopment Agency created by Resolution No. 61-212, adopted by the Council on May 8, 1961

The proposed ordinance was reviewed by the City Attorney

ORDINANCE NO. 582-C.S. entitled

"AN ORDINANCE DECLARING THERE IS NO FURTHER NEED FOR THE REDEVELOPMENT AGENCY CREATED BY RESOLUTION NO. 61-212 ADOPTED BY THE COUNCIL ON MAY 8, 1961"

was introduced and ordered published as required by the Charter.

Moved by Shastid

Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None

Absent: None

(b) Ordinance of the City of Modesto declaring a need for an Urban Renewal Agency to function; declaring a need for Urban Renewal and declaring the legislative body of the community to be the Agency, and for other purposes

The proposed ordinance was reviewed by the City Attorney.

ORDINANCE NO. 583-C.S. entitled

"AN ORDINANCE OF THE CITY OF MODESTO DECLARING A NEED FOR AN URBAN RENEWAL AGENCY TO FUNCTION: DECLARING A NEED FOR URBAN RENEWAL AND DECLARING THE LEGISLATIVE BODY OF THE COMMUNITY TO BE THE AGENCY: AND FOR OTHER PURPOSES"

was introduced and ordered published as required by the Charter.

Moved by Shastid

Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None

Absent: None

CONSIDER APPROVAL OF AGREEMENT FOR THE ACQUISITION OF RIGHT OF WAY FROM BEARD LAND AND INVESTMENT COMPANY, A CORPORATION, FOR REALIGNMENT OF TUOLUMNE BOULEVARD 2-110

City Manager Keefe stated that a plan for the alignment of Tuolumne Boulevard (Alternate "A") was approved by the Council on March 11, 1963 and the staff authorized to negotiate with property owners for land needed in connection with the realignment. Beard Land and Investment Co. has executed a right of way contract for a portion of the right of way needed for \$12,500.

He reported that the City Engineer's estimate for the realignment is as follows: Right of way acquisition, \$25,000; construction costs, \$17,000; adjustment of traffic signals, \$2,000.

Upon questioning, Director of Public Works Ray stated that there was as yet no commitment with the State on the proposed realignment, but an agreement was needed with the State to make the realignment as a second phase of the freeway project.

The other parcel required to complete the realignment was discussed.

RESOLUTION NO. 63-236

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BEARD LAND AND INVESTMENT COMPANY WHEREBY THE CITY AGREES TO PURCHASE REAL PROPERTY FOR THE REALIGNMENT OF TUOLUMNE BOULEVARD (PROJECT NO. 62-18)

Introduced by Mitchell                      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None                      Absent: None

City Manager Keefe stated that an appropriation transfer of \$12,500 was needed to cover the above land acquisition, to be transferred from the Special Fund for Capital Outlays (321) Freeway Utility Relocation - Street Lights (503) to Street Realignment - 7th and Tuolumne (503).

RESOLUTION NO. 63-237

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$12,500 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, FREEWAY UTILITY RELOCATION - STREET LIGHTS TO STREET REALIGNMENT, 7TH AND TUOLUMNE

Introduced by Mitchell                      Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None                      Absent: None

HEARING ON APPEAL OF RICHARD C. SMITH FROM THE DENIAL BY THE PLANNING COMMISSION FOR CHANGE OF ZONE CLASSIFICATION AT THE NORTHWEST CORNER OF TULLY AND BRIGGSMORE

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the appeal of Richard C. Smith on the denial of the Planning Commission for a change of zone classification on property located on the northwest corner of Tully and Briggsmore Avenues (approximately two acres), and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on April 25, 1963 and notices posted and delivered in the area on May 1, 1963. No protests were filed with the City Clerk.

Planning Director Fey stated that Mr. Smith submitted an application for a planned development zone proposed to contain 28 apartment units, 4 professional offices, and one service station; that the property is presently zoned R-3. Mr. Fey said that this matter was before the Planning Commission last January, and carried over to April 2, 1963, at which time the Planning Commission unanimously voted to deny the application. (Planning Commission Resolution No. 923)

A sketch of the proposed planned development was displayed to the Council by Mr. Fey. Mr. Fey stated that the Planning Commission found that rezoning of the property as requested was not required by public necessity, convenience and general welfare for the following reasons: A shopping center exists one-quarter mile north of the site which was designed to serve the area, and an existing commercial area one-quarter mile to the south of the property also serves the general area; the existing zoning permits the residential use proposed.

Referring to the recent recommendation of Griffenhagen-Kroeger that planned development areas be not less than one block, Mr. Fey stated that he believed the recommendation to be a little ambiguous in that blocks can vary in size. He said that Mr. Kroeger was speaking of downtown blocks, which are approximately three acres in size.

The uses surrounding the area proposed for development were outlined by Mr. Fey.

The presence of a TV repair shop on the area proposed for redevelopment was discussed by the Council. The TV repair shop was on the property before annexation to the City, a temporary use permit being granted by the County, and renewable from year to year. Councilman Shastid asked if the TV repair shop would remain there forever under the City's present regulations, or whether it would revert to R-3 zoning at the end of the year.

Director of Planning Fey stated that because the City does not have a use permit procedure, the repair shop became a nonconforming use upon annexation to the City. He said that there are a great number of nonconforming uses in the City, and it was the opinion of the Planning Commission that the whole problem of nonconforming uses and their abatement should be accomplished at one time. Mr. Fey said that the Planning Commission has not yet recommended to the Council that the City initiate the abatement of nonconforming uses, so the TV repair shop will exist as such so long as it remains in business; that if the repair shop went out of business or vacated the building for longer than six months, the use would then revert back to R-3 zoning.

It was Councilman Shastid's opinion that this pointed out a serious flaw in the City's annexation procedure, and that this situation should be borne in mind in discussing the city annexation and planning policies.

Upon questioning, Mr. Fey stated that a C-1 zoning was required for a service station and a TV repair shop, R-3 zoning for apartments; that he was certain that the staff did not tell the applicant to resubmit a planned development after the original request was denied by the Planning Commission and the denial affirmed by the Council upon appeal.

Francis W. Halley, attorney, representing Richard Smith, stated that the original application was for a service station, apartment house, and retail uses, the Planning Commission feeling that the retail uses would conflict with Gregory Gardens Shopping Center, and a small shopping center to the south. He said that the uses of the planned development zone were changed by Mr. Smith and his associates to remove the retail uses, excepting the TV repair shop, proposing now that professional offices be substituted for the retail uses to remove the original objections of the Planning Commission.

Mr. Halley outlined the land uses immediately adjacent to the area proposed for planned development, showing the Council pictures of an old residence and the TV repair shop presently on the property. He pointed out that the present use of the property was not particularly conducive to aesthetic value or taxes.

Mr. Halley said that two problems were discussed at the various Planning Commission hearings; (1) The objection of the retail uses conflicting with nearby shopping centers. Mr. Halley said that this has been met with the substitution of professional offices. (2) Policy of the City regarding ingress and egress onto Briggsmore Avenue. Mr. Halley pointed out that since that time the Council granted Mr. Winn five accesses on Briggsmore Avenue and the Pacific States Holding Co. was granted an access, which in his opinion indicated that the policy of the City had been liberalized to a great extent, so that his client's request did not appear at all unreasonable. In addition to making the above changes, Mr. Halley said his clients are willing to dedicate the necessary land on Briggsmore Avenue, an area 60' x 110', and to improve it to city standards at their own expense, and are willing to dedicate and improve an additional right of way on Tully road.

Mr. Halley outlined the proposed phase development: First phase, construction of the service station. Referring to a finding of the Planning Commission that it did not believe that a service station was necessary to the public welfare, Mr. Halley pointed out that the fact that two major oil companies are willing to sign leases for this corner was a complete answer as to whether or not a service station was required. Second phase, construction of professional offices. Mr. Halley said his clients believe that these can be leased at once without any problems. Third phase, construction of apartment house. Mr. Halley said that construction of the apartment house will involve approximately \$250,000; that the developers would like to construct first the phases of the planned development which will bring in immediate income in order to help amortize the cost of the remainder of the project.

Upon questioning, Mr. Halley stated that his clients would not be willing to eliminate the service station from the proposed planned development.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

The matter was discussed by the Council.

Upon questioning, the City Attorney said it was his opinion that if the TV repair shop located on the area proposed for planned development was given a legal use permit while in the county, and because the City has no use permit procedure, the property came into the City as a lawful nonconforming use and is entitled to exist until such time as the building is either vacated beyond a specified time, or until the City institutes an overall program of abatement of all nonconforming uses existing in the City.

Councilman Mitchell said he hoped that through continued effort and cooperation, county-city zoning would become more compatible.

RESOLUTION NO. 63-249

A RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION DENYING THE APPLICATION OF RICHARD C. SMITH TO AMEND SECTION 18 OF THE ZONING MAP AS DESCRIBED IN PLANNING COMMISSION RESOLUTION NO. 923

Introduced by Mitchell

Seconded by Shastid

Ayes: Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: Patton

Absent: None

Councilman Shastid was excused from the meeting.

HEARING ON PROPOSED CHANGE OF ZONE BOUNDARIES, SECTION MAP 20, ROSEBURG AND  
MC HENRY AVENUES (LACONTE)

Mayor Johansen announced that the hour of 8:05 P.M. had arrived, the time set for consideration of a proposed amendment to Section 20 of the Zoning Map, filed by Vito Laconte, to reclassify from one-family zone, R-1, to multiple-family, R-3, a parcel measuring 130' x 182.84' located on the south side of Roseburg Avenue, 255 feet west of the center line of McHenry Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published on May 2, 1963, posted in the area on May 1, 1963, and delivered in the area on May 2, 1963. No written protests were filed with the City Clerk.

City Manager Keefe stated that Planning Commission Resolution No. 932 recommends that the property be reclassified from R-1 to R-3.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 584-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (LACONTE)"

was introduced and ordered published as required by the Charter.

Moved by VanderWall

Seconded by Tabbert

Ayes: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen

Noes: None

Absent: Shastid

Councilman Shastid returned to the meeting.

HEARING ON PROPOSED CHANGE OF ZONE BOUNDARIES, SECTION 21 OF THE ZONING MAP,  
MC HENRY AND FAIRMONT AVENUES (FAIR ADDITION)

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the proposed rezoning of the Fair Addition initiated by the Planning Commission, to reclassify from one-family zone, R-1, to General Commercial Zone, C-2, properties located on McHenry Avenue, extending from immediately north of the Suburban Lodge Motel to Roseburg Avenue, and opened the hearing.

The City Clerk reported that notice of hearing was published on May 2, 1963; notices posted in the area on May 3, 1963; delivered in the area on May 9, 1963. No written protests were filed with the City Clerk.

City Manager Keefe stated that Planning Commission Resolution No. 928 recommends that the area be rezoned from R-1 to C-2.

Upon questioning, Planning Director Fey said that all the properties proposed for rezoning were zoned C-2 before annexation to the City.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (FAIR ADDITION)"

Moved by VanderWall

Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None

Absent: None

HEARING ON PROPOSED ABANDONMENT OF A PORTION OF NELLIE AVENUE

Mayor Johansen announced that the hour of 8:15 P.M. had arrived, the time set for consideration of the proposed abandonment of a portion of Nellie Avenue and opened the hearing.

The City Clerk reported that Resolution No. 1013-S.P. giving notice of the hearing was published in the Modesto Tribune on May 2, 1963, and the area posted by the Director of Public Works on May 3, 1963. No written protests were filed with the City Clerk.

City Manager Keefe reported that Planning Commission Resolution No. 924 recommends that the easterly 15 feet of Nellie Avenue between Needham Avenue and M.I.D. Lateral No. 4 be abandoned.

Upon questioning, the City Attorney stated that the City now has an easement for street purposes on the property under discussion.

Mr. Fey stated that the property was subdivided so long ago that he did not know whether the City paid for the right of way, but that in the usual subdivision process the land is dedicated for street purposes and not purchased.

Councilman Shastid questioned whether the easement should be vacated without compensation to the City.

Councilman Mitchell stated that if the City accepted dedications without cost, it seemed only fair to him that the property, when and if abandoned, should revert to the adjoining landowner without cost. If the City purchased the property because the owner was unwilling to dedicate, then the City would be justified in asking for reimbursement.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

The City Attorney stated that a part of the recommendation of the Planning Commission for the abandonment was that an agreement be signed by Elmo Wilson, whereby he would agree to certain conditions, including the posting of a bond in the amount of \$1,300 to cover certain improvements. He said that Mr. Wilson had signed the agreement.

RESOLUTION NO. 1014 S.P.

A RESOLUTION VACATING AND ABANDONING THE EASTERLY FIFTEEN (15') FEET OF NELLIE AVENUE BETWEEN NEEDHAM AVENUE AND M.I.D. LATERAL NO. 4 IN THE CITY OF MODESTO

Introduced by Shastid

Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None

Absent: None

Mayor Johansen announced that the hour of 8:20 P.M. had arrived, the time set for consideration of the application for a swill license by James T. Adams, and opened the hearing.

The City Clerk reported that notice of the hearing was mailed to Mr. Adams and all other persons holding licenses to collect garbage and swill in the City of Modesto on May 8, 1963.

Copies of a memorandum from the Chief of Police dated April 30, 1963, subject, "Swill Collecting," and a memorandum from Director of Finance Bird dated April 23, 1963, subject, "Swill Collection," were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes.

City Manager Keefe read the above-mentioned memorandum from Chief of Police Bowers.

A memorandum from City Manager Keefe dated May 9, 1963, subject, "Application for License for Swill Collector's License by James T. Adams," was furnished the Council. The memorandum quoted Section 5-5.15 of the Municipal Code which provides that no license shall be granted except by action of the Council by resolution following a public hearing and that licenses to collect swill may be exclusive or non-exclusive as determined by the Council. The memorandum also indicated that a check by the Police Department found the vehicle used by Mr. Adams to transport the swill to be satisfactory for the use intended.

Jack Lamb, attorney, representing American Hog Farm and Rudy Bonzi, licensed swill collectors, asked that the Council deny a license to Mr. Adams for the following reasons: Amount of swill in the City has decreased in the past several years due to garbage disposal methods now utilized in restaurants; proper equipment and facilities are required to eliminate fly problems, etc.; lack of organization in the collection of waste products presents a health problem.

Mr. Lamb distributed photographs of equipment used by his clients for the collection and utilization of swill.

Mr. Lamb emphasized the importance of an established pattern of collection, stating that it could not be followed on a haphazard basis -- a pickup made at a restaurant one day, another on another day, with no organized collection.

James T. Adams, Route 2, Box 85, Ceres, the applicant, spoke briefly in behalf of his application for a swill license, stating that he possessed a state license to collect swill, and that his premises were periodically examined by state representatives along with the other swill collectors. He stated that the swill collected was used to raise hogs for family use.

Upon questioning, Mr. Adams stated that he was not seeking to expand his collection, but merely to continue with his present pickups; that he transported his swill in garbage cans, with daily pickups made; that it was possible for him to cover the garbage cans while being transported on his pickup.

The City Attorney stated that the sanitary aspects of swill and garbage collection were covered by regulations.

Mr. Lamb spoke briefly in response to statements made by Mr. Adams. He said that a minimum collection of swill was now being made by one of his clients to feed a number of hogs at hand, and that it would not be possible to maintain his type of collection service if licenses to collect swill were given to numerous individuals.

Councilman Shastid asked the City Attorney if it would be possible to grant Mr. Adams a non-exclusive license to pick up swill only from the firms specified in his application, subject to compliance with city and state regulations.

The City Attorney read the section of the Code relative to the granting of swill and garbage licenses, stating that he questioned whether the term "exclusive or non-exclusive" was intended to cover a specified area such as exists with the collection of garbage, where three garbage companies have exclusive licenses for a given area.

Joe Agresti, American Hog Farm, stated that the Council was the judge as to whether another swill license should be granted, but that if this were done he would just as soon cancel his license and let someone else take over. He said that because of the costliness of his equipment, the shortage of swill, and the cost of the license (\$50 quarterly) he could not operate under such conditions.

Mr. Agresti was questioned by the Council.

Mrs. James T. Adams spoke briefly on the poor quality of garbage pickup in a particular area of the City. She questioned the fairness of having to pay the same license fee for pickups restricted to certain locations.

Frank Henricks, 609 8th Street, spoke briefly on the raising of hogs.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

Councilman Tabbert asked for clarification as to the rights given with the granting of a license - was it granted for an area, or for limited customers.

The City Attorney stated that the license, if granted, would permit collection of swill throughout the City, and would specify the term of the license.

City Manager Keefe stated that Mr. Adams' application indicated that if granted a license, the swill would be picked up in a 1/2 ton pickup; that if a permit was issued, it should be in accordance with his application and in accordance with regulations and for a period of three months.

Upon questioning as to whether an applicant could be limited as to quantity of swill pickup, the City Attorney stated that the license fees are standard, and if the fee is paid, the person should be privileged to pick up the swill throughout the City; otherwise it would be discriminatory.

Mayor Johansen suggested that the staff review the possibility of establishing areas for swill pickup, stating that a "catch-as-catch-can" basis might prove unprofitable to some operators, forcing them to give up their license, thus posing health problems to the City. He also questioned whether collectors' trucks were examined prior to issuance of a license to determine if they were in conformity with code requirements.

City Manager Keefe stated that if the swill was not picked up as such, it was picked up by the garbage companies; that Mr. Adams' truck was checked by the Police Department and found satisfactory. He expressed the opinion that the City might have been lax in checking equipment of the licensed operators, but steps would be taken to see that the City's requirements were generally being met.

Mayor Johansen introduced a resolution granting a swill license to Mr. Adams for a term of three months, effective May 13, 1963.

A RESOLUTION GRANTING A LICENSE TO JAMES T. ADAMS FOR THE COLLECTION OF SWILL IN THE CITY OF MODESTO

Introduced by Johansen

Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None

Absent: None

MOTION

That the City Manager be instructed to submit a report and recommendations on the inspection of trucks used in hauling garbage and swill, both licensed and unlicensed, and the apprehension of unlicensed collectors; also, to prepare a report on the feasibility of establishing pickup areas for licensed swill collectors

Moved by Mayor Johansen

Seconded by Shastid

Unanimously carried

Councilman Mitchell suggested some type of a license which would permit limited collection of swill in areas outside the normal pickup area of heavy commercial areas, to permit small operators to continue in business.

City Manager Keefe read an excerpt from Chief Bowers' memorandum of April 30, 1963: "This raises a question as to how far the City wishes to go in the control of swill collectors, and whether or not some legislation should be enacted to require merchants to allow only licensed swill collectors to pick up garbage. Many of the merchants contacted did not even know who collected the swill." Mr. Keefe stated that if such legislation was enacted, non-licensed collectors would automatically be eliminated.

Mr. Lamb stressed the importance of organized pickup service.

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED ANNEXATION OF THE NORTHLAND ESTATES II ADDITION

City Manager Keefe stated that Planning Commission Resolution No. 939 recommends the commencement of annexation proceedings for Northland Estates II Addition. The proposed annexation is uninhabited and proposed for residential subdivision.

RESOLUTION NO. 63-239

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS NORTHLAND ESTATES NO. 2 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by VanderWall

Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None

Absent: None

June 24, 1963 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON PROPOSED ANNEXATION OF WYLIE NO. 2 ADDITION

City Manager Keefe stated that Planning Commission Resolution No. 940 recommends commencement of annexation proceedings for Wylie No. 2 Addition.

RESOLUTION NO. 63-240

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS WYLIE NO. 2 ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Shastid

Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None

Absent: None

June 24, 1963 at 8:05 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR THE ACQUISITION OF RIGHT OF WAY FROM RICHARD MC CLURG AND EVELYN MC CLURG FOR WIDENING OF TULLY ROAD

City Manager Keefe reported that Richard and Evelyn McClurg have executed a right of way contract with the City and executed a grant deed, donating right of way property on Tully Road. The contract provides that the City will construct curbs and gutters, will improve the street section, and pay the grantors \$175 for loss of rose bushes and fences within 15 days after acceptance of the agreement by the City. The City will plant street trees immediately after installation of curbs and gutters.

RESOLUTION NO. 63-241

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND RICHARD AND EVELYN MC CLURG FOR THE WIDENING OF TULLY ROAD (PROJECT 55-20, PARCEL 13220-2)

Introduced by Shastid

Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None

Absent: None

CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO AMATEUR RADIO CLUB, INC.

City Manager Keefe stated that the proposed agreement leases the upstairs back room of the former city hall located at 717 10th Street to the Modesto Amateur Radio Club on a monthly basis.

RESOLUTION NO. 63-242

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO AMATEUR RADIO CLUB, INC. FOR LEASE OF THE UPSTAIRS BACK ROOM OF THE FORMER CITY HALL BUILDING (717 Tenth Street)

Introduced by VanderWall

Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None

Absent: None

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR SKYLANE PARK NO. 3 SUBDIVISION

City Manager Keefe stated that the subdivision agreement for Skylane Subdivision No. 3 has been signed and all required fees paid. He recommended that the final map be approved.

RESOLUTION NO. 63-243

A RESOLUTION APPROVING THE FINAL MAP OF THE SKYLANE PARK NO. 3 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell

Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None

Absent: None

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR BEL AIR NO. 3 SUBDIVISION

City Manager Keefe stated that the subdivision agreement for Bel Air No. 3 Subdivision has been signed and all fees paid. He recommended that the final map be approved.

RESOLUTION NO. 63-244

A RESOLUTION APPROVING THE FINAL MAP OF THE BEL AIR SUBDIVISION NO. 3, UNIT NO. 1 OF THE CITY OF MODESTO

Introduced by VanderWall

Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None

Absent: None

RECOMMENDATION ON FIRE STATION SITE AND DEVELOPING - NORTHERN BOULEVARD

Copies of Planning Commission Resolution No. 937 recommending property on Northern Boulevard as the proposed site for a fire station in North Modesto were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The Planning Commission recommended the site and development as shown on sketch dated March 4, 1963, titled "Proposed Fire Station Location - Timothy Ave., Alternate I." Mr. Keefe said that estimated cost of acquisition and building was \$57,000 and was proposed for inclusion in capital improvement program recommendations for fiscal year 1963-64.

Councilman VanderWall asked if any problems were involved in getting fire equipment off Northern Boulevard onto McHenry Avenue.

Fire Chief Wemyss stated that experiments were made with the City's longest equipment, the aerial truck, and U-turns executed from Northern Boulevard, along McHenry and across the canal, and west on Briggsmore, with no problems at all.

City Manager Keefe stated that Northern Boulevard is presently two-way, and the experiment outlined by Chief Wemyss was conducted on the premise that Briggsmore Avenue and Northern Blvd. will one-day become one-way streets.

The feasibility of locating a fire station on one-way streets was discussed.

Upon questioning, City Manager Keefe stated that the location of the proposed fire station had not been discussed with the Director of Parking and Traffic, but had been cleared with the Board of Fire Underwriters and the Fire Chief, and it was believed that this area was the best location for the fire station. Mr. Keefe said that when the streets do become one-way, it will be possible to bridge the canal at the exit of the fire station, thus eliminating the U-turn at McHenry Avenue. He outlined the advantages of the proposed location.

Mr. Keefe stated that a portion of the proposed site is already owned by the City.

The proposed U-turn on McHenry Avenue was generally discussed.

Councilman Shastid suggested that the matter be held over for one week in order to secure a report from the Director of Parking and Traffic.

It was suggested that Director of Planning Fey check with other cities regarding locations of their fire stations.

Councilman Tabbert reminded the Council of its policy of limiting access points on Northern Boulevard and Briggsmore Avenue to not more than one per quarter mile.

With the unanimous consent of the Council, this matter was held over for one week.

AGREEMENT BETWEEN THE CITY OF MODESTO AND ANNA F. SHARE FOR PURCHASE OF PROPERTY BY CITY FOR FIRE STATION (COLDWELL AVENUE AREA)

City Manager Keefe stated that the proposed agreement between the City and Anna F. Share covers the purchase of property in the Coldwell Avenue area for a proposed fire station, previously approved by the Council. Mr. Keefe said that only \$16,500 has been budgeted for this purpose and that an appropriation transfer of \$4,500 was needed to cover the balance of the cost.

Director of Planning Fey stated that the Planning Commission has directed the planning staff to provide a plan for fire station locations in more detail than shown in the General Plan; that a report would be presented to the Planning Commission at its next meeting.

RESOLUTION NO. 63-245

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ANNA F. SHARE FOR PURCHASE OF REAL PROPERTY BY THE CITY FOR FIRE STATION SITE (Kearney-Coldwell Area)

Introduced by Mayor Johansen                      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None                      Absent: None

RESOLUTION NO. 63-246

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4,500 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, NORTHERN BOULEVARD RIGHT OF WAY, CARVER TO PRESCOTT, TO FIRE STATION, KEARNEY-COLDWELL AREA (Land Acquisition)

Introduced by Mitchell                      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None                      Absent: None

LEGISLATIVE MATTERS

City Manager Keefe reviewed a letter from the League of California Cities dated May 7, 1963, subject, "Immediate Action Required."

AB-1194 - 56 Hours for Firemen. Council action opposing this bill has already been taken.

SCA 18 - Telephone Tax in Lieu of Franchise Fee. The letter indicated that this measure would impose a 1% tax on intra-state gross receipts of telephone companies in order to replace revenue lost when the Supreme Court held in 1962 that telephone companies cannot be required to pay franchise fees normally paid by all other utilities. The letter indicated that because of the opposition of telephone companies, the measure was unlikely to get on the ballot for public vote unless supported strongly by city officials.

MOTION

That the Council take no action on this measure

Moved by VanderWall                      Seconded by Patton                      Unanimously carried

AB-1491 - Hotel Occupancy Tax. Mr. Keefe stated that this measure authorized a city or county to levy a hotel-motel occupancy tax, has been approved by the Assembly Committee on Revenue and Taxation and is awaiting action on the floor of the Assembly. In order to avoid inside-outside competition, counties are also authorized to levy such a tax in unincorporated areas of the county. The League urged support of this measure.

MOTION

That the Council indicates its support of AB-1491

Moved by Mayor Johansen                      Seconded by Shastid                      Unanimously carried

SB-344 - City Street and County Road Financing. Mr. Keefe stated that the Council has already indicated its support of this measure.

TRANSFER OF \$2,490 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, GENERAL RESERVE, TO ACCOUNT 503, GAS TANK AND INSTALLATION

A memorandum from Director of Finance Bird dated May 8, 1963, subject, "Gas Tank," stating that plans and specifications have been completed to construct a new 10,000 gallon gasoline storage facility at the main fire station for use of the police, fire and general government at a cost of \$2,490 was read by City Manager Keefe. The new facilities will permit tank-truck deliveries of gasoline with a resultant savings on gasoline purchases of approximately \$800 per year. A transfer of \$2,490 from the Special Fund for Capital Outlays, General Reserve to Account 503, Gas Tank and Installation, was requested.

RESOLUTION NO. 63-247

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,490 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, GENERAL RESERVE, TO GAS TANK AND INSTALLATION

Introduced by Shastid                      Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None                      Absent: None

RESOLUTION TRANSFERRING \$12,000 FROM PARKING FUND RESERVE TO ACCOUNT 503, IMPROVEMENTS - PARKING LOT, EAST SIDE NINTH STREET, BETWEEN J & K STREETS

City Manager Keefe stated that on March 4, 1963 the Council approved an agreement with Trust Funds, Inc., to lease property located on Ninth Street between J and K Street, for a parking lot, and that an appropriation transfer of \$12,000 was needed for improvement of the lot.

RESOLUTION NO. 63-248

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$12,000 FROM PARKING FUND, GENERAL RESERVE, TO IMPROVEMENTS, PARKING LOT, EAST SIDE NINTH STREET BETWEEN J AND K STREETS

Introduced by Shastid

Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None

Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Announcement of groundbreaking ceremonies, Y.M.C.A. Building

Councilman Mitchell invited the Council to attend the groundbreaking ceremonies for the new Y.M.C.A. Building on May 25, 1963 at 10:30 A.M. Mayor Johansen will speak in behalf of the City.

REPORT ON RE-EVALUATION OF THE CITY'S RETIREMENT RATE AND PAYMENT OF BILL FOR \$400 FOR ACTUARIAL SERVICES

A memorandum from the Director of Finance dated May 7, 1963, subject, "Re-evaluation of the City's Retirement Rate," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Attached to the memorandum was a report prepared by Coates, Herfurth & England, showing the new percentage of employees' salaries required as contributions from the City after June 30, 1963 -- 6.977% including survivors' benefits. The City's present rate is 7.578% plus \$60 per year for each employee with survivors' benefits. The reduction in rate amounts to approximately a 10% decrease in employee retirement costs paid by the City. The saving has been reflected in the preliminary budget.

MOTION

That the report on re-evaluation of the City's Retirement Rate and payment of \$400 for actuarial services to Coates, Herfurth & England be approved

Moved by Shastid

Seconded by VanderWall

Unanimously carried

REPORT ON PARKING METER REVENUES

A copy of Resolution No. 55-285 and an excerpt from the League of California Cities Report on "Limited Expenditure Funds of Cities" was furnished to the Council prior to the meeting, a copy of which is on file with the record of the minutes.

City Manager Keefe stated that the documents were furnished the Council for study.

Mayor Johansen stated that if any Council member wished further discussion after study, a request would be made that the matter again be placed on the agenda.

REPORT ON CITY OFFICIALS TRIP TO FRESNO TO STUDY URBAN RENEWAL

City Manager Keefe distributed a memorandum to the Council reporting a recent trip to Fresno to study urban renewal. Making the trip were Mayor Johansen, Councilman Tabbert, Planning Commissioners Heidi Warner and Phil Humphreys, Planning Director Fey, City Manager Keefe, and Burney Knoll, Modesto Bee reporter. A brochure of the Fresno program was also presented the Council.

Mr. Keefe said he was extremely impressed with the active support given Fresno's renewal project by the downtown merchants association; that the association made the first expenditure for the project by appropriating \$20,000 for preparation of the initial study, which later became the foundation for the City's renewal program.

Copies of a letter received from Richard G. Mitchell, Acting Regional Director, Housing and Home Finance Agency, San Francisco, dated May 8, 1963 in response to statements made at the Council meeting of April 15, 1963 by Floyd Hyde were distributed to the Council.

Mayor Johansen and Councilman Tabbert commented briefly on the trip.

PRESENTATION OF THE FINANCIAL REPORT FOR THE MONTH OF APRIL, 1963

The Financial Report for the month of April, 1963 was presented to the Council and ordered filed.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to May 14, 1963 at 4:00 P.M. to consider the preliminary budget


Moved by VanderWall

Seconded by Tabbert

Unanimously carried

The meeting adjourned at 10:35 P.M.

ATTEST:

  
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider the preliminary budget for fiscal year 1963-64.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Shastid, Tabbert, VanderWall, Mayor  
Johansen  
Councilman Patton arrived at 4:55 P.M.  
Absent: Councilmen: None

Review of Budget Message by City Manager - pp. I through XVI

City Manager Keefe briefly reviewed the budget message. He said that the preliminary budget was calculated on a "tight" basis; that it was balanced with provisions for a General Fund Reserve of about \$357,000, with no allowances made for supplemental requests.

In concluding his brief review of the budget message, Mr. Keefe said that some of the figures used in the budget were estimated as long as 60 days ago; that as the fiscal year draws to a close, it will be possible to provide more accurate figures; that the Capital Improvement Program was presently being considered by the Planning Commission and would be submitted to the Council shortly.

Analysis of General Fund Revenue pp. II and X

Upon questioning, the City Manager stated that the decrease in the General Fund carryover from the previous fiscal year resulted entirely from a \$100,000 loan from the General Fund to the Special Fund for Capital Outlays, to be used for construction of the Police-Communications building; that it is proposed in the preliminary budget that \$50,000 of the loan be paid back in 1963-64 fiscal year.

The estimated balance of the General Reserve Fund was discussed.

Sales and Use Tax Estimate p. 6

Director of Finance Bird stated that the State estimated an 11% increase of sales and use tax revenues for fiscal year 1962-63; that a 6% increase was used in the budget; for fiscal year 1963-64, a 3% increase is estimated by the City, the State estimated a 5% increase.

Upon questioning, Mr. Bird said that the City would receive 90% of its share of sales and use tax revenues for the quarter ending March 31, 1963 on or about May 20, 1963; that the exact figure would be available about June 20, 1963.

CITY COUNCIL - 7, p. 16

MOTION

That the City Council budget of proposed expenditures be tentatively approved

Moved by VanderWall      Seconded by Shastid      Unanimously carried

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MOTION

That the City Manager budget of proposed expenditures be tentatively approved

Moved by Shastid            Seconded by VanderWall            Unanimously carried

TYPING POOL & RECORDS - 9, p. 18

Decrease in this budget occasioned by the completion of studies by the Forward Modesto Committee '62 was discussed.

MOTION

That the Typing Pool & Records budget of proposed expenditures be tentatively approved

Moved by Shastid            Seconded by VanderWall            Unanimously carried

CITY ATTORNEY - 13, p. 19

MOTION

That the City Attorney budget of proposed expenditures be tentatively approved

Moved by Shastid            Seconded by VanderWall            Unanimously carried

CITY CLERK AND AUDITOR - 14, p. 20

230 - Advertising, Legal and Other

The City Clerk stated that the increase in actual expenditures for fiscal year 1962-63 was caused by an increase in city business and code work.

MOTION

That the City Clerk and Auditor's budget of proposed expenditures be tentatively approved

Moved by Shastid            Seconded by VanderWall            Unanimously carried

Upon questioning, Director of Finance Bird stated that costs of legal advertising during fiscal year 1959-60 were \$7,635; in fiscal year 1961-62 total costs were \$6,971.

Capital Outlay, 505, City Seal, \$50

Councilman Mitchell asked if this item would not constitute a supplemental request, not having appeared in previous budgets.

The City Manager stated that the City's present seal was badly worn; that although it might appear to be a supplemental request it was necessary that it be replaced.

Director of Finance Bird stated that normally a capital item listed on the right hand page of the budget was a replacement of a routine piece of equipment normally used in city business, was first reviewed as supplemental by the City Manager, and after careful

consideration of the condition of the equipment, placed on the right hand page for Council consideration. A piece of new equipment which is not a replacement, for which the need might be questioned, is listed on the left as a supplemental request for special Council attention. He said that this rule was generally followed in preparation of the preliminary budget.

FINANCE - 15, p. 21

Accountant Position in Finance Department

110 - Salaries and Wages, Regular - Copies of a memorandum from the Director of Finance to the City Manager dated May 9, 1963, subject, "Accountant Position in the Finance Department," were furnished the Council, a copy of which is on file with the record of the minutes. The memorandum requested permission to replace a vacant Junior Accountant position with an Intermediate Accountant, which will require an approximate \$677 increase in the 1963-64 budget for regular salaries and wages (110).

The City Manager said it was the belief of the Director of Finance that hiring of the Intermediate Accountant would result in a savings in the Extra Help budget.

216 - Rent of Equipment - \$7,104 - Director of Finance Bird stated that the \$7,104 budgeted for rental of equipment represents equipment in the Finance Department, plus a key punch machine budgeted in the Police Department, primarily IBM equipment; that the Finance Department had one key punch operator classified as an Intermediate Clerk; a machine operator, a tab room supervisor, who also supervises the water utilities section consisting of one Account Clerk and one Intermediate Clerk who assist at the counter with cash collections, etc., and who are training to replace the key punch operator during illness or vacation.

301 - Office Supplies - \$5,515

Mr. Bird said that the increase in this account is caused by the biennial auction which is scheduled this fiscal year; the acquisition of purchase order forms for a two-year period; and \$80 included for increased volume of business with the growth of the City, business licenses, water service, etc.

IBM Equipment

Councilman Mitchell asked if a savings could be effected in rental charges for IBM equipment by joint city-county use of the equipment on a sharing basis.

Mr. Bird said that he had personally contacted the county tab supervisor when the City's installation was first considered, and neither the Schools nor the County felt at that time that the equipment could feasibly be shared; that there was a real possibility of future savings by having a joint tabulating operation for governmental agencies. He said that rental charges of the equipment were based on an eight-hour shift basis; if used more than eight hours, the rental costs would increase. He said that at the present time the equipment is used between one-third and one-half of the eight-hour shift, with a gradual rise anticipated as procedures are added during the next two or three years.

Charles Breen, Secretary, County Taxpayers Association, stated that the Extra Help in the Finance Department seemed to be decreasing and the regular help increasing. He asked if the Extra Help was not being used during peak periods.

Mr. Bird said that the extra help had been higher in past years due to installation of the IBM equipment; that the Extra Help of \$2,070 in the proposed 1963-64 budget was primarily for peak loads and vacations.

Mr. Breen commented on the increased cost of office supplies under the punch card system as opposed to manual accounting processes and asked if a reduction in office supplies costs was ultimately anticipated. Mr. Bird stated that after full installation is complete, it was anticipated that office costs will level off to costs prior to the change-over, even though the volume of paper has increased due to growth of the City (a 20% to 25% increase during the past two years).

216 - Rent of Equipment - \$7,104 -

Mr. Bird said that the increase from \$6,248 to \$7,104 was caused by the fact that the collator was not delivered until December 30; therefore the rental was not paid for the full year.

Hiring of Intermediate Accountant to replace vacant Junior Accountant Position

The City Manager recommended that an Intermediate Accountant be hired to replace the vacant Junior Accountant Position on the premise that the position would be filled without an increase in the total budget, with the additional \$677 needed to be transferred from the Extra Help Account to the Regular Salaries and Wages Account, and with Council knowledge that an additional appropriation may be needed at a later date to cover the increased cost.

MOTION

That the hiring of an Intermediate Accountant to fill the vacant Junior Accountant position be approved as recommended by the City Manager, with no change made in the total budgeted expenses

Moved by VanderWall      Seconded by Shastid      Unanimously carried

PERSONNEL - 17, p. 22  
Salaries and Wages, 110 Regular - \$21,542

The inclusion of one-third of the Deputy City Manager's salary in this account was discussed.

Hiring of 1/2 Time Intermediate Typist Clerk

Councilman Shastid questioned the need for the 1/2 time Intermediate Typist Clerk.

Personnel Officer Mitchel stated that there was a considerable amount of clerical work in the office which should be handled at typist-clerk level.

Councilman Shastid asked if it were possible to change Personnel Department procedures to make more use of the State Employment Office (for positions of a nontechnical nature), and perhaps to some extent change procedures in sending out notices of jobs, job descriptions, etc., to coincide with the above office, in an effort to eliminate the one-half time clerk-typist.

Mrs. Mitchel stated that the Department of Employment assisted by referring applicants to the City; that it no longer performed clerical testing at local level. She pointed out that city recruitment was at a different level, and referrals from the Department of Employment low in technical fields.

Personnel Officer Mitchel was directed to check with the State of Employment for any possible assistance in the recruitment of personnel, and to report back to the Council at the next Tuesday budget hearing.

Mayor Johansen asked the staff for a recommendation as to the proper placement of the Deputy City Manager's salary, questioning the placement of one-third the salary in the Regular Salaries and Wages Account of the Personnel Department.

The City Manager said that if it was the desire of the Council, it could be charged to the Regular Salaries and Wages Account of the Civil Defense budget, or could be placed in the City Manager's Regular Salaries account.

No action was taken by the Council.

ADJOURNMENT

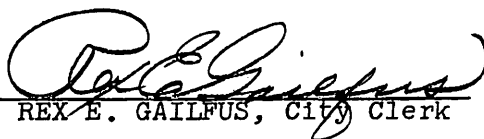
MOTION

That the meeting now in session be adjourned to May 16, 1963 at 4:00 P.M.

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 5:30 P.M.

ATTEST:

  
\_\_\_\_\_  
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider the preliminary budget for fiscal year 1963-64.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Patton, Tabbert, VanderWall, Mayor  
Johansen  
Absent: Councilmen: Shastid

CITY HALL - 19, p. 24  
120-Extra Help, \$800

City Manager Keefe stated that extra help was budgeted for vacation periods for the three janitors. Accrual of vacation time was discussed.

210 - Utilities, \$9,500

Mr. Keefe said that this item will vary from year to year, depending upon weather conditions.

#### MOTION

That the City Hall budget of proposed expenditures be tentatively approved

Moved by VanderWall            Seconded by Tabbert            Unanimously carried

FIRE DEPARTMENT - 20, p. 25  
222, M & R, Auto Equipment, \$1,600

The City Manager said that funds were budgeted under this account for truck repairs--repairs to seats on several trucks; tires; overhauling of Engine No. 3 at a cost of \$300.

302 - Books and Periodicals, \$200

Chief Wemyss stated that \$200 is proposed for the purchase of books which the Department was unable to buy last year because of increased cost.

130 - Overtime, \$700

Chief Wemyss stated that this account covers call back time and overtime for regular volunteer firemen.

120 - Extra Help, \$453

Chief Wemyss said that funds from this account cover vacation relief pay for clerical help.

223 - M & R, Other Equipment, \$1,900

Chief Wemyss said that this account is used for repair of resuscitators, air compressors, radios, projectors, sirens, battery chargers, etc.

330 - Gas, Oil, Lubricants - \$2,250

Chief Wemyss stated that the increase in this account was due to additional operations in the Fire Department - larger areas to cover due to annexations, resulting in an increased inspection program.

### Firemen Vacations

Chief Wemyss said that vacations begin in February and are staggered throughout the year -- that only a limited number of men are permitted to vacation at the same time regardless of the season of the year, with extra help hired to relieve clerical help only.

### Capital Outlay - Various - \$2,585

City Manager Keefe discussed the proposed expenditures under this item.

### Hiring of Additional Inspector

Chief Wemyss stated that the hiring of an additional inspector approved by the Council last fiscal year has been of great help in reducing the backlog of work in the Fire Marshal's office.

### MOTION

That the Fire Department budget of proposed expenditures be tentatively approved

Moved by Mayor Johansen      Seconded by VanderWall      Unanimously carried

### POLICE - 22, p. 27

#### 207 - Conference Expense, \$400

Chief of Police Bowers said that expenses of professional conferences, as opposed to training programs, are paid from this account.

#### 208 - Business Expense, \$3,147

Chief Bowers stated that all expenses accruing for outside-the-City investigations are paid from this account - lunches, dinners, lodgings; that \$2,000 of this account is budgeted for extradition of prisoners from out-of-state, which is fully reimbursable by the State.

#### 235 - Services, Professional & Others

Chief Bowers stated that this account is budgeted for the hiring of undercover help needed for special investigations. Although only \$800 was spent during 1962-63 for this purpose, Chief Bowers recommended that the amount requested not be changed in order to be prepared for any exigency which might arise.

#### 240 - Contractual Services - \$3,000

Chief Bowers stated that this fund is set up for feeding of prisoners in the County Jail and Road Camp.

#### 429 - Other Special Charges, \$3,000

Chief Bowers said that \$1,000 is set up for a special investigation or undercover fund; that it was desired this year to send two officers to a lie detector training school and two officers to the Peace Officers Institute; \$300 for miscellaneous training; \$250 for the reserve police dinner.

The \$250 budgeted for the reserve police dinner was discussed. Chief Bowers said that \$250 was the minimum for which the dinner could be given, and requested that the Council consider increasing this amount in order that a nice banquet could be given the reserve officers on their 25th anniversary. City Manager Keefe concurred.

Expenses connected with moving into the new police-communications center building were discussed. The City Manager stated that no provisions were made in the budget for this purpose; that it was felt that these expenses could be covered by savings in other accounts.

Chief Bowers said he believed the police-communications building would be ready for occupancy around May 1, 1964; that generally a reserve remains in the Regular Salaries account due to the fact that there is usually a delay between the resignation and rehiring of a police officer.

MOTION

That the Police Department budget of proposed expenditures be tentatively approved

Moved by VanderWall            Seconded by Patton            Unanimously carried

DISASTER & CIVIL DEFENSE - 26, p. 28

MOTION

That the Disaster & Civil Defense budget of proposed expenditures be tentatively approved

Moved by VanderWall            Seconded by Mitchell            Unanimously carried

PARKS & RECREATION - ADMINISTRATION - 31, p. 29

MOTION

That the Parks & Recreation - Administration budget of proposed expenditures be tentatively approved

Moved by VanderWall            Seconded by Tabbert            Unanimously carried

PARKS & RECREATION - RECREATION - 32, p. 30  
120 Extra Help, \$66,097

Superintendent of Recreation Grogan stated that this account reflects funds for the first time for summer operation of the M.J.C. swimming pool.

Upon questioning, Miss Grogan stated that funds for the Tiny Tots program were included in this fund for fiscal year 1962-63, but were not presently included.

The City Manager said that the following projects were included in this fund: After-school recreation, \$17,000; summer play program, \$12,300; swimming, \$12,800; tennis, \$2,800; baseball for boys, \$2,200; Children's Park, \$2,300; special events, \$4,200; handicapped children, \$300; Saturday park supervision, \$970, plus summer operation of the M.J.C. swimming pool.

Miss Grogan stated that it was hoped that the M.J.C. swimming pool would be completely self-supporting; that the swimming pools were not self-supporting last year (about \$600 short) and for this reason increased rates were requested and approved by the Council a short time ago.

204 - Communications, \$420

Miss Grogan said that the increase in this account covers installation of telephones at Westside and Children's Parks, and the M.J.C. swimming pool.

312 - Chem., Drug, Lab Supplies, \$1562

Miss Grogan stated that the increase in this account was occasioned by additional chemicals which will be needed for the M.J.C. swimming pool and the two new wading pools.

Upon questioning, Miss Grogan said that the anticipated revenue for fiscal year 1963-64 from all recreation fees and rentals is \$42,220; for fiscal year 1962-63, \$37,610.

It was Councilman Patton's opinion that publicity should be given to the fact that revenues received greatly offset the proposed budget of expenditures for the Recreation Department.

City Manager Keefe said that a report would be prepared for publicity purposes.

MOTION

That the Parks and Recreation - Recreation budget of proposed expenditures be tentatively approved

Moved by Patton      Seconded by Tabbert      Unanimously carried

PARKS - RECREATION - MADDUX YOUTH CENTER - 33, p. 31

MOTION

That the Parks & Recreation - Maddux Youth Center budget of proposed expenditures be tentatively approved

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

PARKS AND RECREATION - COMMUNITY SERVICE CENTER - 34, p. 32

Director of Finance Bird stated that estimated revenues for the community service center for fiscal year 1963-64 are \$7,300.

The City Manager stated that the Fire Prevention Inspector has recommended various improvements to the building which will have to be made -- panic doors on the building, rewiring, lighted exit signs over the doors.

MOTION

That the Parks and Recreation - Community Service Center budget of proposed expenditures be tentatively approved

Moved by VanderWall      Seconded by Patton      Unanimously carried

PARKS AND RECREATION - PARKS - 35, p. 33  
308 - Tools, Shop, field supplies, \$1611

Director of Parks and Recreation Cowie stated that additional funds requested will supply small hand tools for another maintenance ~~was~~ recommended by the Griffenhagen-Kroeger survey.

430- Taxes

Director of Finance Bird stated that the reduction in this account was occasioned by the fact that land purchased for park purposes has been annexed and city property taxes cancelled (Downey Park site).

MOTION

That the Parks & Recreation - Parks budget of proposed expenditures be tentatively approved

Moved by Tabbert      Seconded by VanderWall      Unanimously carried

PARKS & RECREATION - STREET TREES - 36, p. 34

218 - Equipment Rental Charges, \$23,250

Mr. Cowie said that the increase in this account reflects the first full year's use of the Hi-Ranger.

308 - Tools, Shop, Field Supplies, \$1,225

Mr. Cowie said that the increase in this account covers the purchase of rope for a two to three year period.

MOTION

That the Parks & Recreation - Street Trees budget of proposed expenditure be tentatively approved

Moved by Mayor Johansen      Seconded by Patton      Unanimously carried

PARKS AND RECREATION - 9-HOLE GOLF COURSE - 37, p. 35

Director of Parks and Recreation Cowie stated that revenues for the golf courses for fiscal year 1962-63 were up from the budget estimate of \$78,000 to \$96,000; that it was estimated that revenues would reach \$100,000 by the end of the fiscal year.

Upon questioning, Mr. Cowie stated that the City is not reimbursed for the use of the golf course by high school students learning to play golf as a part of their physical education activities.

MOTION

That the Parks & Recreation - 9-Hole Golf Course budget of proposed expenditures be tentatively approved

Moved by Patton      Seconded by Tabbert      Unanimously carried

PARKS & RECREATION - DRYDEN PARK MUNICIPAL GOLF COURSE - 38, p. 36

110-Regular Salaries & Wages, \$48,400

Mr. Cowie stated that the increase in this account covered general salary and step increases and miscellaneous adjustments.

Director of Finance Bird said that charges for rental of equipment to various city departments were being checked; that the accounting department was preparing schedules, analyzing the actual costs of operating specialized golf course equipment over the life of the equipment, and that recommendations would be forthcoming soon. He said that a thorough check was being made of all pool equipment this year to make sure that the rates are in line and proper charges being made to the departments.

310- Gardening supplies - \$4,100

Mr. Cowie said that extra fertilizer for the golf course was not included in this account, but that it was a supplemental request.

Mayor Johansen said that it was his impression from discussion last year that fertilizing the golf courses was a necessity and should be taken care of.

Mr. Cowie said that at the time fertilizer was authorized last year, the staff was specifically directed to bring this matter back to the attention of the Council. Upon questioning, he said that no fertilizing has been done this year; that if approved, the fertilizer should be applied before the onset of hot weather.

The staff was directed to place the matter of fertilizing the golf course on the agenda of the regular meeting of May 27, 1963.

MOTION

That the Parks and Recreation-Dryden Park Municipal Golf Course budget of proposed expenditures be tentatively approved

Moved by VanderWall      Seconded by Patton      Unanimously carried

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PARKING & TRAFFIC - 56, p. 46  
223 - M & R, Equipment Other, \$4,934

Director of Parking and Traffic Carmody said that a portion of the increase in this account was due to increased costs for the City's sign maintenance by the California State Automobile Association; traffic counter and parking meter parts; and parts for painting equipment.

321 - Construction Materials, \$9,114

Mr. Carmody said that \$1,000 of this account was budgeted for plastic cross walk lines, which contributes to the major part of the increase.

120 - Extra Help

Mr. Carmody said that the extra help covered two laborers hired for six months each to assist the painting crew of two men who work as a two-man crew for six months of the year and the remaining six months with the two men hired as extra help.

MOTION

That the Parking and Traffic budget of proposed expenditures be tentatively approved

Moved by Mayor Johansen                      Seconded by Tabbert                      Unanimously carried

OFFICE SERVICES - 58, p. 47

Free coin-counting service provided by bank

Upon questioning, Mr. Carmody said that the bank was still willing to continue with the free coin-counting service.

MOTION

That the Office Services budget of proposed expenditures be tentatively approved

Moved by VanderWall                      Seconded by Tabbert                      Unanimously carried

PARKING AND TRAFFIC - 57 (PARKING FUND - 209) p. 53

110 - Regular Salaries & Wages - \$14,836

Director of Parking and Traffic Carmody said that the increase in this account covered general salary and step increases, and miscellaneous adjustments.

215 - Rent of Real Property - \$32,761

Mr. Carmody said that the increase in this account is due to seven or eight months rental of the 9th Street lot.

Upon questioning, Mr. Carmody said that the 10th and H Street lot was presently operating at a loss because of unpaid pledges, but that usage of the lot was great and he anticipated that within four or five years it would be on a paying basis.

224 - M & R, Buildings and Grounds - \$2,970

Mr. Carmody said that the following expenditures were set up under this account: AAA, \$360; for meter post replacements, \$100; general lot maintenance, \$300; replacing bumpers at 10th and K lot with single posts with integrated meters, \$2,160.

MOTION

That the Parking and Traffic (Parking Fund - 209) budget of proposed expenditures be tentatively approved

Moved by VanderWall                      Seconded by Tabbert                      Unanimously carried  
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ADJOURNMENT

MOTION

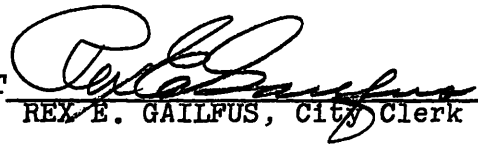
That the meeting now in session be adjourned to May 21, 1963 at 4:00 P.M.

Moved by VanderWall

Seconded by Tabbert

Unanimously carried

ATTEST

  
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll and there were

Present: Councilmen: Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Councilman Patton arrived at 4:02 P.M.

Absent: Councilmen: None

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

Reverend Robert Richter gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of April 22, 1963 and special meeting of April 23, 1963, and the same being available for public inspection, and there being no objections, the minutes were approved.

#### LETTER FROM MODESTO CITY EMPLOYEES' ASSOCIATION RE: PANCAKE BREAKFAST

A letter from Doris I. Clifford, President, Modesto City Employees' Association, dated May 20, 1963, announcing that the Employees' Association is holding a benefit pancake breakfast at Legion Hall on Sunday, May 26, 1963 from 8:00 A.M. to 1:00 P.M., was read by the City Clerk.

The letter was ordered filed.

#### ORAL REQUEST BY ROY CAMARENA FOR AN APPROPRIATION FOR A FLOAT FOR MISS MODESTO FOR THE PARADE IN MISS CALIFORNIA PAGEANT

Mayor Johansen stated that this item had been withdrawn from the agenda by Mr. Camarena.

#### LETTER FROM JACK KEELER, REALTOR, OFFERING TO SELL TO THE CITY A VACANT LOT AT 1124 11TH STREET (LOTS 27, 28 AND 29, BLOCK 86)

A letter from Jack Keeler, Realtor, dated May 15, 1963, offering a vacant lot at 1124 11th Street (Lots 27, 28 and 29, Block 86) for sale to the City for \$45,000, was read by the City Clerk.

A memorandum from Director of Parking and Traffic Carmody, dated May 17, 1963, subject, "Proposed Parking Lot E/S 11th Between K and L Streets," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Mayor Johansen stressed the need for an overall parking plan before considering further acquisition of parking lot sites, stating that he personally did not wish to proceed hastily when a parcel is offered for sale to the City.

Councilman VanderWall agreed, stating that care should be taken to acquire lots in proper locations. He suggested that consideration might be given to formation of a downtown parking district within the near future, stating that a number of businessmen and property owners have expressed interest in such a project, which would result in eventual elimination of downtown parking meters. Councilman VanderWall

said that this appeared to be the trend throughout the country.

Acquisition of the parcel was generally discussed.

Councilman Shastid moved, seconded by Councilman VanderWall, that the offer be rejected.

Councilmen Mitchell and Tabbert urged that the offer not be totally rejected pending further study by the staff.

Mayor Johansen mentioned the fairness of a parking district, wherein all merchants would participate. He suggested that the Public Projects Committee, at its next meeting, consider a parking district program, and offer the City's cooperation to the merchants in the formation of a parking district.

#### MOTION

That the offer of Jack Keeler to sell to the City a vacant lot at 1124 11th Street (Lots 27, 28 and 29, Block 86) for \$45,000 be rejected

Moved by Shastid      Seconded by VanderWall      Unanimously carried

LETTER FROM DR. W. M. PETERSEN, AREA SUPERVISOR, AGRICULTURAL RESEARCH SERVICE, ANIMAL DISEASE ERADICATION DIVISION RE: RENTAL OF A PORTION OF THE GARAGE AT FIRE STATION NO. 3

A letter from Dr. W. M. Petersen, dated May 10, 1963, requesting that the City lease for his organization's use a portion of the garage at Fire Station No. 3, located at 416 Downey Ave., Modesto, for \$10 per month, was read by the City Clerk.

City Manager Keefe recommended that the request be approved on a month-to-month basis.

#### MOTION

That the staff be instructed to prepare the necessary documents to lease a portion of the garage at Fire Station No. 3 to U.S.D.A., Agricultural Research Service

Moved by VanderWall      Seconded by Shastid      Unanimously carried

LETTER FROM MONTE W. LUKOV, COMMANDER, AMERICAN LEGION, REQUESTING USE OF DEL WEBB FIELD FOR CIRCUS MAY 29, 1963

A letter from Monte W. Lukov, dated May 16, 1963, requesting use of Del Webb Field on May 29, 1963 for the American Legion's annual Rudy Brothers Circus was read by the City Clerk.

City Manager Keefe recommended that the request for use of Del Webb Field be approved under the same conditions imposed in approving the request of the Junior Chamber of Commerce for use of Del Webb Field on June 3, 1963 for the same purpose.

The City Attorney was directed to review the City's present policy pertaining to the use of Del Webb Field and, if necessary, to present suggestions for revision of the City's policy to eliminate the necessity of recurring events being repeatedly presented to the Council for approval.

The close scheduling of the Junior Chamber of Commerce and American Legion circuses was discussed.

Monte Lukov explained that the circuses were scheduled one year in advance, but Council approval was not requested until just prior to the event.

#### RESOLUTION NO. 63-250

A RESOLUTION GRANTING A PERMIT TO THE AMERICAN LEGION FOR USE OF DEL WEBB FIELD FOR A CIRCUS ON MAY 29, 1963

Introduced by Shastid      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None                  Absent: None

Approval of uses of Del Webb Field was discussed further. City Manager Keefe recommended that the City's present policy be changed to permit administrative approval of recurring events of a similar nature, after initial approval by the Council.

#### LETTER FROM C. D. CHAMBERS RE: LOCATION OF FIRE STATION

A letter from C. D. Chambers, dated May 16, 1963 stating that he was opposed to the Alternate Plan No. 1 location for the proposed fire station on Northern Boulevard, was read by the City Clerk. Mr. Chambers said he was not opposed to the fire station being built on the property, but preferred that the fire station be located more centrally or on the west end of the property. (A portion of the proposed site is owned by the City, and the remainder is owned by Mr. Chambers.) Mr. Chambers indicated that a change in the location would permit him to dispose of the eastern portion of the site to better advantage.

City Manager Keefe stated that the contents of the letter were tied in with Item 24 of the agenda, and that the Council might wish to consider that item at this time along with Mr. Chamber's letter.

With the consent of the Council, Item 24 was considered at this time.

#### RECOMMEND FIRE STATION SITE AND DEVELOPMENT - NORTHERN BOULEVARD

Copies of a joint memorandum from Director of Planning Fey and Fire Chief Wemyss, dated May 15, 1963 subject, "Proposed Plan for Fire Station Locations," and a memo from Fire Chief Wemyss, dated May 16, 1963, subject, "Location of Fire Station - Northern Boulevard," were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes.

Planning Commission Resolution No. 937 recommends the approval of a fire station site on Northern Boulevard at the end of Timothy Avenue.

Sketches of the proposed fire station entitled Alternates No. 1 and 2 were shown to the Council and discussed by Director of Planning Fey. Mr. Fey explained that Alternate No. 1 showed the fire station site and four single-family lots around a cul-de-sac between the end of Timothy Avenue and Northern Boulevard. Alternate No. 2 showed two residential lots on the west side of the proposed fire station site, and a portion on the east side for possible parking. Mr. Fey said that use of an area on the east side of the property for commercial parking was protested by two area residents, and a petition strongly opposing the same was received approximately two years ago signed by all residents on Timothy Avenue and a few on Judith Lane; that Foster Farms is in need of additional parking space for its trucks and wished to utilize the eastern portion of the proposed site for this purpose;

that the area is presently zoned R-1, with parking prohibited.

Referring to a memorandum from Director of Parking and Traffic Carmody to the City Manager, Councilman Shastid suggested that information be furnished the Council on other possible sites considered for the proposed fire station.

City Manager Keefe stated that the locations proposed by Mr. Carmody did not meet the overall needs of the City, although they might meet traffic requirements. He said the Northern Boulevard site has been recommended by the Board of Fire Underwriters, Fire Chief Wemyss, the Planning Commission and planning staff. He outlined the various factors considered in recommending this location.

Chief Wemyss was questioned by the Council. Councilman Tabbert asked if an additional lane on the approach to McHenry Avenue would facilitate the U-turn of fire equipment. Chief Wemyss replied that the extra lane would be a definite advantage, but no particular problems were now present in executing the U-turn. He recommended that the fire station site on Northern Boulevard be approved, stating that the site has been recommended by the Board of Fire Underwriters as providing maximum benefits to the City from a fire protection standpoint.

The disadvantages of other sites considered were outlined by Mr. Keefe.

Upon questioning, Director of Public Works Ray stated that there would be no problem in providing an extra lane on Northern Boulevard to facilitate a U-turn on McHenry when Northern Boulevard-Briggsmore Avenue are made one-way streets.

#### MOTION

That the Council indicates the area under discussion is the general area which will be chosen for a fire station site.

Moved by VanderWall      Seconded by Tabbert

The Motion carried, Councilman Shastid dissenting.

Mr. C. D. Chambers stated that the acceptance of Alternate No. 1 would be detrimental to his financial interests in the event the entire parcel was zoned commercial at some future date; that he would prefer that the fire station be more centrally located or placed on the western portion of the property.

The portion of the property which would be left in Mr. Chambers' ownership under Alternate No. 1 was indicated to the Council.

Upon questioning, City Manager Keefe stated that the Fire Chief's main interest was the location of the actual site and not the location of the station itself on the site; that Alternate No. 1 was recommended by the planning staff and Planning Commission.

Director of Planning Fey stated that insofar as access to Northern Boulevard was concerned, any of the alternatives considered would work, but Alternative No. 1 provides a more effective buffer between the C-M zoning on McHenry Avenue and the residential area.

Lawrence Enright stated that he was opposed to the use of the easterly portion of the site for the parking of Foster Farm trucks.

Theodore Cook, 1713 Timothy, said he and his neighbors opposed the use of the easterly portion of the site for a commercial parking lot as this would devalue residential properties in the area.

MOTION

That the location of the fire station site on Northern Boulevard at the end of Timothy Avenue be approved, as recommended by the Planning Commission, with Alternate No. 1 designated as the approved plan; that the staff be directed to take necessary action to acquire the property

Moved by Mitchell      Seconded by VanderWall

The motion carried, Councilman Shastid dissenting.

HEARING ON PROPOSED REZONING OF PROPERTY WITHIN SECTION MAP 31 (GANT ADDITION)    5-100

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the west side of Franklin Street at Paradise Avenue, known as the Gant Addition from Single-Family R-1 to Neighborhood Commercial C-1, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 2, 1963 and notices posted in the area on May 7 and delivered throughout the area on May 15, 1963. No written protests were filed with the City Clerk.

The City Manager stated that Planning Commission Resolution No. 927 recommends that the rezoning initiated by the Planning Commission on March 5, 1963 be approved.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 586-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 31 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GANT ADDITION)

was introduced and ordered published as required by the Charter.

Moved by Shastid      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None              Absent: None

HEARING ON PROPOSED REZONING OF PROPERTY WITHIN SECTION MAP 20 (RAY GADA PROPERTY ON McHENRY AVENUE)    5-119

Mayor Johansen announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the proposed rezoning of property located west of McHenry Avenue, north of Coolidge Avenue (Ray Gada property) from Single-Family R-1 to General Commercial Zone C-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published on May 2, 1963, notices posted in the area on May 7, and notices delivered throughout the area on May 14, 1963. No written protests to the proposed rezoning were filed with the City Clerk.

The City Manager stated that Planning Commission Resolution No. 930 recommends the proposed rezoning.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 587-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (RAY GADA)"

was introduced and ordered published as required by the Charter.

Moved by VanderWall      Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

HEARING ON PROPOSED REZONING OF PROPERTY ON CARVER ROAD ( HALL AND STENSAAS PROPERTY )

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time for consideration of the proposed rezoning of property located on the south side of Clayton Avenue just west of Carver Road (Hall & Stensaas) from Single-Family R-1 to Multiple-Family Zone R-3, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 2, notices posted in the area on May 7, and delivered throughout the area on May 15, 1963. No written protests to the proposed rezoning were filed with the City Clerk.

The City Manager stated that Planning Commission Resolution No. 929 recommends the proposed rezoning.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 588-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HALL & STENSAAS)"

was introduced and ordered published as required by the Charter.

Moved by Shastid      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

HEARING ON CURB AND GUTTER REQUIREMENT - SEVERIN AVENUE, BLOCK 2126

Mayor Johansen announced that the hour of 4:45 P.M. had arrived, the time set for consideration of a curb and gutter requirement at 1600 Miller Avenue (Block 2126, Lot 10 of Severin Colony) and opened the hearing.

The City Clerk reported that notice of the proposed hearing was mailed to Sebastiano Fusco, owner of the property, on May 7, 1963.

Upon questioning, Director of Public Works Ray stated curbs and gutters may be required by the Council when more than 50% of a block on one side of the street have curbs and gutters and a request is received for the remaining property owners to conform.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURBS AND GUTTERS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (PORTION OF BLOCK 2126, SEVERIN AVENUE)

Introduced by VanderWall      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

CONSIDER AWARD OF BID FOR THE CALIFORNIA-FRANKLIN PARK AND GARRISON PARK SITE SPRINKLER SYSTEMS

Upon request of the City Manager, and with the consent of the Council, Items 7 and 8 of the agenda were held over for one week. Mr. Keefe stated that action must be taken on the Garrison Park bid by May 30 and the California-Franklin Park bid by June 2, 1963.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF A TAXIWAY LIGHTING SYSTEM AT THE MODESTO CITY-COUNTY AIRPORT

City Manager Keefe stated that the F.A.A. has authorized the City to call for bids for construction of a taxiway lighting system at the Modesto City-County Airport; that if the bids are acceptable, the F.A.A. may make a grant offer of \$10,939.67 (53.89% of the total estimated cost) with the city and county sharing the remainder of the cost on a 50-50 basis. Estimated cost of the project is \$20,300.

RESOLUTION NO. 63-252

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR CONSTRUCTION OF A TAXIWAY LIGHTING SYSTEM AT THE MODESTO CITY-COUNTY AIRPORT

Introduced by Shastid      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

ADOPTION OF ORDINANCE NO. 582-C.S. DECLARING NO FURTHER NEED FOR REDEVELOPMENT AGENCY - RESCINDING RESOLUTION 61-212

ORDINANCE NO. 582-C.S. entitled

"AN ORDINANCE DECLARING THERE IS NO FURTHER NEED FOR THE REDEVELOPMENT AGENCY CREATED BY RESOLUTION NO. 61-212 ADOPTED BY THE COUNCIL ON MAY 8, 1961"

introduced on May 13, 1963 and having been published as required by the Charter, was moved and adopted. (Effective June 19, 1963)

Moved by VanderWall      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Nees: None      Absent: None

ADOPTION OF ORDINANCE NO. 583-C.S. DECLARING NEED FOR AN URBAN RENEWAL AGENCY

ORDINANCE NO. 583-C.S. entitled

"AN ORDINANCE OF THE CITY OF MODESTO DECLARING A NEED FOR AN URBAN RENEWAL AGENCY TO FUNCTION; DECLARING A NEED FOR URBAN RENEWAL AND DECLARING THE LEGISLATIVE BODY OF THE COMMUNITY TO BE THE AGENCY; AND FOR OTHER PURPOSES"

introduced on May 13, 1963 and having been published as required by the Charter, was moved and adopted. (Effective June 19, 1963)

Moved by Shastid      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

CONSIDER PROPOSAL FOR SETTLEMENT OF CONDEMNATION CASES - CITY OF MODESTO VS. ASHER ET AL (HELEN ASHER) AND CITY OF MODESTO VS. ASHER ET AL (KENNETH C. ASHER)

The City Attorney stated that his office has received an amended preliminary title report showing Helen C. Asher as the sole owner of both parcels of property involved in condemnation proceedings for the widening of Tully Avenue, thus eliminating any legal interest or claim on the part of Kenneth C. Asher.

Mr. Grimes said that Mrs. Asher was still willing to settle her entire interest in the parcels for \$1,000.

MOTION

That the City approves settlement of the litigation for \$1,000 and that the City Attorney be authorized to prepare the necessary documents

Moved by Tabbert      Seconded by Mitchell      Unanimously carried

CONSIDER U.S. 99 FREEWAY FOUNTAIN REST STOP NEAR PRESCOTT ROAD

A memorandum from Director of Parking and Traffic Carmody, dated May 10, 1963, subject, "Freeway Fountain Rest Stop - Prescott Road Interchange," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Mr. Carmody suggested in his memorandum that the Council approve the site for the rest stop at the Prescott Road Interchange (Freeway parcels 3951 and 3952) and authorize the staff to ask the State to reserve the site for the City. The site is surplus property acquired incidental to the freeway right of way.

A sketch of the proposed rest stop was shown the Council. Mr. Carmody stated that a 30-foot wide strip would need to be acquired to serve as a driveway from existing U.S. 99 to the parking area, and would have to be obtained from the property owners next to the rest stop.

MOTION

That the staff be authorized to notify the State of the City's interest in this site for a rest stop

Moved by Mitchell      Seconded by Shastid      Unanimously carried

RESOLUTION ESTABLISHING SEWER SERVICE CHARGES TO STANISLAUS COUNTY HOSPITAL

City Manager Keefe stated that a letter from C. E. Dixon, Chief Administrative Officer, Stanislaus County, protesting excessive sewer charges during the summer months at County Center No. 2, was received on March 18, 1963.

A memorandum from Director of Public Works Ray, dated April 10, 1963, subject, "Sewer Charges at Stanislaus County Hospital," was reviewed by Mr. Ray. Mr. Ray recommended that the sewer rate to the

County Hospital be based on its water consumption during the winter months as follows: That charges for the billing periods November-December and January-February be from actual readings of the hour meter, or such other meter as may be installed in the future for the well; that charges for the remainder of the twelve-month period be based on the average of the readings for those two billing periods. He further recommended that if the above procedure is adopted, it be made retroactive to the billing period September-October 1961, and that billing be based on the average readings in hours for the two billing periods November-December 1961 and January-February 1962; that the billings through October 1962 be based on those same averages.

Mr. Ray stated that the above recommendations were made on the basis of code provisions relating to other governmental agencies, schools, etc., and because there is considerable landscaping area at the County Hospital, and discharge from air conditioning goes into Dry Creek and not the city sewers.

Upon questioning, Mr. Ray stated that the sewer charges were based on the consumption of water used from the county's own well; that the rates were the same as if the County were buying water from the City and paying the commercial rate of 65% of what the County's water bill would be if City water was used.

**RESOLUTION NO. 63-253**

**A RESOLUTION ESTABLISHING SEWER SERVICE CHARGES TO STANISLAUS COUNTY HOSPITAL**

Introduced by VanderWall      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

**REPORT THAT ESTIMATED PRICE FOR APPRAISAL OF COVELL PROPERTY IS \$400**

City Manager Keefe stated that the Public Projects Committee has reported that the estimated price for an appraisal of the Covell property is \$400.

**CONSIDER PURCHASE OF DRAPERIES AND ACCESSORIES FOR THE MADDUX YOUTH CENTER**

City Manager Keefe stated that a balance of \$423.01 remains in the Youth Center Furnishing Funds donated for the purchase of furnishings at the Maddux Youth Center and recommended that this sum be appropriated for the purchase of draperies and accessories for the Center.

**RESOLUTION NO. 63-254**

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$423.01 FROM PARKS AND RECREATION YOUTH CENTER FURNISHING FUND, GENERAL RESERVE, UNAPPROPRIATED FUND BALANCE, TO FURNISHINGS**

Introduced by Shastid      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

**PROPOSED CHANGE IN PERSONNEL RULES - SUBPOENA DUTY FOR CITY EMPLOYEES**

A proposed change in Personnel Rules pertaining to subpoena duty for city employees, and a memorandum from City Manager Keefe, subject,

"Subpoena Duty for City Employees," specifying the manner in which a city employee's time will be handled when subpoenaed as a witness, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The memorandum was reviewed by the Council. Councilman Mitchell suggested that Section 5 under "A. Subpoena Duty to be Considered as Regular City Service," be reviewed by the staff to check whether or not it covered a broader field than intended, and also questioned the application of this section to Stanislaus County only.

The City Attorney stated that it was the opinion of the staff that an employee, when subpoenaed as a witness in a matter beyond his control, should not be penalized by loss of salary because of his compliance with the law. He pointed out that this might encourage an employee to take the position that he was not a witness to avoid appearance in court so as not to lose his salary, thus jeopardizing the proper administration of justice.

After general Council discussion, Councilman Shastid suggested that Section 5 be changed to include appearance within the State of California.

Councilman Shastid introduced a resolution, seconded by Councilman Mitchell, adopting the proposed change in Personnel Rules pertaining to subpoena duty for city employees, subject to amendment of Section 5 of the proposed Personnel Administrative Order to include appearance within the State of California.

**RESOLUTION NO. 63-255**

**A RESOLUTION AMENDING THE PERSONNEL RULES, SECTION 13.6, TO ADD SUBSECTION (g) RELATING TO SUBPOENA DUTY FOR CITY EMPLOYEES (with Subsection A(5) of proposed Personnel Administrative Order 13.6(g)-63-3 amended to include appearance within the State of California)**

Introduced by Shastid      Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

**APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR JONI MANOR NO. 2 SUBDIVISION**

The City Attorney stated that the subdivision agreement for Joni Manor No. 2 has been signed, all fees paid, the required bond furnished, and that it would be in order to approve the agreement and final map for this subdivision. City Manager Keefe recommended that the agreement and final map be approved.

**RESOLUTION NO. 63-256**

**A RESOLUTION APPROVING THE FINAL MAP OF JONI MANOR NO. 2 SUBDIVISION OF THE CITY OF MODESTO**

Introduced by Shastid      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

**APPLICATION FOR PERMISSION TO INSTALL A PRIVATE WELL - LETTER FROM STANISLAUS FOOD PRODUCTS COMPANY      8-11**

City Manager Keefe stated that Stanislaus Food Products

Company has requested permission to install another private well on company premises within the City, the proposed well to be located approximately 200-feet east of 12th Street near "B" Street; that the Code requires Council approval before installation of any well within the city. A memorandum from the Director of Public Works, dated May 16, 1963, subject, "Request for Permission to Drill a Water Well - Stanislaus Food Products Company," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Director of Public Works Ray stated that it was proposed that back-flow prevention devices be installed on all the City's services to this property; that this was required by the State Health Department. The back-flow prevention devices would be installed at no cost to the City.

The City Attorney suggested that approval, if granted, be subject to the following conditions: That drilling of the well be subject to approval of the Public Works and Health Departments of the City of Modesto; that the well be constructed with an impervious casing which will effectively exclude ground surface waters; that the opening at the top of the casing be effectively closed; that the installation be made in accordance with State and City health law requirements.

#### RESOLUTION NO. 63-257

A RESOLUTION GRANTING REQUEST OF STANISLAUS FOOD PRODUCTS COMPANY TO DRILL A PRIVATE WATER WELL ON PROPERTY LOCATED ON TWELFTH NEAR B STREET IN THE CITY OF MODESTO

Introduced by VanderWall      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

#### RECOMMENDATION FOR ABANDONMENT OF PORTION OF TERMINAL AVENUE

City Manager Keefe stated that Planning Commission Resolution No. 925 recommends the vacation and abandonment of a portion of Terminal Avenue as shown on sketch dated June 20, 1962, titled "Portion Right-of-Way Abandonment of Terminal Avenue. Block 455, Land Disposition 62-H."

#### RESOLUTION NO. 1015-S.P. RESOLUTION OF INTENTION NO. 289

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF TERMINAL AVENUE EAST OF NORTH OLIVE AVENUE, BLOCK 45 IN THE CITY OF MODESTO

Introduced by Mitchell      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

June 17, 1963 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

#### LEGISLATIVE MATTERS

SB-1056, Local sales-use taxes - The City Manager stated that the proposed measure deletes requirements that sales and use tax ordinances adopted under "Bradley-Burns Uniform Local Sales and Use Tax Law" include provisions exempting storage or use of personal property in

transportation or transmission of persons or property or in generation or distribution of electricity, or in manufacture or distribution of gas by public utilities subject to regulation by Public Utilities Commission.

The proposed bill was discussed by the Council.

MOTION

That the Council go on record as supporting SB-1056

Moved by Mayor Johansen      Seconded by VanderWall

The motion carried, Councilman Tabbert dissenting.

AB-2960 - provides that if the license tax is not based on the contractor's annual gross receipts within the city, the city shall, where the gross volume within the city is less than \$1,000, refund one-fourth of the annual tax for any quarter in which the contractor transacted no business within the city. No refund would be allowed if the tax for the tax year is \$25 or less.

AB-2961 - would prohibit the levy of any license tax on a contractor who has no fixed place of business within the city at a rate higher than that imposed on those having a fixed place of business within the city.

City Manager Keefe stated that the above bills would be heard by the Assembly Committee on revenue and taxes.

AB-2334 - Brown Act. Public Meeting, Committees of Less than a Quorum. Mr. Keefe said that this bill will add a new section to the Brown Act to provide that all meetings of any committee or subcommittee of a legislative body, whether or not composed of a quorum of the members of the legislative body, shall be open and public, and all persons shall be permitted to attend any meeting of such committee or subcommittee, except during consideration of the matters set forth in Section 54957.

MOTION

That Assemblyman Veneman be notified of the Council's opposition to AB-2334

Moved by VanderWall      Seconded by Shastid      Unanimously carried

AB-3027 - Brown Act. Recorded Proceedings Required - Mr. Keefe stated that this bill would require city councils and planning commissions in cities over 300,000 population to employ a certified court reporter to record verbatim all proceedings of such bodies; in cities less than 300,000 population, similar recordings by a court reporter must be made on receipt of a request and deposit of an unstated amount 24 hours or more in advance of the meeting. The League of California Cities bulletin pointed out that this bill makes no similar requirement for state agencies, and makes no provision for paying costs in cities over 300,000 and is a further attempt by the Legislature to regulate local meetings when no such recordings are made of its own meetings.

MOTION

That the Council indicates its opposition to AB-3027

Moved by Mayor Johansen      Seconded by Patton      Unanimously carried

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AB-2238 - Public Works. Purchases. Preference Required for California-Made Materials - Mr. Keefe said that this bill would add Section 4335 to the Government Code to provide that a public officer or body charged with the letting of contracts for public work, with the construction of public bridges, buildings and other structures, or with the purchase of supplies for any public use must give such contracts to, and purchase supplies from, a person manufacturing in the State the supplies to be used pursuant to the contract or the supplies to be purchased, when a bid is also submitted by an out-of-state manufacturer, if: (a) The bid of the person manufacturing in the State, or the price quoted by him, does not exceed by more than five per cent the bid or price quoted by the out-of-state manufacturer who has submitted the lowest bid; (b) the bid of the person manufacturing in the State exceeds the bid of the out-of-state manufacturer who has submitted the lowest bid by an amount attributable to the difference between the prevailing wages of labor in the two states; and (c) the major portion of the work of manufacturing the supplies is not done outside the State. Mr. Keefe recommended that the Council indicate its opposition to the bill.

The bill was discussed by the Council.

MOTION

That the Council indicates its opposition to AB-2238

Moved by Mayor Johansen      Seconded by Patton      Unanimously carried

AB-2448 - Prevailing Wages for Public Printing and Binding Contracts - Mr. Keefe stated that this bill would require bidders on all public printing and binding contracts to agree in their bids to pay not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed. It was Mr. Keefe's belief that passage of this bill would increase governmental costs, and recommended that the Council indicate its opposition.

MOTION

That the Council indicates its opposition to AB-2448

Moved by VanderWall      Seconded by Patton      Unanimously carried

AB-1733 - Community Redevelopment Agencies. Voter Approval Required -

Mr. Keefe stated that this bill would require voter approval of a resolution declaring the need for a community redevelopment agency before such an agency could begin to function. Mr. Keefe said that the bill was heard by the Assembly Committee on Municipal and County Government on Monday, May 20, but suggested that the Council indicate its position in the event the bill is approved by the Committee.

Upon questioning, Mr. Keefe stated that placing such a matter on the local ballot would cost the City from \$6,500 to \$7,500.

MOTION

That the Council indicates its opposition to AB-1733

Moved by Mitchell      Seconded by Shastid      Unanimously carried

AB-1123 - Highway Advertising - Mr. Keefe stated that this bill prohibits, with certain exceptions, the placement of highway advertising within 800 feet of the edge of the right-of-way of any highway in the national system of interstate and defense highways and state highway

system; provides for the licensing, restriction and regulation of highway advertising permitted within such 800-foot area. Mr. Keefe said that information on this bill was furnished by the California Roadside Council and suggested that action be withheld pending information from the League of California Cities.

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Consider combining City's insurance policies - Unanimous consent item

Councilman Shastid said he noted that several of the City's insurance policies were up for renewal - one on June 27 and another in October; that it was his belief that combining the policies would result in a premium saving.

Mr. Shastid referred to the Griffenhagen-Kroeger insurance report submitted about three years ago, stating that the Modesto Insurance Agents' Association had answered many of the questions, but at least four or five were not answered, particularly the question as to why the policies were not grouped together.

MOTION

That the City Manager be requested to ask the Modesto Insurance Agents' Association for a complete analysis of the City's insurance experiences in the past five years, giving the rates, the losses, etc., and to determine whether or not there would be a savings to the City by combining policies; also to check the feasibility of "3-D" coverage for city employees; such report to be completed prior to June 27, 1963

Moved by Shastid      Seconded by VanderWall      Unanimously carried

"City of Modesto" sign at California Relays

Councilman VanderWall stated that one of the officials of the California Relays has suggested that a "City of Modesto" sign be placed at the finish line of the one-mile race which will be shown on nation-wide television; that this would provide wonderful advertising for the City.

MOTION

That the staff be directed to place a "City of Modesto" sign at the finish line of the one-mile race

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

The City Manager was directed to check with Tom Mellis.

Fertilizer for Dryden Golf Course - Unanimous Consent Item

City Manager Keefe stated that \$543 was available in funds appropriated for the Dryden Golf Course which can be used for fertilizing the course. He suggested that the fertilizer be applied where most needed.

Director of Parks and Recreation Cowie recommended that five tons of Urea be used at a cost of about \$485.

MOTION

That the purchase of five tons of Urea at a cost of about \$485 be authorized for application at Dryden Golf Course

REPORT ON DOWNTOWN SURVEY (BLOCK 67-60, G-K-10TH TO THE ALLEY BETWEEN 10TH AND 11TH STREETS)      10-5

A memorandum from Director of Parking and Traffic Carmody, dated May 16, 1963, subject, "City of Modesto Downtown Survey - Block 67 - J-K-10th to the Alley Between 10th and 11th Streets," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

City Manager Keefe stated that the survey of the downtown area has been completed by Mr. Carmody.

REPORT THAT THE DOWNTOWN MERCHANTS ASSOCIATION IS PLANNING FOR AN OPEN MEETING ON JUNE 4, 1963 AT 7:30 P.M. AT S.O.S. CLUB TO HEAR TALK BY LARRY WILLOUGHBY OF THE DOWNTOWN ASSOCIATION OF FRESNO RELATIVE TO THE PART DOWNTOWN MERCHANTS HAVE IN REDEVELOPMENT

The City Manager said he hoped that the proposed meeting would receive good publicity and attract a large group at the meeting.

Mayor Johansen stated that Fresno merchants, representatives of the Urban Renewal Program, and property owners would also be present at the meeting.

REPORT BY CITY MANAGER OF INITIAL STEPS TO BE TAKEN AFTER THE REDEVELOPMENT ORDINANCE HAS BECOME EFFECTIVE

A memorandum from the City Manager, dated May 16, 1963, subject, "Initial steps to be taken after the redevelopment agency ordinance has become effective," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The memorandum was reviewed by Mr. Keefe. He asked whether the Council wished to informally authorize the staff to immediately begin preliminary studies on the designation of the redevelopment area desired and to draft a workable program with a view to having as much work done as possible when the ordinance does become effective.

The City Attorney stated that before getting into the field of actual functions of the redevelopment agency, the City should wait until the agency becomes effective.

The matter was discussed by the Council.

Councilman Mitchell moved, seconded by Councilman Shastid, that the staff be authorized to make informal studies as to the possible project area for the merchants themselves or a future development agency. The motion was withdrawn by Councilmen Mitchell and Shastid after further discussion.

The City Manager was authorized to work informally with downtown merchants and others toward determining a possible redevelopment area.

REPORT OF JOINT CITY-COUNTY MEETING, TUESDAY, JUNE 11, 1963 AT 7:30 P.M. IN COUNCIL CHAMBERS, CITY HALL

The City Manager reported that the joint City-County meeting has been tentatively scheduled for Tuesday, June 11, 1963 at 7:30 P.M. in the Council Chambers, City Hall. Mr. Keefe asked that the Council submit suggestions for the agenda by June 1, 1963.

CONSIDER APPOINTMENT OF PLANNING COMMISSION MEMBER

MOTION

That the Council meet in executive session to consider the appointment of a member to the Planning Commission

Moved by Shastid      Seconded by Patton      Unanimously carried

The Council reconvened at 6:47 P.M.

RESOLUTION NO. 63-258

A RESOLUTION APPOINTING VERNON G. LARSEN A MEMBER OF THE MODESTO CITY PLANNING COMMISSION (for a term expiring January 1, 1966)

Introduced by Mitchell      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

APPOINTMENT OF COUNCIL MEMBER

RESOLUTION NO. 63-259

A RESOLUTION APPOINTING WILLIAM B. HUGHES TO THE VACANCY EXISTING IN THE OFFICE OF COUNCILMAN OF THE CITY OF MODESTO

Introduced by VanderWall      Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 6:52 P.M.

ATTEST:

  
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider the preliminary budget for fiscal year 1963-64.

The City Clerk called the roll and there were  
Present: Councilmen: Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Johansen  
Absent: Councilmen: None

PERSONNEL - p.22

Report by Personnel Officer Mitchel

Mrs. Mitchel reported that the only help which the Department of Employment was in a position to offer to lessen the load of her office was in clerical jobs; that the Department of Employment at the present time gives only typing performance tests and are not in a position to give clerical aptitude tests. Mrs. Mitchel said that this represented about 20% of the counter applicants. She suggested that cooperation between the two agencies might be considered when the Department of Employment moves to its new office building on 12th Street.

Upon questioning, Mrs. Mitchel said that a mechanical aptitude test was given to laborers, plus a written driving test; that tests were given laborers in groups of about 65 people at a time; that stenographers were usually given tests as they applied for work when an opening was available.

Councilman Shastid questioned the need of 2½ employees for the Personnel Department for the City's relatively small work force.

120 - Extra Help, Salaries & Wages, \$666

Mrs. Mitchel said that this account covers vacation help and extra help to assemble a personnel handbook which she is preparing.

Whether or not 1/3 of the Deputy City Manager's time and salary should be included in the Personnel Department budget was discussed. Councilman Patton stated that it was placed in this budget more or less for accounting purposes, and if removed from this budget, a more realistic departmental cost would be achieved. It was his opinion that this charge would be more realistic if applied to the City Manager's budget.

Councilman Shastid requested that the 110 Regular Salaries and Wages account for the Personnel Department be shown for the past several years without the inclusion of one-third of the Deputy City Manager's salary, in order to determine the actual budget of the department.

MOTION

That one-third salary of the Deputy City Manager be removed from the 110 Regular Salaries & Wages account of the Personnel Department and the salary placed in the budget of the City Manager's office, effective July 1, 1963

Moved by Mayor Johansen      Seconded by Patton      Unanimously carried

PLANNING - 18, p. 23

110 - Regular Salaries & Wages, \$77,130

Upon questioning, Director of Planning Fey stated that all positions were filled in the Planning Department with the exception of the Senior Planner position; that the position has been vacant since Mr. Fey was appointed Acting Planning Director upon the resignation of Mr. Smeath; that if not filled this fiscal year, \$8,940 could be deducted from this account.

The fact that in the proposed preliminary budget the amounts shown as 1962-63 budget figures actually are adjusted figures as of April 1, 1963, instead of the amounts budgeted at the beginning of the fiscal year was discussed.

Councilman Shastid suggested that it might be helpful in the future if the original budget figures were also shown along with the adjusted figures.

Recommendations contained in the recent study of the Planning Department made by Griffenhagen-Kroeger, Inc., were discussed.

Director of Planning Fey questioned the accuracy of a statement contained in the report that Modesto reportedly has the largest planning staff of any city of its size in the United States.

Councilman Shastid suggested that the accuracy of the statement be checked; that if correct, the matter should be pursued further; if incorrect, the report should be corrected.

Mr. Fey outlined the various phases of work in the Planning Department, and the time and employees needed to adequately perform the required administrative, zoning, subdivision and general planning functions. He said that these areas of endeavor were established by former Planning Director Smeath and in his opinion should be retained.

The service being provided subdividers was discussed.

The work involved in small uninhabited vs. inhabited annexations was discussed.

Mr. Fey said that he and the Director of Finance had been discussing the transfer of responsibility for the capital improvement program from the Planning Department to the Department of Finance, which will permit placing the essential facts of the program on electronic data processing equipment, thus eliminating much of the paper work now required; that this was not accomplished this year because the capital improvement recommendations have been set up for a single year only.

The necessity of the Senior Planner position was discussed. Mr. Fey said he was willing to go along with the recommendation of the Griffenhagen report that the position not be filled, but asked that the necessity of the position be reevaluated when and if conditions warrant.

Director of Planning Fey was questioned on the following matters: the backlog of Planning Department assignments; present regulations pertaining to planned development zoning, particularly feasibility reports.

Councilman Shastid asked that the staff make a study of the cost of extra work the City is providing subdividers - engineering, design, etc., and that a recommendation be made as to whether or not fees for performing these services should be increased, as suggested in the Griffenhagen-Kroeger report.

MOTION

That the position of Senior Planner be dropped and the amount of \$8,940 be deleted from Account 110 - Regular Salaries & Wages, Planning (18), and with the deletion, the remainder of the budget be tentatively approved

Moved by Shastid      Seconded by Patton      Unanimously carried

Mayor Johansen said that the advantages of cities' planning departments being prepared to enter into contractual agreement with urban renewal agencies was pointed out to him in the course of visiting other cities. He said he did not believe that the door should be closed on adding a planning aide to the staff, but suggested that the matter be left "as is" until conditions warrant reconsideration.

PERSONNEL - 17, p. 22

Personnel Officer Mitchel submitted the following figures for the 110 Salaries and Wages, Regular, with 1/3 of the salary of the Deputy City Manager deleted: Fiscal year 1961-62, \$14,500; actual and estimated for 1962-63, \$16,500; proposed for fiscal year 1963-64, \$16,446.

MOTION

That the proposed budget of expenditures of the Personnel Department be tentatively approved as submitted (one-third salary of Deputy City Manager deleted, by motion, from account 110 - Salaries and Wages, Regular, above)

Moved by Shastid      Seconded by VanderWall      Unanimously carried

ADJOURNMENT

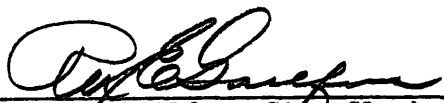
MOTION

That the meeting now in session be adjourned to May 23, 1963 at 4:00 P.M.

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 5:26 P.M.

ATTEST:

  
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider the preliminary budget for fiscal year 1963-64.

The City Clerk called the roll and there were  
Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Tabbert,  
VanderWall, Mayor Johansen  
Absent: Councilmen: None

REPORT ON A.B. 661 BY CITY MANAGER

The City Manager read a memorandum from the League of California Cities, subject, "A.B.661," which prohibits imposition of personal income tax by local taxing bodies. The bill has been passed by both legislative bodies and is before Governor Brown for signature.

MOTION

That no action be taken on A.B. 661

Moved by VanderWall Seconded by Tabbert Unanimously carried

PUBLIC WORKS - ENGINEERING AND ADMINISTRATION - 41, p. 37

110 - Salaries & Wages, Regular

The increase of about \$15,000 in this budget from 1962-63 to 1963-64 was explained by Director of Public Works Ray.

Councilman Shastid suggested that the next preliminary budget indicate the miscellaneous adjustments, unfilled positions, etc. in the analysis of personnel and regular salaries.

Director of Finance Bird stated that the figure of \$245,964 for regular salaries and wages in fiscal year 1962-63 constituted actual expenditures. He explained that personnel turnover, the lag occurring between resignations and the hiring of new personnel, etc. contributed to the difference between the actual expenditures for fiscal year 1962-63 and the proposed 1963-64 budget.

It was suggested that the amounts actually budgeted for the previous fiscal year, as well as the actual and estimated expenditures, be shown in the budget.

Mayor Johansen said that the details of how this information could be shown in the budget whether by a fifth column or on the left page, could be determined later.

MOTION

That the budget of proposed expenditures for Public Works - Engineering and Administration, be tentatively approved

Moved by Shastid Seconded by Tabbert Unanimously carried

PUBLIC WORKS - INSPECTION - 42, p. 38

Additional Position: Building Inspector - \$6,516

The need for an additional inspector was discussed.

The possibility of combining the building inspector and construction inspector positions was discussed. Director of Public Works Ray said it might be possible to obtain a man to handle both positions, but that requirements for the position were completely different.

MOTION

That the budget of proposed expenditures for Public Works - Inspection be tentatively approved

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

PUBLIC WORKS - ELECTRICAL - 43, p. 39 \$51,800

210 - Utilities

Mr. Ray said that the increase in this account over the actual expenditures of fiscal year 1962-63 were based on an increase in number of traffic signal installations and street lights in new subdivisions.

MOTION

That the budget of proposed expenditures for Public Works - Electrical be tentatively approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

PUBLIC WORKS - AIRPORT - 46, p. 40

224 - M & R Bldgs & Grounds, \$2,300

Mr. Ray said that the decrease in this account over the previous fiscal year was due to elimination of painting of hangars.

MOTION

That the budget of proposed expenditures for Public Works - Airport be tentatively approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

PUBLIC WORKS - WATER - 50, p. 41

110 - Utility Crew - \$32,000

Mr. Ray said that the distribution of the utility crew throughout the budget was more or less arbitrary because the area of major activity was unknown for the coming year.

MOTION

That the budget of proposed expenditures for Public Works - Water be tentatively approved

Moved by Shastid      Seconded by Patton      Unanimously carried

PUBLIC WORKS - STREETS - 51, p. 42

MOTION

That the budget of proposed expenditures for Public Works - Streets be tentatively approved

Moved by Mayor Johansen      Seconded by VanderWall      Unanimously carried

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MOTION

That the budget of proposed expenditures for Public Works - Sewers be tentatively approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

PUBLIC WORKS - SEWAGE DISPOSAL - 53, p. 44

312 - Chem. Drug, Lab Supplies, \$12,400

Mr. Ray said that because of the change in capacity of the chlorinator at the Sewage Treatment Plant, more chlorine will be used this coming fiscal year if the same industrial waste load is maintained.

224 - M & R, Bldgs & Grounds, \$1,800

Mr. Ray said that the increase in this account covered the proposed reworking of oiled driveways at the plant.

MOTION

That the budget of proposed expenditures for Public Works - Sewage Disposal be tentatively approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

Mr. Ray said that new aeration facilities are being installed and that the contract would be completed shortly; that it was possible that additional funds will be needed later in the year in Account 330, Gas, Oil, Lubricants.

PUBLIC WORKS - GARDEN REFUSE - 54, p. 45

Upon questioning, Mr. Ray said that two laborers were transferred from Streets to Garden Refuse because it was found that the two laborers were working full time in this department and should rightfully be charged to this account.

MOTION

That the budget of proposed expenditures for Public Works - Garden Refuse be tentatively approved

Moved by Mayor Johansen      Seconded by Tabbert      Unanimously carried

Upon questioning, Mr. Ray said that in order to maintain the present standard of garden refuse collection, additional men and equipment will be needed next spring; that pickup of garden refuse in alley-less subdivisions contributes to more work because both sides of the street cannot be picked up at the same time.

Possibility of cutting down the level of garden refuse pickup service was discussed.

PUBLIC WORKS - SERVICE DIVISION - 48, p. 56

Capital Outlay

The City's policy on replacement of automotive equipment was discussed. Director of Public Works Ray stated that police cars are

replaced every two years because at that time they have had one overhaul and are disposed of prior to the need of the second overhaul. Other city vehicles are replaced on the basis of mileage and use, resulting in a wide variance from vehicle to vehicle.

Councilman Shastid stated that it might be interesting to have a report of the mileage of each of the 22 city owned sedans. Mr. Ray said that this information was available; that the cars are used for official business only; that employees on emergency call are permitted to take the cars to and from work.

The City Manager referred to a policy statement issued by the City Manager a few years ago on this matter, stating that some cars were being taken home by employees not on emergency call because of lack of storage space at the corporation yard. He said that a copy of the statement would be furnished the Council for review.

It was Councilman Patton's opinion that extra cost to the City because of the lack of automobile storage space could well be applied to development of the new corporation yard site.

The development of the new corporation yard site was discussed. Mayor Johansen said that this matter would no doubt be presented to the Council at an early date, and any facts and figures that could be furnished to justify development would be helpful.

City Manager Keefe stated that the staff was presently working towards this end. Mr. Ray said that plans for development of the site were presently underway.

Charles Breen, President, County Taxpayers' Association, said that the County has made excellent progress in developing its motor pool, and suggested that there might be an area of city-county cooperation in fuel storage facilities, along with the joint purchase of the fuel.

The City Manager stated that the matter would be discussed with the County Administrator. Mayor Johansen suggested that a report on this matter be made to the Council in the not too distant future.

#### 504 - Scooter (Repl.) \$1,750

Director of Public Works Ray said that the scooter was used by the operators of the Sewage Treatment Plant to pick up samples.

#### MOTION

That the budget of proposed expenditures for Public Works - Service Division be tentatively approved

Moved by Shastid                      Seconded by VanderWall                      Unanimously carried

#### CITY HALL BUILDING, REPAIR OF

The City Manager stated that a supplemental request would be presented to the Council at a later date for painting the bricks of a portion of the city hall and to determine the cause of the problems.

Whether or not the contractor or architect could be held responsible for the problem was discussed.

Councilman Shastid suggested that the City Attorney render a formal opinion on the matter. The City Manager said that the matter would be brought to Mr. Grimes' attention.

GAS TAX BUDGET

Director of Finance Bird stated that the gas tax budget was included in the Capital Improvement Budget, and that it would be brought up for Council consideration when the Capital Improvement Program was considered.

Mr. Ray said that it would have to be brought up at the next Council meeting.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to Tuesday, May 28, 1963 at 4:00 P.M.

Moved by VanderWall      Seconded by Shastid      Unanimously carried

The meeting adjourned at 5:37 P.M.

ATTEST:   
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Tabbert,  
VanderWall, Mayor Johansen  
Absent: Councilmen: None

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

Reverend Robert Segerhammer gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of April 15, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

#### LETTER FROM RUDY BONZI RE: DISPOSAL OF GARBAGE PICKUP

A letter from Rudy Bonzi, Rt. 4, Box 3115, dated May 20, 1963 requesting permission to dispose of industrial waste products at the City's garbage disposal area, was read by the City Clerk.

By Order of the Chair, the matter was referred to the staff.

#### LETTER FROM FLOYD EBBERS, PRESIDENT, GREATER MODESTO SAFETY COUNCIL, OPPOSING ANY PLAN FOR ELIMINATION OF ONE-WAY STREETS IN THE CITY OF MODESTO

A letter from Floyd Ebbers, dated May 7, 1963, opposing the elimination of one-way streets in the City was read by the City Clerk. The letter was ordered filed.

#### REQUEST FOR DRIVEWAY VARIANCE, STANDARD OIL COMPANY, INC., STATION ON THE SOUTHEAST CORNER OF MODESTO AND McHENRY AVENUES

A letter from R. L. Harvey, Standard Oil Co. of California, Western Operations, Inc., dated May 23, 1963 requesting that the company be permitted four driveway approaches to service station property located on the southeast corner of McHenry and Modesto Avenues, was read by the City Clerk. The letter indicated that three of the driveways already exist, and one is proposed to be a replacement of two existing driveways.

A memorandum from Assistant Director of Public Works Campbell, subject, "Request for Driveway Variance by Standard Oil Company for Property at the Southeast Corner of Modesto and McHenry Avenues," dated May 24, 1963 was read by City Manager Keefe. Mr. Campbell recommended that a variance be granted to permit the use of four driveways having a total width of 134 feet, which exceeds the 40% limitation of the total frontage established by the Code.

The City Manager recommended that the variance be granted.

#### RESOLUTION NO. 63-260

A RESOLUTION GRANTING THE VARIANCE REQUESTED BY STANDARD OIL COMPANY, INC. TO PERMIT USE OF FOUR DRIVEWAY APPROACHES TO PROPERTY LOCATED AT THE SOUTHEAST CORNER OF MODESTO AND McHENRY AVENUES

Page 1 5/27/63

Introduced by VanderWall      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen

Noes: None      Absent: None

LETTER FROM LEO P. HEDEGARD, COMMITTEE SECRETARY, AMERICAN DAIRY  
ASSOCIATION OF CALIFORNIA, RE: BOOTHS ON DOWNTOWN SIDEWALKS

A letter from Leo P. Hedegard, Committee Secretary, American Dairy Association of California, dated May 21, 1963, requesting permission to set a booth on a downtown sidewalk June 6, 1963 at a location yet to be determined, for the purpose of giving away samples of milk and cheese in conjunction with the Downtown Merchants Crazy Days promotion, was read by the City Clerk.

The City Attorney read the code provisions pertaining to advertising of merchandise on sidewalks.

MOTION

That the request of Leo P. Hedegard to set up a booth on June 6, 1963 as outlined above be approved, the City Manager to work out the details

Moved by Shastid      Seconded by Tabbert      Unanimously carried

CONSIDER AWARD OF BID FOR THE CALIFORNIA-FRANKLIN AND GARRISON PARK  
SITES SPRINKLER SYSTEMS

The City Manager reported that additional appropriations under the Accelerated Public Works Act have been approved by the Senate; that the firms submitting the low bids for sprinkler systems at California-Franklin and Garrison parks have agreed to extend the award of bids for thirty days. Mr. Keefe recommended that the extensions be accepted.

MOTION

That the thirty-day extensions of award of bids be accepted and the matter be placed on the agenda of June 10, 1963

Moved by VanderWall      Seconded by Shastid      Unanimously carried

CONSIDER AWARD OF BID FOR DRILLING, CASING, DEVELOPMENT OF DEEP WELL  
NO. 27 - CITY OF MODESTO

City Manager Keefe reported that one bid was received from Valley Water Well Drilling and Pump Co.

Director of Public Works Ray stated, upon questioning, that no engineer's estimate was submitted because it cannot be determined in advance how deep each section will go before sand bearing strata is reached. On the basis of other wells drilled, Mr. Ray said that the cost would be between four and five thousand dollars. He said that the unit costs of the bid submitted were reasonable.

RESOLUTION NO. 63-261

A RESOLUTION ACCEPTING THE BID OF VALLEY WATER WELL DRILLING AND PUMP COMPANY FOR THE DRILLING, CASING, TESTING AND DEVELOPMENT OF DEEP WELL NO. 27

Introduced by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen

Noes: None      Absent: None

CONSIDER AWARD OF BID FOR IMPROVEMENT OF ROSEBURG AVENUE FROM CARVER ROAD TO MILLS AVENUE

City Manager Keefe stated that three bids were received for the improvement of Roseburg Avenue from Carver Road to Mills Avenue; the low bid submitted by M. J. Ruddy & Son in the amount of \$53,079.30. He recommended that the bid of M. J. Ruddy & Son be accepted.

RESOLUTION NO. 63-262

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY & SON FOR THE IMPROVEMENT OF ROSEBURG AVENUE FROM CARVER ROAD TO MILLS AVENUE

Introduced by Tabbert      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen

Noes: None      Absent: None

CALL FOR BIDS FOR LEGAL ADVERTISING FOR FISCAL YEAR 1963-64

RESOLUTION NO. 63-263

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR LEGAL ADVERTISING FOR FISCAL YEAR 1963-64

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen

Noes: None      Absent: None

June 13, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CALL FOR BIDS FOR DEEP WELL PUMP AND ELECTRICAL EQUIPMENT

The City Manager stated that the pump is proposed for a well to be installed in the Mark Twain School area and would be temporarily installed at Pump Station No. 18 and a smaller pump used at Mark Twain until the demand increases.

RESOLUTION NO. 63-264

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR DEEP WELL PUMP AND ELECTRICAL EQUIPMENT

Introduced by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen

Noes: None      Absent: None

June 11, 1963 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 27. (SHERWOOD PARK SITE)

The City Manager stated that the bid for the drilling and developing of Deep Well No. 27 has been awarded and that it was now necessary that plans and specifications be approved for construction of the pump house.

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 27 (SHERWOOD PARK SITE)**

Introduced by Mitchell      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

June 11, 1963 at 2:30 P.M. in the City Clerk's office was set as the time and place for opening of bids.

**APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN SKYLANE PARK NO. 3 SUBDIVISION**

RESOLUTION NO. 63-266

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN SKYLANE PARK NO. 3 SUBDIVISION**

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

June 11, 1963 at 2:45 P.M. in the City Clerk's office was set as the time and place for opening of bids.

**RESOLUTION APPROVING SPECIFICATIONS AND CALL FOR BIDS FOR SPRINKLER SYSTEM, KEWIN PARK**

The City Manager stated that federal funds were not involved in this phase of the development of Kewin Park.

RESOLUTION NO. 63-267

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR INSTALLATION OF A SPRINKLER SYSTEM AT KEWIN PARK**

Introduced by Mitchell      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

June 11, 1963 at 10:00 A.M. in the City Clerk's office was set as the time and place for opening of bids.

**ADOPTION OF ORDINANCE NO. 584-C.S. AMENDING SECTION 20 OF ZONING MAP ((LACONTE PROPERTY))**

ORDINANCE NO. 584-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (LACONTE)"

introduced on May 13, 1963 and having been published as required by the Charter, was moved and adopted. (Effective June 26, 1963)

Moved by Tabbert      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen  
Noes: None Absent: None

ADOPTION OF ORDINANCE NO. 585-C.S., AMENDING SECTION 21 OF ZONING MAP  
(FAIR ADDITION)

ORDINANCE NO. 585-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (FAIR ADDITION)"

introduced on May 13, 1963 and having been published as required by the Charter, was moved and adopted. (Effective June 26, 1963)

Moved by VanderWall Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen  
Noes: None Absent: None

ACCEPT CONTRACT WITH WOLVERINE BUILDING SERVICE, INC. AS COMPLETE FOR  
THE CONSTRUCTION OF UNIT A: WADING POOL AT ROOSEVELT PARK; AND UNIT B:  
WADING POOL AT WHITMORE PARK

The City Manager stated that a memorandum from the Assistant Director of Public Works, dated May 22, 1963, indicates that all work connected with the construction of wading pools at Roosevelt and Whitmore Parks has been completed by the contractor; that it would be in order for the Council to accept the work as complete, the City Clerk authorized to file a notice of completion, and payment approved in accordance with the contract. Mr. Keefe recommended that the work be accepted. Total cost of work done was \$12,617.

RESOLUTION NO. 63-268

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WADING POOLS AT UNIT A:  
ROOSEVELT PARK; AND UNIT B: WHITMORE PARK, BY WOLVERINE BUILDING  
SERVICE, INC.

Introduced by Mitchell Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen  
Noes: None Absent: None

RESOLUTION ADOPTING AND SUBMITTING A BUDGET FOR EXPENDITURE OF GAS TAX  
FUNDS, 1963-64

The City Manager reported that it was necessary that the City submit its proposed budget for gas tax street improvement expenditures to the State Division of Highways before June 1, 1963. He read a memorandum from Director of Public Works Ray dated May 21, 1963, subject, "Gas Tax Street Improvement Projects for 1963-64," which recommended that gas tax funds be budgeted for the widening and paving of College Avenue from Needham to Stoddard, and the improvement of Orangeburg Avenue from the Tidewater Southern Railroad to McHenry Avenue.

Failure of the staff to submit this matter in sufficient time to permit Council study of the proposed projects was discussed.

Director of Public Works Ray explained why the matter was not placed on the agenda at an earlier time.

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Mayor Johansen suggested that in the future the Council be given at least two weeks time within which to consider matters of this kind.

Upon questioning, Mr. Ray stated that two rights of way remain to be obtained on Orangeburg Avenue; that widening of College Avenue to Stoddard will include widening of the canal bridge.

Removal of trees between Stoddard and Coldwell Avenue was discussed. Upon questioning, Director of Parks and Recreation Cowie said it would be feasible to plant tree replacements before removal of the old trees.

Mr. Ray remarked that it might be well for the Council to establish a policy on the removal of these trees before any new planting is done; that a number of discussions have been held in the past on this matter, with consideration having been given to the prohibition of parking in this area instead of tree removal.

Upon questioning, Mr. Ray stated that \$48,800 was being budgeted for street maintenance; \$95,100 for construction; that improvement of College Avenue in the proposed budget was from Needham to Stoddard.

#### RESOLUTION NO. 63-269

#### A RESOLUTION ADOPTING AND SUBMITTING A BUDGET FOR EXPENDITURE OF FUNDS ALLOCATED FROM THE STATE HIGHWAY FUND TO CITIES

Introduced by Shastid      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

Councilman Hughes suggested that steps might be taken to encourage the Planning Commission to start consideration of the capital improvement program a little earlier in the year in order to expedite its recommendations to the Council.

#### CONSIDER WATER SERVICE TO SHOPPING CENTER ON McHENRY AVENUE, 1655 FEET NORTH OF SYLVAN ROAD      3-7D

A letter from Ron Schrap, Woodcrest Construction, Inc., Alhambra-Jay Building, Sacramento, dated May 17, 1963 requesting that water service be provided to a shopping center and housing units on property located on McHenry Avenue, 1655 feet north of Sylvan Road, was read by the City Manager. The letter indicated that the firm agreed to pay one-half the costs of the water main installation and to annex to the City at the earliest opportunity.

A memorandum from the Director of Public Works, dated May 27, 1963, subject; "Water Service to Proposed McHenry Avenue Shopping Center, Woodcrest Construction, Inc.," recommended that the request be approved on the following basis: Developers to pay 50% of the actual cost of the water main installation; use of city water at regular city water rates; agreement to annex at the earliest opportunity. Total cost of the project is \$16,900; the City's share, \$8,450.

Councilman Mitchell expressed the hope that the developments along McHenry Avenue would annex at an early opportunity, thus affording these businesses better fire and police protection, etc., the City in return receiving substantial sales tax revenues.

The feasibility of strip annexation was discussed. Director of Planning Fey stated that annexation of the property under discussion was technically feasible, but not practically feasible at this point because it was more than one-half mile from the present city limits.

Upon questioning, Mr. Ray stated that the proposed shopping center was in the established limits of the proposed sewer area for North Modesto, but sewer service could not be extended at the present time.

Councilman Shastid said that he had discussed with the City Attorney the possibility of placing agreements to annex on record in order to bind subsequent owners. The City Attorney stated that an agreement placed on record would be binding only if the property remained under the ownership of the individual or company signing the agreement.

#### MOTION

That the request for water service to property located on McHenry Avenue, 1655 feet north of Sylvan Road, be approved, and the City Attorney directed to prepare the necessary documents

Moved by Mayor Johansen      Seconded by VanderWall      Unanimously carried

#### RECOMMENDATION FOR FORMAL P-D ZONING FOR SPENCER ADDITION

The City Manager stated that Planning Commission Resolution No. 943 recommends the rezoning of the Spencer Addition from Interim P-D(12) to P-D(12), and that a resolution setting a date for public hearing was needed.

#### RESOLUTION NO. 63-270

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 31 OF THE ZONING MAP (Spencer Addition)

Introduced by Shastid      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen  
Noes: None      Absent: None

June 17, 1963 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing (This resolution rescinded by Resolution No. 63-270a below).

#### PROPOSED ZONING TEXT AMENDMENTS

The City Manager stated that Planning Commission Resolution No. 942 recommends a number of amendments to the zoning text; that a resolution setting a date for public hearing was needed.

Because of neighborhood interest in the proposed rezoning of the Spencer Addition, and general interest in the proposed amendments to the zoning text, the desirability of holding the hearings at evening meetings was discussed.

#### RESOLUTION NO. 63-270A

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 31 OF THE ZONING MAP (Spencer Addition) AND RESCINDING RESOLUTION NO. 63-270

Introduced by Mitchell      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Johansen  
Noes: None      Absent: None

On June 24, 1963 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RESOLUTION NO. 63-271

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON PROPOSED AMENDMENTS TO CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE (Zoning Regulations)

Introduced by VanderWall      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

June 24, 1963 at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

The City Clerk and City Attorney were directed to cooperate in establishing suitable dates for hearings.

LEGISLATIVE MATTERS - 4-100

A memorandum from the League of California Cities, dated May 23, 1963, subject, "A.C.A. 29-General Obligation Bonds - Vote Required," was furnished the Council and read by the City Manager. The memorandum indicated that the proposed measure would reduce the vote required on general obligation bonds from 2/3rds to 60%.

The proposed constitutional amendment was discussed by the Council.

MOTION

That the Council indicates its support of A.C.A. 29

Moved by VanderWall      Seconded by Mitchell

The motion carried, Councilmen Shastid and Patton dissenting.

SB-344 - The City Manager stated that the bill provides for allocation and apportionment to counties and cities of amount equivalent to net revenue from 1 cent per gallon gas tax for expenditure on county roads and city streets.

The City Manager reviewed a memorandum from the League of California Cities, dated May 24, 1963, which stated that the Automobile Club of Southern California has undertaken an all-out campaign to defeat this measure since adoption of rapid transit amendments. The memorandum indicated the League felt that the measure was still sound in spite of permissive amendments adopted and urged that cities continue to support the measure.

MOTION

That the Council reaffirms its previous stand in support of SB-344

Moved by Mitchell      Seconded by Shastid      Unanimously carried

REQUEST FOR TRANSFER OF \$350 FROM GENERAL RESERVE (600) TO MISCELLANEOUS UNCLASSIFIED (65) ELECTIONS (238)

The City Manager stated that an appropriation transfer of \$350 was needed for payment of recent election expenses.

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$350 FROM GENERAL FUND, GENERAL RESERVE TO MISCELLANEOUS UNCLASSIFIED, ELECTIONS

Introduced by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Warren Boswell, 1501 Del Vista, Chairman, Steering Committee for the Modesto Citizens for Safe Canals, introduced the following members of the Committee present in the audience: Mr. and Mrs. Jerry Chidester, Mrs. Bob Hope, Mr. and Mrs. Harter Bruch, Mr. Neil Morosa and Mr. Harry Merker.

Mr. Boswell stated that his committee had gathered additional information which he felt would be of interest to the Council, and that he hoped the additional information would enable the Council to take a definitive stand on the fencing of the canals.

Mayor Johansen explained to Mr. Boswell that the Public Projects Committee had been unable to meet with the Committee because of pre-commitments and the fact that the entire Council was presently meeting two afternoons a week to consider the preliminary budget.

Mr. Boswell said that his Committee disagreed sharply with M.I.D. statistics, specifically the number of deaths occurring in M.I.D. canals and canals transversing populated areas of Stanislaus County; that his committee has a record of twice the deaths officially listed by M.I.D.

Mr. Boswell briefly reviewed questionnaires received from Bakersfield, Fresno, Yuba City, Martinez and Walnut Creek Chamber of Commerce. He said that although the Imperial Irrigation District has not fenced its canals, a bulletin entitled "Don't Go Near the Water Unless You are a Duck," and containing information on artificial respiration is issued to all school children. He said that the above bulletin was distributed by the Imperial Irrigation District Office of Public Information, Box 499, El Centro, California.

Neil Morosa, 1701 Linwood Drive, stated that an automobile speedometer reading of M.I.D. Laterals No. 3, 4 and 5, including street crossings, shows a total of about fourteen miles of canals along populated areas. He said that bids solicited for standard 6-foot cyclone type fencing with three strands of barbed wire at an outward angle at the top of the fence, with four eight-foot gates at each crossing to permit M.I.D. access to the canals, ranged from \$1.14 to \$1.75 per foot; that cost of fencing both sides of the canal at \$1.50 per foot, the cost estimate used by the State Division of Highways, was \$230,760 (144 eight-foot gates included).

Mr. Chidester stated that a booth was set up in the downtown area last Saturday in an effort to secure public attitude on the canal fencing, and within an eight-hour period, 200 people joined the Committee for Safe Canals.

Mr. Boswell stated that canal safety should be handled by City-County and M.I.D. leadership. He asked the Council to join the Committee in the cause, and to perhaps pledge a certain percentage of the cost of the project. He suggested that the Council also consider adoption of an ordinance which would require that canals be fenced when

irrigable lands are subdivided into residential areas.

Upon questioning, Mr. Boswell said only one ditch within the City remained to be piped; that the Committee's death statistics included deaths in main canals only; that most cities which have fenced their canals have used standard 6-foot fencing, with three strands of barbed wire; that with the exception of Santa Cruz, no cities have constructed a concrete curb under the fence and have had no trouble with erosion; that the cities contacted have had no costly maintenance problems in connection with the fencing; that there have been no canal drownings in these cities subsequent to the fencing of the canals.

Councilman Shastid suggested that all factual data be resolved between the Committee and the M.I.D. before the Committee meets with the Council Public Projects Committee -- the number of deaths and the cost of the proposed project.

Upon further questioning, Mr. Boswell said he was convinced that the M.I.D. would accept any type of fencing considered satisfactory by the citizens, although it took the position that it did not have any responsibility for the canals, legally or otherwise. He said he was privately assured of approximately \$100,000 which could be made available without going into the expense and cost of an election.

Upon questioning, the City Attorney said he knew of no basis upon which the Council could legally pledge a percentage of an unknown cost.

At the suggestion of the Council, Mr. Boswell said that he would obtain the percentage of city participation from the city managers of the cities where canals have been fenced.

City Manager Keefe's offer to obtain this information from the cities was accepted by Mr. Boswell and the Council.

Councilman Shastid suggested that maintenance and policing costs, actual cost of installation and date of installation also be obtained.

Councilman VanderWall stated that he would like to know the exact position being taken by the M.I.D. and to what extent it will go in financing the project.

Questionnaires received from various cities by Mr. Boswell through the local Chamber of Commerce were turned over to the City Clerk, who was directed to send reproduced copies to each Council member.

Mayor Johansen complimented the Committee on its vigor and suggested that the members might wish to fill out applications for service on community project committees; that the applications were available at the City Hall telephone operator's desk.

#### RESIGNATION OF RONALD A. EMERZIAN FROM PERSONNEL COMMISSION

A letter from Ronald A. Emerzian submitting his resignation as a member of the Personnel Commission was read by Mayor Johansen.

#### RESOLUTION NO. 63-275

#### A RESOLUTION COMMENDING RONALD A. EMERZIAN FOR SERVICES RENDERED TO THE CITY OF MODESTO

Introduced by VanderWall      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

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## REPORT ON CALIFORNIA RELAYS

Mayor Johansen stated that the California Relays was most successful, and that a special vote of thanks should go to Tom Moore, Tom Mellis, Junior Chamber of Commerce and Modesto City Schools for the success of the event.

### DOWNTOWN REDEVELOPMENT

Mayor Johansen stated that during the past few days he had received quite a number of phone calls from people wanting information about downtown redevelopment; that he found that there was quite a bit of misinformation he would like to clear, particularly in connection with the following three questions which were asked most often:

Question: Granting that something should be done in the downtown area, can't we do it without federal funds?

Mayor Johansen: No decision has yet been made as to whether Modesto should seek federal aid in its downtown revitalization project. The City Council has established the redevelopment agency as an aid in analyzing the problem. A comprehensive plan of the over-all downtown area must be prepared, with the help of marketing analyses, to determine the feasibility and marketability of the program proposed. After this is accomplished, the City Council, with the advice and assistance of community organizations, will determine the advisability of using federal funds. Again, I want to emphasize that we are not to the deciding point on whether our program will be financed by federal or local funds.

Question: Will redevelopment of the downtown area cause an increase in the city property tax rate?

Mayor Johansen: It is entirely feasible for a downtown rehabilitation project to be carried out without any property tax rate increase. During the demolition-construction period, some property tax revenues will be lost, but this will be more than made up for afterward by the increased assessed valuations and increased sales tax revenue when the project is completed.

The savings in costs of police and fire protection and jail expenses substantially offset the interim revenue loss from building clearance. Under no circumstances can there be a tax cost to the city as a whole for a rehabilitation project without a general obligation bond issue with 2/3 of the voters approving. On the other hand, if we do not take action to upgrade the downtown area, and deterioration is allowed to continue, there is no doubt at all that the further reduction in tax revenues will add to the tax burden of individual home owners.

Question: Why should I help pay for free buildings for property owners in the project area?

Mayor Johansen: No free buildings will be constructed for anyone. After the land is cleared, it is sold to private interests, and the purchaser finances and constructs his own building on the site in accordance with the approved development plan for the area. When feasible, the original owner has first opportunity to purchase vacant land from the redevelopment agency in order to construct a new building at his own expense.

Mayor Johansen said he would greatly appreciate having adequate publicity being given to the above questions and answers.

Councilman VanderWall said that emphasis should be given that the redevelopment agency was enacted under state law, and that there was no connection between the term "redevelopment agency" and the federal government.

Councilman Hughes said that several comments had been directed to him in connection with Mayor Johansen's statement published in the newspaper, to the effect that the Mayor was in favor of "pushing the redevelopment program through" without letting the people vote on the issue.

Mayor Johansen said there was no intent to deprive anyone of the right of referendum, but only to ask that the people be well informed of the factors involved before signing the petition. He said that the Council would be happy to answer any questions pertaining to this matter.

Councilman Shastid suggested that all citizens drive through the deteriorated downtown area, look it over with an objective eye, and determine whether or not something should be done. He said he personally felt that action should be taken, but that he was not familiar enough with the entire problem to have reached a conclusion as to whether federal or private funds should be used. It was judgment that establishing a redevelopment agency was the first step toward saving the downtown area, which will result in lower tax rates for the entire city.

Councilman Tabbert stated that it should be made clear that the "redevelopment agency" is a tool available for community use.

Councilman Mitchell noted that in a press release prepared by opponents of downtown redevelopment it was stated that council action was taken on redevelopment without giving the opponents an opportunity to be heard. He said he could recall no council meetings where action was taken when opponents of downtown redevelopment were not present.

Mayor Johansen stated that many public hearings will be held on the proposed downtown redevelopment, at which time the public will have an opportunity to air its views. He urged all Councilmen to attend the meeting on downtown redevelopment sponsored by the downtown merchants which will be held at the S.O.S. Club on the evening of June 4, 1963.

#### Announcement of Meeting of Council, Board of Supervisors and City and County Planning Commissions

City Manager Keefe stated that this meeting was originally scheduled to be held June 11, 1963 at 7:30 P.M. in the Council Chambers, City Hall, but if agreeable to the Council, would be held in the M.I.D. auditorium at the same time instead. The suggestion was approved by the Council.

#### REPORT ON DELINQUENT BUSINESS LICENSE MILL REPORTS FOR QUARTER ENDING MARCH 31, 1963

A memorandum from the Director of Finance, dated May 22, 1963, subject, "Delinquent Quarterly Business License Mill Reports," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

City Manager Keefe stated that quarterly declaration of gross receipts reports of 44 businesses were delinquent for the quarter ending March 31, 1963; that a telephone survey of 12 of the 44 delinquents indicated that the reports were mailed at various times and places on the afternoon and evening of April 30 but were postmarked May 1.

Councilman Mitchell suggested a blanket waiver of the penalty and interest charges in accordance with Alternate No. 2 of the above memorandum. He expressed the hope that this would not happen again and

that the staff would follow the suggestion made in the memorandum to mail reminders of the deadline date to all businesses with the next quarterly reports, stressing the advisability of mailing the reports in sufficient time to meet post office schedules.

RESOLUTION NO. 63-273

A RESOLUTION AUTHORIZING A BLANKET WAIVER OF PENALTY AND INTEREST FOR ALL BUSINESS LICENSE MILL REPORTS POSTMARKED NOT LATER THAN 12:00 A.M., MAY 1, 1963 FOR THE QUARTER ENDING MARCH 31, 1963

Introduced by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen

Noes: None      Absent: None

PUBLIC EMPLOYEES WEEK, JUNE 2-8, 1963

A letter from Doris I. Clifford, President, Modesto City Employees' Association, dated May 21, 1963 stating that the week of June 2 - 8, 1963 has been designated as Public Employees' Week in California, and requesting that Mayor Johansen so proclaim, was read by the City Manager.

MOTION

That the Mayor be authorized to sign a proclamation proclaiming June 2-8, 1963 Public Employees' Week

Moved by Mayor Johansen      Seconded by Tabbert      Unanimously carried

The City Manager stated that he was very proud of the Employees' Association in its handling of the benefit pancake breakfast held for a sick employee. Mr. Keefe said that between 1,000 and 1,100 breakfasts were served.

Councilman Mitchell said he attended the breakfast and noted that almost all of the department heads were working in various capacities; that he also observed that wives and/or husbands of employees were helping out. He congratulated the employees for their fine cooperation.

CONSIDER APPOINTMENT OF MEMBER OF PLANNING COMMISSION

RESOLUTION NO. 63-274

A RESOLUTION APPOINTING LEE R. TUCKER A MEMBER OF THE MODESTO CITY PLANNING COMMISSION (For a term expiring January 1, 1966)

Introduced by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen

Noes: None      Absent: None

Mayor Johansen announced that there was an opening for a member in the Personnel Commission, and that he would appreciate suggestions from any groups or organizations for filling the appointment.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 9:45 P.M.

ATTEST:

  
Rex E. Gallifus, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider the preliminary budget for fiscal year 1963-64.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, VanderWall, Mayor Johansen  
Councilman Shastid arrived at 4:08 P.M.  
Councilman Tabbert arrived at 4:28 P.M.

Absent: Councilmen: Patton

LIBRARY - 62, p. 52

Increase in the following accounts were questioned by the Council and explained by Librarian Carl Hamilton: 240, Contractual Services; 224, Buildings and Grounds; 302, Books and Periodicals.

Pending state legislation pertaining to libraries, and the County library budget were discussed.

MOTION

That the budget of proposed expenditures for the library be tentatively approved

Moved by Mayor Johansen      Seconded by Shastid      Unanimously carried

Whether or not added branch libraries throughout the City would negate the need for a new main library was discussed. It was Mr. Hamilton's opinion, based on experience of other cities, that branch libraries are needed to serve a different population from the central library.

The deficiency of school libraries was discussed.

Upon questioning, Mr. Hamilton said that about one-third of the books purchased at McHenry Library are fiction, the remainder non-fiction.

William Warner, member of the Library and Culture Commission, spoke briefly on the benefits of branch libraries as an efficient low-cost way of achieving circulation. Mr. Warner also said he believed school libraries to be grossly inadequate; that McHenry Library was doing a very substantial part of the Schools' job in supplying library facilities.

Distribution of Documents

The City Manager distributed the following documents to the Council: Memorandum from Director of Planning Fey indicating that statistics contained in the Griffenhagen-Kroeger Planning Department report were valid; a memorandum prepared in 1956 on the use of city-owned automobiles, and reaffirmation of May, 1962.

Mr. Keefe said that an expert would review the City's I.B.M. setup Friday, June 7, 1963 at 9:00 A.M. Interested Councilmen were asked to attend.

MUSIC & PROMOTION - 61, p. 48

446 - Special Trade Events, \$2,952 - (Requested by Downtown Modesto Association and McHenry Village Merchants Association for purchasing, refurbishing, etc. Christmas decorations)

MOTION

That the budget of proposed expenditures for Music & Promotion be tentatively approved as outlined, except that the amount of \$1,152 for McHenry Village Merchants Association in Account 446 - Special Trade Events be deleted

The motion was introduced by Councilman Shastid and died for lack of a second.

The City's present policy was discussed.

MOTION

That the budget of proposed expenditures for Music and Promotion be tentatively approved

Moved by VanderWall      Seconded by Mitchell

The motion carried, Councilman Shastid dissenting.

INSURANCE & RETIREMENT - 64, p. 49      Tape 4-124

424 - O.A.S.D.I. Contribution - \$41,887

The approximate \$11,000 increase in this account was discussed.

425 - S.E.R.S. Contribution - \$160,000

The approximate \$12,000 decrease in this account was discussed. The City Manager was directed to furnish a clarification of a difference of opinion on City O.A.S.D.I. and S.E.R.S. contributions.

YOUTH CENTER FURNISHING FUND (321) - p. 54

Director of Finance Bird stated that this item appeared in the 1962-63 budget, and expenditure of \$423,001 approved by the Council May 20, 1963 for the purchase of draperies and accessories for Maddux Youth Center; and that the item will be removed from the 1963-64 budget.

BOND REDEMPTION AND INTEREST REQUIREMENTS - p. 55

MOTION

That the budget of proposed expenditures for Bond Redemption and Interest Requirements be tentatively approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

MISCELLANEOUS UNCLASSIFIED - 65

The following accounts were questioned by the Council: 401, Memberships and Dues; 431, Commission on Tax Collections; 441, City-County Health Agreement.

MOTION

That the budget of proposed expenditures for Miscellaneous Unclassified-65 be tentatively approved

Moved by Shastid      Seconded by Mitchell      Unanimously carried

The staff was directed to keep in mind the need for funds for a possible municipal election in connection with referendum petitions being circulated in opposition to Ordinance No. 583-C.S.

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ESTIMATE OF SECURED PROPERTY TAXES 1963-64 p. 4

The estimate of secured property taxes was discussed. Upon questioning, Director of Finance Bird stated that a one cent increase on the tax rate would raise approximately \$6,800 on the basis of no consideration being taken for delinquencies.

PROPERTY TAXES, p. XI

Section 6, "Cause subdividers to make advance payments for water and sewer lines to serve subdivisions," was discussed.

The City Manager stated that the above recommendation would be checked with a view to eliminating the word "sewer," and that a report would be made to the Council.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to June 4, 1963 at 4:00 P.M.

Moved by Mitchell            Seconded by Shastid            Unanimously carried

The meeting adjourned at 5:27 P.M.

ATTEST:   
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll and there were

Present: Councilmen: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen  
Councilman Tabbert arrived at 4:05 P.M.

Absent: Councilmen: Shastid

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

Reverend R. Truman Northup gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meetings of May 6 and May 13, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

#### LETTER FROM STANISLAUS FOOD PRODUCTS COMPANY THANKING COUNCIL FOR ALLOWING INSTALLATION OF WATER WELL

A letter from Leland M. Quartaroli, Vice-President, Stanislaus Food Products Company, dated May 22, 1963 expressing thanks to the Council for its favorable decision in permitting installation of an additional water well on his firm's property, was read by the City Clerk. The letter was ordered filed.

#### LETTERS FROM PUBLIC UTILITIES COMMISSION, STATE OF CALIFORNIA, RE: GRADE CROSSING PROTECTION AT "K" AND "H" STREETS

Letters from R. J. Pajalich, Secretary, California Public Utilities Commission, dated May 22, 1963 informing the City that it may request an extension of time within which to file claims for allocations from the Grade Crossing Protection Fund to construct grade crossing protection at "K" Street, Crossing No. B-112.8, and "H" Street, Crossing No. B-113.1, was read by the City Clerk.

The City Manager stated that the staff has written the P.U.C. requesting an extension of time and payment of the bill and asked that the Council confirm the request for extension of time.

#### MOTION

That the Council confirms the staff's request to the P.U.C. for an extension of time within which to file claims for allocations as outlined above

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

#### LETTER FROM MRS. J. M. WARD, OFFERING TO PURCHASE FROM THE CITY A LOT ON EAST ORANGEBURG AVENUE

A letter from Mrs. J. M. Ward, dated May 27, 1963, submitting an offer of \$6,500 for a 110' x 155' lot owned by the City and adjacent to property owned by McHenry Motor Service, 141 East Orangeburg, was read by the City Clerk.

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By Order of the Chair, the letter was referred to the Public Projects Committee for study.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR IMPROVEMENT OF BRIGGSMORE AVENUE BETWEEN CARVER ROAD AND THE WEST LINE OF PARK MANOR NO. 3B SUBDIVISION

The City Manager reported that the section of Briggsmore proposed for improvement is completely within the city limits and is separate from the rest of the project involving the County.

RESOLUTION NO. 63-276

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR IMPROVEMENT OF BRIGGSMORE AVENUE BETWEEN CARVER ROAD AND THE WEST LINE OF PARK MANOR 3B SUBDIVISION

Introduced by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Shastid

June 18, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR TRAFFIC SIGNALS AND STREET LIGHTS AT 10TH AND D STREETS

The City Manager stated that the construction of traffic signals and street lights at 10th and D Streets is the last of the scheduled new signals to be constructed this year; that an additional \$2,500 will have to be appropriated to cover the City's estimated share of the cost (\$5,000). He asked that the funds be appropriated at a later date when the exact cost has been determined.

RESOLUTION NO. 63-277

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR TRAFFIC SIGNALS AND STREET LIGHTS AT 10TH AND D STREETS

Introduced by VanderWall      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Shastid

June 21, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 586-C.S. AMENDING SECTION 31 OF THE ZONING MAP (GANT ADDITION)      1-70

ORDINANCE NO. 586-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 31 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GANT ADDITION)"

introduced on May 20, 1963 and having been published as required by the Charter, was moved and adopted. (Effective July 3, 1963)

Moved by Tabbert      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Shastid

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ORDINANCE NO. 587-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (RAY GADA)"

introduced on May 20, 1963 and having been published as required by the Charter, was moved and adopted. (Effective July 3, 1963)

Moved by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Shastid

ADOPTION OF ORDINANCE NO. 588-C.S. AMENDING SECTION 19 OF THE ZONING MAP (HALL AND STENSAAS PROPERTY)

ORDINANCE NO. 588-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HALL AND STENSAAS)"

introduced on May 20, 1963 and having been published as required by the Charter, was moved and adopted. (Effective July 3, 1963)

Moved by Mitchell      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Shastid

REPORT FROM PLANNING COMMISSION CONCERNING 1963-64 CAPITAL IMPROVEMENT PROGRAM

A memorandum from Alan E. Freeborn, Chairman, City Planning Commission, dated May 31, 1963, with the proposed Capital Improvement Program for 1963-64 attached, was furnished the Council, a copy of which is on file with the record of the minutes.

By Order of the Chair, consideration of the proposed Capital Improvement Program for 1963-64 was held over until completion of the budget hearings.

RESOLUTION APPROVING SUBDIVISION AGREEMENT AND FINAL MAP FOR TULLY MANOR NO. 1 SUBDIVISION

At the request of the City Manager, this matter was held over.

REAFFIRMATION OF COUNCIL RESOLUTION NO. 62-327, A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY WITH IMPROVEMENTS THEREON IN THE CITY OF MODESTO TO BE USED FOR PARK PURPOSES (ROSE AVENUE PARK SITE - LANDINI)

City Manager Keefe stated that Resolution No. 62-327, authorizing institution of condemnation proceedings to acquire a portion of the Landini property for a park site was adopted by the Council on July 16, 1962 at the time the Modesto School Board was acquiring an adjacent portion of the property through condemnation for a school site; that this action was taken for the purpose of minimizing severance damages. Mr. Keefe said that the City has been unable to acquire the property through agreement with the owner and recommended that the City Attorney be authorized to institute condemnation proceedings.

The City Attorney suggested that a new resolution be adopted authorizing the condemnation proceedings.

RESOLUTION NO. 63-278

A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY WITH IMPROVEMENTS THEREON TO BE USED FOR PARK PURPOSES

Introduced by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Shastid

RECOMMEND ANNEXATION OF THE McBRIDE ADDITION      1-94

The City Manager stated that the proposed McBride Addition is city-owned property, 38.91 acres located west of Carpenter Road between the Tuolumne River and Robertson Road; that annexation of the parcel was considered by the Council several months ago, but the annexation proceedings dropped because at that time the staff did not feel that it was economically feasible to proceed. He said that the County is presently raising questions on dump operations within the County, and annexation of the parcel would preclude any problems which might arise. Mr. Keefe recommended that annexation proceedings for the McBride Addition be commenced.

RESOLUTION NO. 63-279

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF THE CITY OF MODESTO TO INITIATE ON ITS OWN MOTION PROCEEDINGS TO ANNEX CERTAIN UNINHABITED TERRITORY, HEREINAFTER DESCRIBED AND DESIGNATED AS THE McBRIDE ADDITION TO THE CITY OF MODESTO; AND AUTHORIZING AND DIRECTING THE CITY CLERK TO FILE SUCH PROPOSAL WITH, AND SUBMIT SUCH PROPOSAL TO THE BOUNDARY COMMISSION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, FOR A REPORT THEREON AS REQUIRED BY LAW

Introduced by Mitchell      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Shastid

LETTER FROM NOEL PORTER, PRESIDENT, LEAGUE OF CALIFORNIA CITIES, RE: SENATE BILL NO. 949

Copies of a letter from Noel Porter, President, League of California Cities, dated May 27, 1963, asking that the Council support Senate Bill No. 949 and oppose AB-1166, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Mr. Porter indicated in his letter that SB-949 will amend the law to facilitate withdrawal from Parks and Recreation Districts territory within cities as a result of incorporation or annexation, whose inhabitants want withdrawal; that AB-1166 will make withdrawal practically impossible and would in fact permit extension of Districts into cities without regard for the desires of the people affected.

No action was taken by the Council.

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Purchase of Dryden Property for Leisure and Cultural Facilities - Reverend L. Truman Northrup

Reverend Northrup stated that it was the consensus of the Executive Committee and Leisure Time Facilities and Cultural Facilities Subcommittees of the Forward Modesto Committee that the Dryden property, in its location and with its present improvements, represented a very excellent investment on the part of the City for leisure time and cultural activities.

Mayor Johansen said that this matter was being considered by the Planning Commission at its June 4, 1963 meeting.

Appointment of Ross Miller as unofficial sister city representative during his visit in Barranquilla, Colombia this summer

#### MOTION

That a letter be furnished Ross Miller making him Modesto's unofficial sister city representative during his visit to Barranquilla, Colombia, this summer

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

#### PLACEMENT OF "CITY OF MODESTO" SIGN AT END OF MILE RUN - RELAYS

Councilman VanderWall stated that he had received a report that the "City of Modesto" sign at the California Relays had given the City publicity as far as New York - that there were at least 40,000,000 viewers of the one-mile race - and in his opinion it was money well spent.

#### TRAFFIC PROBLEMS ON 10TH AND 11TH STREETS DURING EVENING HOURS

Mayor Johansen stated that he had been questioned by citizens, particularly during the last three months, in connection with traffic problems on 10th and 11th Streets during the evening hours. He asked the staff to report on the following questions which have been asked: How many officers patrol 10th and 11th Streets during the evening hours? Are any arrests made and how many?

Mayor Johansen said he made it a point two weeks ago to walk on 10th and 11th Streets on a Thursday evening and found the complaints justified; that at times one practically took his life in his hands while crossing at intersections.

Councilman VanderWall said that he had received similar complaints pertaining to enforcement of traffic violations on these two streets and asked that a staff report be made as to what is being done along lines of enforcement.

City Manager Keefe said that a report would be prepared by the staff.

#### SAFE BUILDING ORDINANCE

Mayor Johansen requested that the Public Projects Committee work with the staff in the preparation of a report on a possible safe building ordinance for Modesto.

The City Manager stated that he had copies of the Fresno and Mountain View safe building ordinances.

#### REPORT BY THE CITY ATTORNEY ON APPROVAL BY THE LEGISLATURE OF CHARTER AMENDMENTS RELATING TO POWERS AND DUTIES OF THE MAYOR

The City Attorney reported that Assembly Concurrent Resolution No. 82 approving the Charter amendment relating to the powers and

duties of the Mayor (Section 601) has been approved by both houses of the legislature and filed with the Secretary of State on May 22, 1963 at 10:00 A.M., which is the effective date of the charter amendment.

### REPORT ON ACQUISITION AND DEVELOPMENT OF CITY PARKS

A memorandum from the Council Public Projects Committee, dated May 24, 1963, subject, "Report on Acquisition and Development of City Parks," was distributed to the Council, a copy of which is on file with the record of the minutes.

By Order of the Chair, the City Clerk was directed to place this matter on next week's agenda.

Councilman VanderWall stated that the Public Projects Committee wished to make further studies on park development and to present recommendations when the studies have been made, provided the Council approved the recommendations in the report submitted.

Councilman Hughes congratulated the staff for a fine report.

Councilman Mitchell stated that the field tour of the parks was interesting from the standpoint of actually seeing the park sites which were well adjusted to the school sites - those which were not, with a street intersecting, or the park located on the wrong side of the playground area. He stressed the importance of the proper location of the school and park sites in conjunction with each other, stating that he hoped the Council would unanimously approve the recommendations contained in the report so that the School Districts could be notified of the Council's decision; that as indicated by Councilman VanderWall, further work was needed in connection with financing and improving parks, subject to Council approval of the recommendations made.

Councilmen Tabbert and VanderWall thanked the staff, particularly City Manager Keefe and Director of Parks and Recreation Cowie, for assembling the data needed by the Committee.

### REPORT ON WATER LINE INSTALLATION IN ROSELENE TERRACE SUBDIVISION AND BROOKDALE PARK NO. 4 SUBDIVISION

City Manager Keefe reported that the estimated cost of water line installation in Roselene Terrace Subdivision by city forces was \$1,640; total cost, \$1,340.51; Brookdale Park No. 4 Subdivision, estimated cost \$744; actual cost, \$707.13.

After discussion, the staff was directed to include information as to the estimated and actual costs of water line installations in future agenda items of this nature.

### CONSIDER APPOINTMENT TO PERSONNEL COMMISSION


Mayor Johansen stated that the Council would adjourn to an executive session to discuss the appointment of a Personnel Commission member, but that no appointment would be made at this meeting.

### ADJOURNMENT

### MOTION

That the meeting now in session be adjourned  
Moved by Patton      Seconded by Tabbert      Unanimously carried  
The meeting adjourned at 4:36 P.M.

ATTEST:

  
Rex E. Gallifus, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to further consider the preliminary budget for fiscal year 1963-64.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Tabbert, VanderWall,  
Mayor Johansen  
Councilman Patton arrived at 4:05 P.M.  
Absent: Councilmen: Shastid

INSURANCE & RETIREMENT - 64, p. 49

424-O.A.S.D.I. Contribution

A memorandum from the City Manager dated May 31, 1963, subject, "S.E.R.S. AND O.A.S.D.I. Contributions - City Employees," was distributed to the Council, a copy of which is filed with the record of the minutes.

The City Manager reported that a review of the amount budgeted for this item indicates that it can be reduced by \$6,063 (new figure, \$35,824).

MOTION

That the budget of proposed expenditures for Insurance and Retirement -64 be tentatively approved with a reduction of \$6,063 in Account 424, O.A.S.D.I. Contribution

Moved by Mitchell      Seconded by VanderWall      Unanimously carried

BUDGET MESSAGE, p. 1

Additional costs, operation of new police and communications building

Moving and janitorial costs in connection with the new police and communications building were discussed. The City Manager stated that the building would be completed so near the end of the fiscal year he did not believe the costs would be a major factor in the 1963-64 budget.

Chief Bowers said that funds remaining in the salary account due to personnel turnover would probably be sufficient to cover the above costs

Expenditures and Per Cent of Increase over Previous Year, General Fund, p.X

The percentage of increase in expenditures and revenues over previous years from fiscal years 1957-58 through 1963-64 was discussed, the 1963-64 preliminary budget showing expenditures greater than revenue in the amount of \$42,000.

A memorandum from the Director of Finance entitled "Supplemental Budget Requests 1963-64 Budget," dated May 27, 1963 was distributed to the Council, a copy of which is on file with the record of the minutes.

SUPPLEMENTAL REQUESTS, CITY ATTORNEY

The supplemental request of the City Attorney for salary for a typist clerk for 90 days, plus typewriter, maintenance and repairs, office equipment and office supplies for the purpose of updating files, was discussed.

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Ways and means of easing the work load of the City Attorney's office were discussed.

MOTION

That Item 505, Electric Typewriter, \$433, and 221, M & R, Office Equipment, \$40, be stricken from the City Attorney's supplemental budget request

Moved by VanderWall                      Seconded by Hughes

The motion carried, Councilman Tabbert dissenting.

Hiring of a fulltime assistant city attorney was discussed.

Personnel Officer Mitchel was directed to obtain from several cities comparable in size to Modesto, the number of personnel in the City Attorney offices, both legal and stenographic.

SUPPLEMENTAL REQUESTS, FIRE DEPARTMENT

110 Salaries & Wages, Regular (New firemen, Station #5, Northern Blvd.)

The Council approved the suggestion of the City Manager that this figure could be reduced to \$4,504 to cover the salaries of five new firemen at the proposed new fire station on Northern Boulevard for a period of two months.

339 - Uniform Allowance, Fire Department

The Council agreed that this item could be reduced from \$150 to \$50 to cover a two-month period at the proposed new Northern Boulevard fire station.

224 - M & R Bldgs. & Grounds, \$2,450

Fire Chief Wemyss stated that this item covered the interior painting of Fire Stations Nos. 1, 2 and 3.

SUPPLEMENT REQUESTS, POLICE DEPARTMENT

130 - Salaries & Wages, Overtime, \$7,800

Chief Bowers stated that this supplemental request covered the payment to police personnel for holidays worked instead of the present system of permitting compensatory time off; that this was more economical than hiring and training additional help, purchasing additional equipment, etc.

Chief Bowers outlined the present scheduling of holiday work.

505 - Electric Typewriter, \$433

Need of an additional typewriter to facilitate preparation of police reports was outlined by Chief Bowers and discussed by the Council.

The supplemental requests under Account Nos. 308 - Tools, Shop, Field Supplies (Safety Helmets and Shoulder Patches), \$1,805; 504 - Portable Battery Operated Recorder with Brief Case, \$600; 504 - 50,000 B.T.U. Heaters (2), \$500 (waste gas from the Sewage Treatment Plant to be used) were discussed.

218 - Equipment Rental Charges, \$4,320 (two additional police cars, one each for use in juvenile and detective divisions)

The need for the additional equipment was outlined by Chief Bowers.

ADJOURNMENT


MOTION

That the meeting now in session be adjourned to June 6, 1963 at 4:00 P.M.

Moved by VanderWall    Seconded by Patton    Unanimously carried

The meeting adjourned at 5:44 P.M.

ATTEST:

  
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to further consider the preliminary budget for fiscal year 1963-64.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall,  
Mayor Johansen  
Absent: Councilmen: Shastid

PUBLIC WORKS - AIRPORT - 46, p. 40

Supplemental Request, Maintenance and Repair, Bldgs. and Grounds, \$4,200

Director of Public Works Ray outlined the use of Reclamite supplementally requested to reclaim the asphalt binder on the airport runway to prolong the life of the plant-mix so that resurfacing is not required for many years.

Upon questioning, Mr. Ray stated that repair and maintenance of the Airport is completely at City expense.

A motion introduced by Councilman Hughes that the \$4,200 for Reclamite to prolong the life of the Airport runway be denied, died for lack of a second.

Supplemental Request, Paving, \$700

Mr. Ray said that \$700 was requested to pave a 12-foot area around the new gas pump island.

PUBLIC WORKS - WATER - 50, p. 41

Supplemental request, Landscaping, \$900

Director of Public Works Ray stated that \$900 was requested to landscape Pump Station No. 26 in a manner compatible to the surrounding area (residential lot in College Gardens Subdivision).

Councilman Mitchell suggested that the adjacent neighbors be offered use of the land for a vegetable garden and in return agree to maintain the lot for the City.

Pavement Cutter - \$550 (Supplemental request)

Director of Public Works Ray stated that cost of a pavement cutter would be saved in a year or less through labor savings.

PUBLIC WORKS - SEWERS - 52, p. 43

503 - Landscaping, Bowen Storm Lift Station \$350 (Supplemental Request)

Director of Public Works Ray stated that it was proposed only to landscape the portion in front of the structure, with installation of a sprinkling system.

504 - Submersible Sewage lift pump with extra motor, \$900

Mr. Ray stated that the pump was needed to replace a small pump at College and Orangeburg Avenues.

PUBLIC WORKS - GARDEN REFUSE - 54, p. 45

218 - Equipment Rental Charges, \$369, (Supplemental request)

Mr. Ray said that this item covered equipment rental charges for a dump truck budgeted in the equipment pool.

235 - Services, Prof. and Other, \$180

Mr. Ray stated that this item would cover fees paid to the garbage company for landfilling operations at the disposal site.

City Hall Repairs 3-115

Mr. Ray recommended that \$12,000 be budgeted to determine the cause of the leak in the city hall building, and to proceed with remedial work if needed.

Liability was discussed.

Mr. Ray said that a bid has been received from the firm of Pierson and Wick in Burlingame, who specialize in this type of work at cost, plus 10% overhead and 10% profit.

PARKING AND TRAFFIC - 56, p. 46

Equipment Rental Charges, \$84 (Supplemental Request)

Director of Parking and Traffic Carmody stated that the increase of equipment rental charges of \$84 actually involved an expenditure of \$3,973 for a one-ton truck, plus extras, which will replace a one-half ton pickup truck presently used by the striping crew. In addition, Mr. Carmody recommended that the paint equipment be installed on the truck.

The City Manager stated that purchase of the truck was authorized by the Council last year.

The City Manager was directed to check out the \$84 additional rental charges for the proposed new equipment and report to the Council at the June 11, 1963 meeting; also, to check out items purchased from the revolving fund for the Public Works Department which are not charged as rentals.

LIBRARY FUND - 62, p. 52 5-96

Branch Library - LaLoma Area (Supplemental Request)

Librarian Hamilton recommended that the Phoenix Avenue Fire Station be approved as the LaLoma area branch library.

The City's obligation of \$3,755 to the Empire Fire District from which the building was acquired by reason of annexation was outlined by the City Manager.

The City Manager stated that the County has not yet approved the purchase of books for this branch library.

302 - Books & Periodicals, \$350 (About Barranquilla, Modesto's Sister City)

Mr. Hamilton said that because of the specialized interest, the \$350 supplemental request for books and periodicals on Barranquilla could be considered a proper charge against the City.

503 - Air Conditioning Units (5) \$1,500

Mr. Hamilton stated that the air conditioning units were proposed for the working area of the basement.

502 - Barred Gates (2) \$300; Woven Wire Enclosure for Reference Books and Documents, \$350

Mr. Hamilton said that the purpose of the proposed barred gates is to close off the downstairs entrance when the downstairs library is closed; that the woven wire enclosure would protect reference documents and books from vandalism, etc.

ADJOURNMENT


MOTION

That the meeting now in session adjourn to June 11, 1963 at 4:00 P.M.

Moved by VanderWall      Seconded by Patton      Unanimously carried

The meeting adjourned at 5:30 P.M.

ATTEST:

  
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Councilman Shastid arrived at 7:35 P.M.

Absent: Councilmen: Patton

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

Reverend Dale Martin gave the invocation.  
The Minutes of May 20, 1963 were approved.

LETTER AND CLIPPING FROM H. I. DAVIS, 2038 BELLAMY RE: SEWER CHARGES

A letter from H. I. Davis, 2038 Bellamy, enclosing a "Public Thinks" letter appearing in the Modesto Bee opposing proposed Council action which would require that properties having septic tanks connect to the sewer system if available, was read by the City Clerk.

MOTION

That the letter and clipping be referred to the Planning Commission

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The City Clerk was directed to advise Mr. Davis that the matter was presently under discussion by the Planning Commission, and that he be invited to attend the hearings.

LETTERS FROM CAL PURVIANCE, PARADE CHAIRMAN, STANISLAUS COUNTY 4TH OF JULY COMMITTEE, INVITING COUNCIL MEMBERS TO RIDE IN PARADE

A letter from Cal Purviance, Parade Chairman of the County 4th of July Committee, inviting Council members to ride in the 4th of July parade, and a letter filing requests relating to the celebration being held in the City on July 4, 1963, were reviewed by the City Clerk.

The City Manager recommended that the requests relating to the celebration be approved on the same terms and provisions contained in Resolution No. 62-194.

The City Clerk was directed to handle arrangements for any Council members wishing to ride in the parade.

RESOLUTION NO. 63-280

A RESOLUTION APPROVING REQUESTS OF THE STANISLAUS COUNTY FOURTH OF JULY COMMITTEE FOR THE CELEBRATION BEING HELD IN THE CITY OF MODESTO JULY 4, 1963

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

LETTER AND PETITION RE: INSTALLATION OF TRAFFIC DIVERTERS AT GLENWOOD AND KEARNEY STREETS

A letter from Walter Baddell, 1433 Glenwood Drive, dated June 4,

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1963 with attached petition bearing 45 signatures, requesting the installation of traffic diverters on Glenwood Drive because of an increase of traffic on this street, was furnished the Council, and the petition read by the City Clerk.

Mr. Baddell orally reviewed the contents of his letter. He stated that there was danger that someone would be injured or killed because of the traffic conditions. He urged the Council to help the petitioners with their problem.

Andrew Weaver, 1502 Goldenwood Drive, an area resident, said that there were traffic violations in the area, but no more so percentage-wise than in any other area of the City, County or State.

Councilman Mitchell suggested that the matter be referred to the Planning Commission as it would be the function of that agency to determine if a closure was justified, whether or not an error existed in the street pattern, etc.

#### MOTION

That the matter be referred to the Planning Commission for study and recommendation

Moved by Shastid      Seconded by Mitchell      Unanimously carried

Gloria Jean Fagundes, 1442 Glenwood Drive, registered a complaint that she had been informed earlier in the day by the Planning Department that the matter was not on the agenda for the present meeting; that interested persons would not have known that it would be considered by the Council if they had not read it in the newspaper.

She was assured by Mayor Johansen that when the matter was set for hearing by the Planning Commission and Council, ample publicity would be given (about two weeks).

Councilman Mitchell stated that the letter and petition were addressed to the City Council and it would have been presumptuous of the Planning Commission to call a public hearing while it was under consideration of the Council.

Mayor Johansen suggested that those interested in the Planning Commission hearing notify the Planning Department of their desire to be notified of the hearing.

#### CONSIDER AWARD OF BID FOR FIRE ALARM SYSTEM - POLICE-COMMUNICATIONS CENTER      2-45

The City Manager stated that two bids were received for the fire alarm headquarter's equipment, the low bid submitted by The Gamewell Company in the amount of \$13,944. Mr. Keefe said that the bids were cleared with the H.H.F.A., and authorization received by the City to award the bid to the low bidder. He recommended that the low bid of The Gamewell Company be accepted.

Director of Public Works Ray stated that specifications for the fire alarm system were sent out by Gage-Babcock in San Francisco to those suppliers in the industry whom they thought were qualified to submit bids; that one set of bids was mailed from the Public Works Department upon request; that it was his understanding that six plans and specifications were mailed out by Gage-Babcock.

RESOLUTION NO. 63-281

A RESOLUTION ACCEPTING THE BID OF THE GAMEWELL COMPANY FOR FIRE ALARM HEADQUARTERS EQUIPMENT FOR THE POLICE-COMMUNICATIONS CENTER BUILDING

Introduced by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

CONSIDER AWARD OF BID FOR COMMUNICATIONS EQUIPMENT, POLICE-COMMUNICATIONS CENTER BUILDING

City Manager Keefe reported that two bids were received for the communications system for the Police-Communications Center Building, the low bid submitted by Electronic Specialties Company in the amount of \$14,856.18. He recommended that the bid of Electronic Specialties Company be accepted.

Chief Bowers stated that four companies were notified, three accepted the specifications, and two bids were submitted.

Details of the work involved, moving of equipment from the old police station to the new, etc. were outlined by the City Manager.

RESOLUTION NO. 63-282

A RESOLUTION ACCEPTING THE BID OF ELECTRONIC SPECIALTIES COMPANY FOR COMMUNICATIONS SYSTEM FOR THE POLICE-COMMUNICATIONS CENTER BUILDING

Introduced by VanderWall      Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

CONSIDER AWARD OF BID FOR GARRISON PARK SITE SPRINKLER SYSTEM

The City Manager reported that expectations for a federal grant for the development of Garrison and California-Franklin park sites appeared favorable.

Director of Parks and Recreation Cowie stated that the Sacramento Irrigation Company agreed orally some time ago to grant a 30-day extension in the award of bid for the Garrison Park sprinkler system, but has now informed the City it does not wish to formally approve the extension because of other commitments.

The City Manager recommended that all bids be rejected and authorization given the City Clerk to return all bid bonds. He pointed out that in the event of a federal grant, it would be necessary to reject the bids and readvertise upon federal approval of the plans and specifications.

RESOLUTION NO. 63-283

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING RETURN OF BID BONDS FOR A SPRINKLER SYSTEM AT THE GARRISON PARK SITE

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

At the request of the City Manager, and with the consent of the Council, this matter was held over.

CONSIDER JOINT BID CALL WITH STANISLAUS COUNTY FOR OUR ANNUAL REQUIREMENTS OF GASOLINE

A memorandum from the Director of Finance, dated June 6, 1963, subject, "Gasoline Bids," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The City Manager recommended that a joint City-County call for bids for gasoline for the City's annual needs be approved.

Councilman Mitchell expressed the hope that this initial joint venture would prove advantageous to both agencies and lead to further combination of city-county purchasing power.

MOTION

That the staff be authorized to have joint bid call with Stanislaus County for City's annual gasoline requirement

Moved by Mitchell      Seconded by Shastid      Unanimously carried

City Manager Keefe stated that the City may call for independent bids if the prices quoted or bid conditions are not favorable to the City; that Richfield Oil Co. has indicated approval of an optional three-months extension of the City's present gasoline contract.

CONSIDER AWARD OF BID FOR APPROXIMATELY 2,000 TONS 85-100 GRADE HOT ASPHALT PLANT MIX TO LOW BIDDER, M.J. RUDDY & SON

A tabulation of informal bids received for approximately 2,000 tons of 85-100 grade hot asphalt plant road mix, was distributed to the Council. The City Manager recommended that the low bid of M. J. Ruddy be accepted.

RESOLUTION NO. 63-284

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY AND SON FOR THE FURNISHING OF HOT ASPHALT PLANT MIX TO THE CITY OF MODESTO

Introduced by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

APPEAL TO THE DECISION OF THE BOARD OF ZONING ADJUSTMENT - H.B. TAYLOR, BLOCK "K"

RESOLUTION NO. 63-285

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT FILED BY H. B. TAYLOR FOR CONSTRUCTION OF A BUILDING WITHIN THE BUILDING LINE SETBACK ON DOWNEY AVENUE, BLOCK K

Introduced by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

July 8, 1963 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

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CONSIDER RENEWING OPTION FOR GRACE DAVIS COMMUNITY PARK SITE

City Manager Keefe stated that the City's option to purchase the community park site adjacent to Grace Davis High School expires June 17, 1963; that the City can renew the option for an additional six months for \$2,500, which will be applied to the purchase price.

MOTION

That the City Manager be authorized to notify the owners of the proposed Grace Davis Community Park site that the City wishes to renew its option for the purchase of the property for a period of six months beginning June 17, 1963, and authorizing payment of \$2,500

Moved by Shastid      Seconded by Tabbert      Unanimously carried

CONSIDER AGREEMENT FOR WATER SERVICE TO LORENZEN PARK NO. 2 SUBDIVISION

City Manager Keefe reported that the subdivider of Lorenzen Park No. 2 Subdivision plans to install improvements in this subdivision prior to filing the final map; that the proposed agreement provides that the subdivider post a cash bond in an amount equal to the total cost of labor and materials (approximately \$5,000), the bond to be released when the final map is recorded if within six months from the date of agreement.

The City Attorney stated that a certified check for \$5,000 payable to the City has been deposited with the City.

RESOLUTION NO. 63-286

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WOLVERINE BUILDING SERVICE, INC. FOR WATER SERVICE TO LORENZEN PARK NO. 2 SUBDIVISION

Introduced by VanderWall      Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN LORENZEN PARK NO. 2 SUBDIVISION

RESOLUTION NO. 63-287

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN LORENZEN PARK NO. 2 SUBDIVISION

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

June 25, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER POLICY OF ADVANCES BY CITY FOR SUBTRUNK AND PERIMETER SEWERS 4-1

A memorandum from the Director of Public Works, dated June 6, 1963, subject, "Policy-City Participation in Cost of Constructing Subtrunk and Perimeter Sewers in Areas Beyond Present Sewer Service Limits," dated June 6, 1963 was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

A drawing showing the proposed north Modesto sewer service area when the extension of the trunk system is accomplished was shown the Council.

Director of Public Works Ray stated that there were no sewers in the designated area at the present time; that two subdivisions have installed dry sewers as well as septic tanks, and a third subdivision, Tully Manor No. 1, located on the north side of Woodrow east of Tully Avenue, was presently under development, with the developer proposing to install dry sewers and using smaller lots.

Mr. Ray said that the matter was presently before the Council because of the involvement of subtrunk and perimeter sewers; that the Municipal Code provides that where the City requires, for area service purposes, greater depth and/or size of sewer laterals than necessary to serve a specific development, the City may participate in advancing funds for both perimeter and subtrunk sewers to developers of properties in order that equity may be had by all concerned; that this is done in all cases by the City where trunk sewers are available and connections can be made for immediate service. Mr. Ray stated that the staff could not recommend that the City advance funds for perimeter or subtrunk sewers in an area where no sewers exist, but recommended that a policy be established by resolution which would permit, by individual agreement with the developer, that where perimeter or subtrunk sewers will occur, the subdivider will advance the money for the increased size and/or depth involved, the City collecting for the subdivider as adjacent subdivisions develop and connect to the subtrunk or perimeter sewer; and that a time limit of ten years be set for recovery of the advanced funds by the subdivider.

Mr. Ray stated that construction of dry sewers has been voluntary on the part of the developers, and by so doing, they have been permitted to reduce the minimum lot size in a subdivision from 9,000 square feet to an area adequate for installation of septic tanks as approved by the Health Department.

Upon questioning, Mr. Ray said there would be no cost to the City except for administration; that a copy of his memorandum was submitted to the Central Valley Homebuilders' Association; that the subdivider of Tully Manor No. 1 Subdivision is withholding filing of his final map until the Council reaches a decision on this matter; that acceptance of the final map for this subdivision would be presented to the Council for consideration later in the meeting on the basis of smaller lots in the subdivision.

Monte Lukov, Executive Officer, Home Builders' Association, said that Mr. Ray's memorandum had been checked by the Directors of the above association, along with F.H.A. representatives, with the directors basically in favor of the proposed change in policy with a few minor changes.

Mr. Ray said that although the north Modesto area only was mentioned this evening, he would recommend that the policy, if adopted, be applicable to any part of the City where a similar situation exists.

By Order of the Chair, the matter was referred to the Council Public Projects Committee for consideration and report, the committee to meet at 5:30 P.M. June 12, 1963 to discuss the matter.

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR TULLY MANOR NO. 1  
SUBDIVISION 4-90

The City Manager stated that the subdivision agreement has been signed, and all fees paid. Tully Manor No. 1 Subdivision is located north of Woodrow Avenue between Tully Avenue and the Tidewater Southern

Railroad Tracks and contains 6.6 acres. He recommended that the subdivision agreement and final map be approved.

RESOLUTION NO. 63-288

A RESOLUTION APPROVING THE FINAL MAP OF THE TULLY MANOR NO. 1 SUBDIVISION OF THE CITY OF MODESTO

Introduced by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN TULLY MANOR NO. 1 SUBDIVISION

RESOLUTION NO. 63-289

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER LINES IN TULLY MANOR NO. 1 SUBDIVISION

Introduced by VanderWall      Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR ACQUISITION OF RIGHT OF WAY FROM ANNA R. BROWN AND WILMA E. HODDE FOR WIDENING OF TULLY ROAD AND ORANGEBURG AVENUE

The City Manager reported that Anna R. Brown and Wilma E. Hodde have executed a right of way contract and grant deed donating property to the City on Tully Road and Orangeburg Avenue. The contract provides that the City shall pay the grantors the sum of \$300 for relocation or removal of sprinklers from the property, for loss of hedges, trees, shrubs and assorted plants. Mr. Keefe recommended that the contract be approved.

RESOLUTION NO. 63-290

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ANNA R. BROWN AND WILMA E. HODDE FOR WIDENING OF TULLY ROAD AND ORANGEBURG AVENUES (Projects No. 55-9, Parcel 6077 and 58-5, Parcel 6077-1, respectively)

Introduced by Shastid      Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR ACQUISITION OF RIGHT OF WAY FROM JAMES W. BROWN AND WILMA E. HODDE FOR WIDENING OF TULLY ROAD

The City Manager reported that the proposed right of way contract covers the dedication of land from James W. Brown and Wilma E. Hodde for the widening of Tully Road; the contract and grant deed have been executed by Mr. Brown and Mrs. Hodde. The contract provides that the City will pay the grantors the sum of \$35 for the loss of a hedge. He recommended that the contract be approved.

RESOLUTION NO. 63-291

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES W. BROWN AND WILMA E. HODDE FOR WIDENING OF TULLY ROAD (project No. 55-9, Parcel 6077-7)

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Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

COUNCIL DISCUSSION CONCERNING DOWNTOWN REDEVELOPMENT

Mayor Johansen said that this matter was placed on the agenda because of the number of phone calls being received by the Councilmen on matters pertaining to downtown redevelopment--the area involved and the exact planning of the area.

Councilman VanderWall said he had heard rumored that all of the buildings in the area bounded by 9th and 12th Streets and F to L Streets would be razed and completely rebuilt.

Councilman Mitchell said that he was called by a woman circulating a petition opposing the enactment of a redevelopment agency, and was amazed at the things she had been instructed to say to people while attempting to get their signatures on the petition; that she verified one of the rumors he had heard that the individuals circulating the petitions were being paid 25¢ for each signature obtained. He stated that other rumors which should/dispeled were the claim that the Council was showing favoritism to its former City Manager by hiring him as a consultant or as manager of the urban redevelopment program; that this had never been considered nor discussed by the Council; the rumor that the proposed redevelopment agency was an attempt by the owners of depreciated property to have the City "bail them out"; the action taken by the Council to enact a redevelopment agency has depreciated the value of the property; the property owners themselves do not wish to be dictated to and have a public agency step in and condemn their property for an unfair value; people wishing to buy downtown land for private development cannot do so because property owners are holding up the price with expectation that a better price will be offered by the urban renewal agency. Councilman Mitchell said he was quite perplexed as to the course the Council should take at this time, if any, to better inform the public, in view of these incorrect and conflicting rumors.

The City Attorney said he had been asked by the Mayor to render an opinion on the effect of the filing of a petition protesting the adoption of the ordinance enacting a redevelopment agency, and the procedures required by law as a result of the filing of the petition. He advised that Ordinance No. 583-C.S. adopted May 23, 1963 would become effective June 19, 1963 at 5:00 P.M. if no valid referendum was filed by that time; that the provisions of the Elections Code of the State of California, governing the referendum apply to the City. Mr. Grimes read the following excerpt from Section 4051 of the State Elections Code: "If a petition, signed by not less than 10 per cent of the voters of the City on the day the petition is filed with the clerk, protesting against the adoption of an ordinance is filed with the clerk of the legislative body of the city within 30 days of the adoption of the ordinance, the effective date of the ordinance shall be suspended, and the legislative body shall reconsider the ordinance....."

Mr. Grimes stated that the City Clerk is then allowed ten days from the filing of the petition to examine the petition with the records of registration to ascertain the validity of the petition, whether it is signed by the requisite number of voters, whether it complies with the requirements of the law as to form, procedure, affidavits of circulators, and other procedural matters. Upon completion of these requirements, the City Clerk is then required to attach to the petition a certificate showing the results of his examination for presentation to the Council at its next meeting.

Mr. Grimes said that if a valid petition is filed, the Council is required to reconsider the ordinance, the action of the Council governed by the provisions of Section 4052 of the State Elections Code, which reads as follows: "If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at a regular municipal election or a special election to be called for the purpose. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters."

Mr. Grimes said his research revealed an interesting Attorney General's Opinion interpreting this provision of the Elections Code: "Under this section the legislative body is given discretion to repeal the protested ordinance or submit the referendum to the voters either at a regular municipal election or a special election. In the case of a referendum, then, there appears no element of urgency and there is no requirement that the legislative body immediately or within any specified time call an election to present the ordinance it has enacted to the people...."

Mr. Grimes stated that in the event a special election for the purpose of submitting the ordinance to a referendum vote, the general regulations governing municipal elections will apply; in the event a special election is called, sufficient time must be allowed to permit preparation of necessary documents; in addition, notice of election cannot be published earlier than the 75th day nor later than the 54th day before the date set for the election.

In concluding his Opinion, the City Attorney stated that while the Attorney General has interpreted Section 4052 of the Elections Code as not requiring the legislative body immediately, or within any specified time, to call an election to present the ordinance it has enacted to the people to be voted upon, the ordinance is suspended and of no further force and effect once a valid referendum petition has been filed against it until the ordinance has been submitted to the voters and a majority of the voters voting on the ordinance has voted in favor of it.

Councilman Shastid expressed the hope that the opponents of the enactment of the redevelopment agency, after filing the petition, would come forward with positive plans for redevelopment of the downtown area.

Mayor Johansen said it was important that the citizens know that no definite plan of action has been established for urban redevelopment, and no specific areas designated for redevelopment, although studies of the downtown area have been made by various committees. He pointed out that the assessed valuation of the downtown area was decreasing steadily, and if not checked, will continue to place additional tax burdens on individual home owners; that improvement of the downtown area will attract businesses with a resultant increase in sales tax revenues.

Upon questioning, the City Manager said that during the past six years, the City has lost an estimated \$300,000 through a decrease in assessed valuation in the 6-block downtown area recommended as a renewal project by the Forward Modesto Committee.

Councilman VanderWall stated that cost of a special election was insignificant in comparison to the continued loss of revenue by the City from decreased assessed valuation of the downtown area.

The importance of disseminating correct information to the public was discussed. Mayor Johansen said he hoped the press would express to the community the Council's willingness to participate in informing the public by offering its services to the various clubs and organizations in the City.

LEGISLATIVE MATTERS - None

APPROPRIATION TRANSFERS

The City Manager stated that an appropriation transfer of \$4,500 was needed to cover installation of new water services for the balance of this fiscal year.

RESOLUTION NO. 63-292

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4,500 FROM GENERAL FUND, GENERAL RESERVE, TO WATER, NEW SERVICES

Introduced by Tabbert      Seconded by VanderWall

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

MATTERS FOR THE GOOD OF THE COMMUNITY

Expression of Thanks from Monte Lukov for use of Del Webb Field for Circus

Monte Lukov, Commander of the American Legion, expressed his thanks to the Council for permitting the use of Del Webb Field for the American Legion's annual circus held on May 29, 1963.

Letter from Frank Russo commending Personnel Officer Bernice Mitchel

A letter from Frank Russo, President of Stanislaus and Tuolumne Counties, Central Labor Council, dated June 10, 1963 commending Mrs. Bernice Mitchel, Personnel Officer, was read by Mayor Johansen.

The City Clerk was directed to furnish Mrs. Mitchel with a copy of the letter. The letter was ordered filed.

NEWLY APPOINTED COUNCIL COMMITTEES

A memorandum, dated June 10, 1963, listing newly appointed Council Committees was distributed to the Council.

MOTION

That the Committees listed in the above memorandum be approved

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

REPORT ON CITY OF MODESTO INSURANCE COVERAGE SUBMITTED BY THE MODESTO INSURANCE AGENTS' ASSOCIATION

A memorandum from Director of Finance Bird, dated June 10, 1963, subject, "Further Report on City Public Liability Insurance Coverage," with attached exhibit entitled "City of Modesto Public Liability Coverage and Alternates," was distributed to the Council. Copies of letters from W. H. Westmoreland, Modesto Insurance Agents' Association, dated June 5, 1963 and W. W. Giddings, Jr., dated June 5, 1963, indicating the premiums paid and loss experience on the City's liability policies, and information on premium costs for a combined

general comprehensive and automobile liability coverage, were also furnished the Council. Copies of the above documents are on file with the record of the minutes.

Mr. Giddings stated that the increased premium for miscellaneous general comprehensive liability to \$17,673 was predicated on the growth of the City over the past year. He recommended that the Council purchase a blanket umbrella liability policy of \$1,000,000 with a \$10,000 deductible; that if this was done, the basic primary policy could be reduced to \$200,000 and \$500,000 bodily injury, and \$100,000 property damage, with a \$925 reduction in premium.

Referring to information as to the City's loss experience and the advantages to the City, if any, of combining the automobile liability and miscellaneous liability policies, Mr. Giddings said that one company was willing to combine the two liability policies for a premium of \$23,148 for limits of \$200,000 - \$500,000 bodily injury, and \$100,000 property damage at a saving of \$550, and is willing to have the experience credit computed either on an overall basis or separately as to Miscellaneous and Automobile.

Mr. Giddings said he had always felt that it was in the best interests for the City to have separate policies because should the experience turn bad in either one, it would not then adversely affect the other; that it should be kept in mind that the reduction was offered because of the City's good experience.

Mr. Giddings recommended that the experience credit be computed separately as to Miscellaneous and Automobile, if a single policy was obtained.

Mr. Giddings stated that the premium for the \$1,000,000 blanket umbrella policy with a \$10,000 deductible for one year was \$3,200; for three years, prepaid, \$8,000.

Referring to the high loss ratio under the miscellaneous liability policy for fiscal year 1961-62, Mayor Johansen asked Mr. Giddings if he could supply the City Manager with information as to the cause of the high losses during this period with a view to future prevention.

Mr. Giddings stated that slips and falls connected with sidewalks, curbs and streets comprise 90% of the loss; that the Director of Public Works has cooperated in every way to see that cracks are repaired, etc.

City Manager Keefe suggested that the Council consider adopting a policy of self-insurance under \$10,000 for errors and omissions in the event it adopted the blanket umbrella policy of \$1,000,000 with the \$10,000 deductible. This matter was generally discussed by the Council.

#### RESOLUTION NO. 63-293

**A RESOLUTION AUTHORIZING CITY RENEWAL OF ITS GENERAL COMPREHENSIVE LIABILITY AND AUTOMOBILE LIABILITY INSURANCE UNDER A SINGLE POLICY; RENEWAL OF ITS AVIATION LIABILITY INSURANCE; AUTHORIZING COMPREHENSIVE CATASTROPHE LIABILITY INSURANCE**

Introduced by VanderWall      Seconded by Shastid

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

(with the credit experience under the single policy - general comprehensive and automobile liability insurance - computed separately as to miscellaneous and automobile)

The feasibility of complete city self-insurance was discussed, the City Manager stating that outside insurance offered the advantages of neutral investigation; that it was extremely difficult for a city council to settle claims filed against the City.

The City Attorney agreed, stating that private enterprise was better equipped to handle this type of work than governmental employees.

**MOTION**

That the City Manager, Finance Director and City Attorney work together to bring back information to the Council on self-insurance under \$10,000 covering errors and omissions

Moved by VanderWall Seconded by Mitchell Unanimously carried

**REPORT ON AUDIT OF FINANCE DEPARTMENT CASH BALANCES**

A report prepared by the City Clerk and Auditor in conjunction with Frank Lowry, representing Nattinger and Lowry, giving the results of an unannounced audit made on June 6, 1963 was distributed to the Council. The report was ordered filed.

**PRESENTATION OF FINANCIAL STATEMENT FOR THE MONTH OF MAY, 1963**

The financial statement for the month of May, 1963 was presented to the Council and ordered filed.

**CONSIDER APPOINTMENT TO THE PERSONNEL COMMISSION - TERM TO EXPIRE JANUARY 1, 1966 AND OTHER PERSONNEL PROBLEMS**

**MOTION**

That the Council recess to executive session to consider personnel matters

Moved by Mitchell Seconded by VanderWall Unanimously carried

The Council recessed at 10:20 P.M. and reconvened at 10:50 P.M.

**RESOLUTION NO. 63-294**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ELECTING RICHARD VANDERWALL VICE MAYOR OF THE CITY OF MODESTO**

Introduced by Mitchell Seconded by Tabbert

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None Absent: Patton

**ADJOURNMENT**

**MOTION**

That the meeting now in session be adjourned  
Moved by VanderWall Seconded by Mitchell  
The meeting adjourned at 10:59 P.M.

Unanimously carried

ATTEST:

  
Rex E. Gallifus, City Clerk

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The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to further consider the preliminary budget for fiscal year 1963-64.

The City Clerk called the roll and there were:

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall,  
Mayor Johansen  
(Councilman Shastid arrived at 4:25 P.M.)  
Absent: Councilmen: None

REVIEW OF EQUIPMENT RENTAL RATE - 1-TON TRUCK, PARKING AND TRAFFIC DEPARTMENT SUPPLEMENTAL REQUEST 1-10

Copies of a memorandum from the Director of Parking and Traffic dated June 10, 1963, subject, "Equipment Rental - Account 218-56-1963-64," were distributed to the Council, a copy of which is on file with the record of the minutes. The memorandum was requested by the Council at the June 6, 1963 adjourned regular meeting.

The memorandum was reviewed by Director of Finance Bird.

Mr. Bird stated that considerable time was being taken to review the equipment rental rates which might result in adjustments to the equipment rental budget.

Mayor Johansen asked that a notation be made to strike out the supplemental request of \$84 rental charges appearing in the Parking & Traffic - 56 budget of expenditures, stating that proper action would be taken at the appropriate time.

The City Manager reported that rental rates were not charged the Public Works Department for two portable pumps, one power valve operator, one 3/4 ton pickup and one leaf collector, because of the large Public Works' rental budget; that if meeting the approval of the Council, the charges would be absorbed in the regular budget.

PARKS AND RECREATION - ADMINISTRATION - 31, p. 29 -(Supplemental Requests)

Request for Park Superintendent

Organizational charts of the Parks and Recreation Department, present and proposed for fiscal year 1963-64, were distributed to the Council.

The need for a Parks Superintendent was outlined by Mr. Cowie.

Councilman Shastid arrived at the meeting.

The amount of the entire Parks and Recreation budget was discussed.

Mayor Johansen suggested that information be sought from cities comparable in size to Modesto to find out the proportion of the budget spent on Parks and Recreation.

Parks & Recreation - Parks (supplemental request)

Supplemental Request for Leadman for 9 Months

The responsibilities of the proposed leadman were outlined by Mr. Cowie.

Need for Fulltime Draftsman in Parks and Recreation Department

Councilman Shastid questioned the need for a fulltime draftsman in the Parks and Recreation Department, suggesting that the position might more properly belong in the Engineering Department.

Mayor Johansen also questioned the need of a fulltime draftsman in the Parking and Traffic Department, stating that it might be well to investigate the matter with a view to having all draftsmen in the engineering department.

Dissemination of information pertaining to development of parks to interested groups was discussed.

The need for additional personnel as more parks are developed, was discussed.

PARKS AND RECREATION - Recreation - 32, p. 30

Supplemental request of \$672 to provide after-school program - Catherine Everett School (approximately 8 months)

Mr. Cowie recommended that a normal after-school program be provided for Catherine Everett School. He said that no action has yet been taken by the Schools to share one-half of these costs.

Upon request, Superintendent of Recreation Grogan briefly described the after-school program and reviewed a survey taken of other cities' programs.

Parks and Recreation Department revenues were discussed.

Tiny Tot Program \$1,146 - Salaries; \$105, Supplies

The supplemental request for a Tiny Tot Program was discussed by the Council.

Mayor Johansen and Councilman Shastid expressed opposition to the program.

MOTION

That the City Manager report to the Council on the possibility of consolidating all draftsmen from the Planning, Parks and Recreation, and Parking and Traffic Departments with the Engineering Department

Moved by Mayor Johansen      Seconded by VanderWall      Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to Thursday, June 13, 1963 at 4:00 P.M.

Moved by Patton      Seconded by Hughes      Unanimously carried

The meeting adjourned at 5:32 P.M.

ATTEST

*Rev. E. Gailfus*  
REV. E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to further consider the preliminary budget for fiscal year 1963-64.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Shastid, Tabbert, VanderWall,  
Mayor Johansen  
Councilman Hughes arrived at 4:10 P.M.  
Absent: Councilmen: Patton

INSURANCE & RETIREMENT - 64, p. 49

Director of Finance Bird stated that as a result of council action taken at its regular June 10, 1963 meeting, wherein the staff was authorized to renew the City's general comprehensive liability and automobile liability insurance under a single policy, to renew its aviation liability insurance, and to obtain comprehensive catastrophe liability insurance, it was necessary to increase Account 415, Public Liability Insurance, from \$18,500 to \$25,209.

MOTION

That the increase of Account 415, Public Liability Insurance from \$18,500 to \$25,209 be tentatively approved

Moved by Shastid      Seconded by VanderWall      Unanimously approved

PUBLIC WORKS - SERVICE DIVISION, 48, p. 56

MOTION

That a decrease of Account No. 412, Auto Insurance, from \$8,000 to \$7,000 be tentatively approved

Moved by VanderWall      Seconded by Shastid      Unanimously carried

Councilman VanderWall suggested that in the future the memorandum containing supplemental budget requests indicate the corresponding page number in the preliminary budget.

GOLF COURSE RENTAL RATES

The City Manager stated that a report on the review of the golf course rental rates would be furnished the Council at the June 17, 1963 meeting.

PARKS & RECREATION - 9-HOLE GOLF COURSE - 37, p. 35

Equipment Rental Charges, Grounds Maintenance Machine (Supplemental Request)- \$525

Director of Parks and Recreation Cowie stated that the proposed grounds maintenance machine was smaller and more maneuverable than the large machines; that the machine could also be used to advantage in the parks.

The following were discussed: Comparative maintenance costs and revenues of the golf courses; the high equipment rental rate for the grounds maintenance machine in view of its original cost of about \$1,450.

DRYDEN PARK MUNICIPAL GOLF COURSE - 38, P. 36 2-9

Fertilizer - Supplemental Request - \$600

The appearance of this item as a supplemental request was questioned by Mayor Johansen, who suggested that this be automatically done out of budgeted funds without presenting it to the Council as a special item.

Mr. Cowie stated that this would be done in the future, and only brought to the Council's attention if funds were not available.

76" Triplex Mower - \$944, 2-53

The economies effected through purchase of the machine were outlined by Mr. Cowie.

PARKING & TRAFFIC - 56, p. 46

Because of notification from the Traffic Appliance Corporation that the price of rebuilt Miller parking meter clocks have been increased from \$2.95 to \$3.95, Director of Finance Bird stated that it would be necessary to increase Account 223, M & R, Equipment Other, from \$4,934 to \$4,984, and 223-57, M & R, Other Equipment, from \$950 to \$1,100.

MOTION

That increase of Accounts 223-56, M&R, Equipment Other, and 223-57, M. & R, Other Equipment, be tentatively approved as requested by Director of Finance Bird

Moved by Shastid                      Seconded by Mitchell                      Unanimously carried

SERVICE WORKING CAPITAL FUND (Service Division) pp. 56 and 57

Director of Finance Bird stated that Council approval of any of the equipment listed in the Service Working Capital Fund (Service Division) Account (Page 4 of memorandum dated May 27, 1963, subject, "Supplemental Budget Requests 1963-64 Budget," would necessitate approval of the rental rate shown in the General Fund budget; if disapproved by the Council, there would be no need for expenditure in the revolving fund, and there would be no need to approve the applicable rental rates budgeted in the General Fund.

The nature of the fund was explained by Mr. Bird.

Upon questioning, the City Manager stated that all departmental equipment rental rates were reviewed at least once annually at the time of the preparation of the preliminary budget.

PROPERTY TAXES, p. XI 4-100

Alternatives listed for Council consideration to avoid or minimize an increased property tax rate were discussed.

The City Attorney was directed to render a report on authorized legal usage of on-street meter revenue.

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Councilman VanderWall requested that copies of a report giving the status of city-owned and city-leased parking lots some time ago be redistributed to the Council.

Councilman Mitchell stated that this might be the time to consider establishment of a parking district to enable the merchants to provide parking through self-assessment; that this might result in the general public welcoming a larger portion of on-street parking revenues being used to finance legitimate parking expenditures other than acquisition of parking lots.

Item 12 - Transfer of \$15,000 from McHenry Library Fund

Councilman Shastid recommended that the difference in the Library Tax between what is now appropriated for the Library and what is actually needed for operations (\$15,000) be transferred to the General Fund tax levy (approximately 2¢ on the tax rate)

The matter was generally discussed by the Council, and action withheld pending the presence of the Librarian.

A possible increase in the tax rate and the importance of building up the reserve fund was discussed.

Councilman VanderWall suggested that Council consideration be given to funds for park improvements in the event the tax rate is increased.

MOTION

That the meeting now in session be adjourned to June 18, 1963 at 4:00 P.M.

Moved by VanderWall      Seconded by Mayor Johansen

The meeting adjourned at 5:40 P.M.

ATTEST:

REX E. GALLFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll and there were

Present: Councilmen: Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen -  
Councilman Shastid arrived at 4:09 P.M.

Absent: Councilmen: Hughes

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

A moment of silent prayer was observed.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meetings of May 27 and June 3, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

#### LETTER FROM DOROTHEA GOLDSCHMIDT, 115 MAGNOLIA, RE: USE OF HER HOME ON MAGNOLIA FOR BUSINESS PURPOSES

A letter from Dorothea Goldschmidt, 115 Magnolia Avenue, requesting that this property be rezoned to permit a club, establish an eating place, and cater to weddings, was read by the City Clerk.

The City Manager stated that Mrs. Goldschmidt has been notified of the procedure to follow in applying for property rezoning.

The letter was ordered filed.

#### LETTER FROM JOHN S. ZENTNER, SUPERVISING INSPECTOR, FEDERAL AVIATION AGENCY RE: OPERATION OF CITY-COUNTY AIRPORT

A letter from John S. Zentner, Supervising Inspector, Flight Standard Division, Federal Aviation Agency, dated June 3, 1963, commenting on the fine manner in which the grounds and facilities of the Modesto City-County Airport are kept, specifically mentioning the efforts of Airport Manager Harry Sham and Airport Attendant, Albert Skeen, was read by the City Clerk.

The City Clerk was directed to furnish Mr. Skeen with a copy of the letter. The letter was ordered filed.

#### LETTER FROM REX E. HIGBEE, PRESIDENT, HOME BUILDERS ASSOCIATION RE: SIDE-YARD REGULATIONS IN USE OF MECHANICAL REFRIGERATION UNITS 1-32

A letter from Rex E. Higbee, President, Home Builders Association of Central California, dated June 13, 1963 requesting that Section 10-2.1610 of the Municipal Code be amended because it is causing conflict and problems within the homebuilding industry, was read by the City Clerk. Mr. Higbee indicated in his letter that the use of mechanical refrigeration units which are placed in side yards are in violation of this section of the Code.

The City Manager stated that this section of the Code has only recently been enforced and recommended that a 60-day moratorium be

granted as requested by Mr. Higbee until such time as the matter can be studied by the Heating and Ventilating Committee.

A motion introduced by Councilman VanderWall, seconded by Councilman Tabbert, approving a 60-day moratorium pending study of the matter was withdrawn by Councilman VanderWall and Tabbert.

The letter was referred to the staff for study.

COMMUNICATION FROM PUBLIC UTILITIES COMMISSION STATING THAT INVESTIGATION HAS BEEN ORDERED RELATIVE TO ABOLISHMENT OF SOUTHERN PACIFIC RAILROAD CROSSING ADJACENT TO UNITED CONCRETE PIPE COMPANY, SOUTH OF MODESTO

An "Order Instituting Investigation" filed with the Public Utilities Commission on June 11, 1963 relative to a Commission investigation into the status, safety, maintenance, operations, use and protection of a crossing at grade of the Southern Pacific Company at or near Mile Post 114.45 near the City of Modesto, Stanislaus County, was reviewed by the City Clerk.

The document was ordered filed.

CONSIDER AWARD OF BID FOR KEWIN PARK SITE SPRINKLER SYSTEM

City Manager Keefe said that three bids were received for the installation of a sprinkler system at Kewin Park, the low bid submitted by Harry O. Kline for \$4,300. He recommended that the low bid be accepted.

RESOLUTION NO. 63-295

A RESOLUTION ACCEPTING THE BID OF HARRY O. KLINE FOR A SPRINKLER SYSTEM AT KEWIN PARK SITE

Introduced by Mitchell      Seconded by Patton  
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

Upon questioning, the City Manager said that city funds only were involved in this project.

CONSIDER BIDS RECEIVED FOR TAXIWAY LIGHTING AT MODESTO CITY-COUNTY AIRPORT

The City Manager stated that an award cannot be made for the taxiway lighting at Modesto City-County Airport until the F.A.A. grant offer has been received.

MOTION

That this matter be held over for one week

Moved by Tabbert      Seconded by Shastid      Unanimously carried

CONSIDER AWARD OF BID FOR ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT

A letter from Jacuzzi Bros, Inc. indicating that the company wished to withdraw its bid for the furnishing and installing of one deep well turbine pump and electrical equipment was furnished the Council. The City Manager stated that the company has now made a verbal request that its bid be considered. He recommended that the matter be held over for one week to permit analysis of the bid to determine whether or not the bid covers specifications.

By Order of the Chair, this matter was held over for one week.

CONSIDER AWARD OF BID RECEIVED FOR CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 27

By Order of the Chair, this matter was held over for one week.

CONSIDER AWARD OF BID RECEIVED FOR WATER LINES IN SKYLANE PARK NO. 3 SUBDIVISION

The City Manager stated that no bids were received for the installation of water lines in Skylane Park No. 3 Subdivision, and recommended that the water lines be installed by city forces. Estimated cost of installation is \$8,090.

RESOLUTION NO. 63-296

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR CONSTRUCTION OF WATER LINES IN SKYLANE PARK NO. 3 SUBDIVISION

Introduced by VanderWall      Seconded by Shastid  
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

CONSIDER BIDS RECEIVED FOR LEGAL ADVERTISING, 1963-64 FISCAL YEAR

The City Clerk reported that two bids were received for the City's legal advertising for fiscal year 1963-64, the low bid submitted by The Modesto Tribune.

RESOLUTION NO. 63-297

A RESOLUTION ACCEPTING THE BID OF THE MODESTO TRIBUNE FOR LEGAL ADVERTISING FOR FISCAL YEAR 1963-64

Introduced by Mitchell      Seconded by Tabbert  
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

CONSIDER AWARD OF BID FOR CALIFORNIA-FRANKLIN PARK SITE SPRINKLER SYSTEM

By Order of the Chair, this matter was held over for one week.

CONSIDER APPROVAL OF CONTRACT WITH AGRICULTURAL RESEARCH SERVICE, U.S.D.A., FOR RENTAL OF PART OF GARAGE AT FIRE STATION NO. 3 LOCATED AT 416 DOWNEY AVENUE

RESOLUTION NO. 63-298

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND AGRICULTURAL RESEARCH SERVICE, U.S.D.A. FOR RENTAL OF A PORTION OF THE GARAGE AT FIRE STATION NO. 3 LOCATED AT 416 DOWNEY AVENUE (\$10 per month commencing July 1, 1963)

Introduced by Shastid      Seconded by Mitchell  
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

CONSIDER REQUEST OF DIRECTOR OF PARKING AND TRAFFIC FOR PERMISSION TO HELP CITY OF MANTECA BY PREPARING A PARKING REPORT

A memorandum from Director of Parking and Traffic Carmody, dated June 12, 1963, subject, "Outside Employment - Manteca," requesting permission for outside employment to help the City of Manteca in updating

a report on parking submitted by Mr. Carmody in 1957, was read by the City Clerk.

#### MOTION

That the request of Parking and Traffic Director Carmody for outside employment to help the City of Manteca in updating a report on parking be approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

#### CONSIDER INSTALLATION OF FLASHING RAILROAD SIGNALS AT U.S. 99 AND TULLY ROAD

The City Manager stated that the City's share of the costs for installing flashing railroad signals at U.S. 99 and Tully Road is \$2,500; the State's share, \$2,700.

Upon questioning, Director of Parking and Traffic Carmody stated that the Southern Pacific was not contributing to the cost of the flashing signals because it does not feel that the signals are necessary; that unless the signals are installed, the State will not permit installation of traffic signals at this intersection; Mr. Carmody pointed out that if this project is not approved at this point, it is possible that the City will have to bear the entire cost of the signalization when this section of Highway 99 is no longer under the jurisdiction of the State. Mr. Carmody said that the cost of the signalization of P Street, Kansas Avenue and Tully Road is approximately \$80,000; that these projects have been pending for about 6½ years.

Responsibility for maintenance of the proposed signals was discussed. Mr. Carmody stated the Southern Pacific Company is now including a clause in its agreements to the effect that the installation will be covered by suitable agreement "which will contain provision for maintenance costs apportioned by agreement, law or Public Utilities Commission decision." He said that the Southern Pacific was trying to have legislation passed whereby the governmental agency and the railroad will share the maintenance costs. Inclusion of the above clause in current agreements will make the law retroactive in the event passage is successful. Mr. Carmody said that inclusion of this provision in an agreement between the County and Southern Pacific has resulted in a delay in signalization of the Woodland-Coldwell Avenue intersection.

County Administrator Dixon, who was in the audience, said that the County has taken the position that the Southern Pacific Company should continue to maintain the signals; that a check has revealed that the County is spending as much money on maintaining approaches to the crossings as the Southern Pacific is spending on maintenance of the signals.

Mr. Carmody stated that when this matter was previously considered by the Council, the City's share of the cost was \$5,200; that he recommended at that time that the figure not be accepted.

#### MOTION

That the staff bring back necessary documents covering the installation of flashing railroad signals at the intersection of U.S. 99 and Tully Road

Introduced by VanderWall      Seconded by Mitchell      Unanimously carried

Frank Andrews spoke briefly on the unreliability of flashing signals on switch tracks.

Chief of Police Bowers stated that the architect for the police-communications center building has suggested several color combinations for the interior of the building and one sample for the exterior. The sample for the exterior of tinted concrete was shown the Council. Mr. Bowers said that the tinted concrete will eliminate painting the building.

The City Manager stated that early approval of the color selection was needed because construction has advanced to the point where concrete is ready to be poured.

Mayor Johansen suggested that the Councilmen check the samples submitted during the coming week, and that perhaps a decision could be made at the budget hearings on June 18 or 20. Mr. Keefe said that the samples could be seen in his office.

HEARING ON PROPOSED ABANDONMENT OF A PORTION OF TERMINAL AVENUE

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed abandonment of a portion of Terminal Avenue east of North Olive Avenue, and opened the hearing.

The City Clerk reported that notice of intention to abandon the area was published in the Modesto Tribune on May 23, 1963 and notices posted in the area on June 7, 1963. No written protests to the proposed abandonment were filed with the City Clerk.

The City Manager stated that Planning Commission Resolution No. 925 adopted April 2, 1963 recommends the vacation and abandonment of a portion of Terminal Avenue east of North Olive Avenue, Block 455.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

Assistant Director of Public Works Campbell stated that the parcel in question has been landscaped by the adjacent owner and integrated into adjacent Lot 10 with full street improvement, curbs, gutters, sidewalk and street trees.

RESOLUTION NO. 1016-S.P.

A RESOLUTION VACATING AND ABANDONING A PORTION OF TERMINAL AVENUE EAST OF NORTH OLIVE AVENUE, BLOCK 455, IN THE CITY OF MODESTO

Introduced by VanderWall      Seconded by Mitchell  
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

The City Attorney stated that the property owner has agreed in writing to pay all costs involved in the abandonment.

CONSIDER RESOLUTION OF INTENTION TO VACATE AND ABANDON THE FIVE-FOOT PUBLIC UTILITIES EASEMENT IN BLOCK 6986 IN THE CITY OF MODESTO (McHENRY HIGHLANDS SUBDIVISION)

The City Manager reported that Planning Commission Resolution No. 946 adopted May 21, 1963 recommends vacation and abandonment of a five-foot public utility easement in Block 6986 of McHenry Highlands Subdivision; that resubdivision of this block is not possible until this easement is abandoned.

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE FIVE (5') FOOT PUBLIC UTILITY EASEMENT IN BLOCK 6986 IN THE CITY OF MODESTO (McHENRY HIGHLANDS SUBDIVISION)

Introduced by Shastid      Seconded by VanderWall  
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

July 8, 1963 at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of public hearing.

CONSIDER GRANTING ENCROACHMENT TO ALLOW TAXI-TELEPHONE ON STREET LIGHT STANDARD - YELLOW CAB COMPANY 3-115

The City Manager read a memorandum from the Director of Public Works, dated June 12, 1963, subject, "Request for Taxi Telephone Box." The memorandum indicated that Yellow Cab Company has requested permission to install a cab telephone box on a light pole on 10th Street near the corner of G Street; that at the present time the competing taxi company has three telephone boxes on street light standards, and the Yellow Cab Company has none; that the staff has reached the conclusion that except from the possible liability angle, there is no more hazard in having the call box on a street lighting standard than on an adjacent post. Recommendation was made that the request be granted on the following basis: That the permit be revocable; that the City be held harmless and insurance provided; that the box be maintained in good condition and no advertising be permitted thereon except the words "taxi phone"; that the telephone lead to the box be underground.

Mr. Secreto, owner of Yellow Cab Company, requested that he be permitted to place the words "Taxi Phone, Yellow Cab Co." on the box.

The underground telephone lead to the box was discussed. Mr. Secreto was advised to see Assistant Director of Public Works Campbell in working out the details.

RESOLUTION NO. 63-299

A RESOLUTION GRANTING A REVOCABLE ENCROACHMENT PERMIT TO THE YELLOW CAB COMPANY TO INSTALL A TAXICAB TELEPHONE BOX ON A STREET LIGHTING STANDARD NEAR THE CORNER OF G STREET IN FRONT OF LUCKY AUTO SUPPLY STORE ON TENTH STREET IN THE CITY OF MODESTO (Approving "Taxi Phone, Yellow Cab Company" to be placed on box)

Introduced by Shastid      Seconded by Mitchell  
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

CONSIDER POSSIBLE AMENDMENT TO PROVISIONS OF THE MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS AND THE EXEMPTION OF CITY-OWNED MOTOR VEHICLES FROM THE PARKING METER REGULATIONS

The City Manager stated that the City Attorney, at the request of the Council Public Relations Committee, has prepared a draft of an ordinance which will eliminate the present exemption of city-owned vehicles, together with privately-owned and operated vehicles displaying city parking stickers, from the parking meter regulations, authorizing parking in the lower floor level of the city hall parking garage only.

A memorandum from the City Attorney, dated June 13, 1963, subject, "Traffic Regulations: Exemption of City Owned Vehicles from Parking Meter Regulations," and a draft of a proposed ordinance to effect the

above, was furnished to the Council prior to the meeting, copies of which are on file with the record of the minutes.

Councilman Shastid stated that he failed to see how the proposed amendments to the parking meter regulations would solve the problems connected with violation of parking meter regulations by county personnel.

Councilman Tabbert questioned the selection of the lower floor level of the city hall garage as the area for permissive parking of city-owned vehicles and those displaying city parking stickers, stating that in his opinion this was a choice parking area.

The City Attorney stated that one of the reasons the Council Public Relations Committee suggested that the parking meter regulations be amended was to eliminate discrimination in favor of one governmental agency.

It was Councilman VanderWall's opinion that no governmental agency should be exempt from parking meter regulations, including city personnel, inasmuch as taxpayer's money is involved.

City Manager Keefe stated that none of the cities he had worked for previously exempted government-owned vehicles from parking regulations.

C. Dixon, County Administrator, asked that county-owned vehicles parking in downtown Modesto on county business not be ticketed for parking violations, basing his request on consideration of efficient performance of county government at minimum cost to the taxpayer. He listed several county agencies working in the downtown area on projects useful to both the City and County - the County Health Department, Assessor's Office, personnel from the Sheriff's Department working in conjunction with the City Police Department, Civil Defense, etc. Mr. Dixon said that collectively, the automobiles involved required a very small number of parking spaces; that when citations were issued, it was quite probable that the cost of handling the citations exceeded the revenues derived; that it was impracticable for the County to provide reimbursement for parking meter costs to various employees driving county vehicles; that he believed this was the type of unnecessary expense which should be eliminated from county and city government. He stated that the City and County were attempting to work more closely together in every area of local government and if local government was to meet the needs of its citizenry, beneficial economies of cooperation must be utilized and the adverse effects of unrealistic legislation minimized.

Mr. Dixon was questioned by the Council. He said that the County's principle parking problems were in the area of the court house.

Councilman Mitchell said that a problem in public relations existed between governmental agencies and merchants-citizens when city or county employees parked with exempt license plates in front of their businesses; that inasmuch as the court house occupied the entire block, this resentment would not apply if cars were parked in the immediate area of the court house. He suggested a plan whereby county and city cars would be exempt from parking traffic regulations when parked in the area immediately adjacent to the court house and city hall, and observance of parking meter regulations when parked outside the perimeter of the court house and city hall premises.

Mr. Dixon said that the County would cooperate with any decision made by the Council. He asked that his office be notified of any complaints made by downtown merchants or citizens in connection with the parking of county cars.

The matter was discussed by the Council.

Councilman VanderWall introduced an ordinance, seconded by Mayor Johansen, which would eliminate the present exemption of city-owned motor vehicles from the Parking Meter Regulations.

At the request of Councilman Tabbert, vote on the ordinance was tabled for further study.

#### MOTION

That this matter be continued for one week

Moved by Shastid      Seconded by Mitchell      Unanimously carried

Councilman Patton asked that a report be made on the number of citations issued against county personnel during the past six months, stating that this information was needed in order to determine the seriousness of the problem.

Mr. Dixon asked that the Council consider exempting county vehicles on a trial basis, with any objections to the use of county vehicles in the downtown area reported to his office. He repeated that there was a great amount of red tape involved in spending a dollar in an effort to reimburse a 5¢ parking fee.

Councilman Shastid asked if the Public Relations Committee might consider Mr. Dixon's suggestion - if any merchant feels that city or county vehicles are improperly parked, that complaints be made to responsible officials. He said that this might also reveal improper use of government vehicles.

Enforcement of the existing and proposed ordinance was discussed.

The City Attorney stated that enforcement of one county parking ticket where the driver is unknown might mean the loss of work for ten or twelve employees for several hours in an effort to determine the individual driving the car.

#### REPORT ON PROGRESS RELATIVE TO GRIFFENHAGEN-KROEGER, INC. REPORT ON ADMINISTRATIVE IMPROVEMENTS FOR THE CITY PLANNING DEPARTMENT

A report from Director of Planning Fey, dated June 17, 1963, subject, "Kroeger Report Recommendations," was distributed to the Council.

By Order of the Chair, the staff was directed to place this matter on the agenda of the July 1, 1963 meeting.

LEGISLATIVE MATTERS - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Frank Andrews - Request to use Council Chambers

#### MOTION

That the request of Frank Andrews to use the Council Chambers for public meeting to discuss the New Don Pedro Dam be denied

Moved by Mitchell      Seconded by VanderWall      Unanimously carried

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REQUEST FOR PAYMENT OF SUM BUDGETED FOR 4TH OF JULY CELEBRATION COMMITTEE BY CAL PURVIANCE

Cal Purviance, representing the 4th of July Celebration Committee, requested payment of the \$750 budgeted for the celebration, and requested that a similar amount be budgeted for fiscal year 1963-64.

MOTION

That payment of \$750 to the Fourth of July Celebration Committee be authorized

Moved by VanderWall      Seconded by Shastid      Unanimously carried

SET HEARING DATE FOR CONSIDERATION OF 1963-64 BUDGET

RESOLUTION NO. 63-300

A RESOLUTION SETTING THE DATE FOR PUBLIC HEARING ON THE PROPOSED BUDGET FOR THE CITY OF MODESTO FOR FISCAL YEAR 1963-64

Introduced by VanderWall      Seconded by Mayor Johansen  
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

July 1, 1963 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REQUEST OF MRS. KENNETH KINGMAN, 1119 CAMBRIDGE COURT, FOR BLOCK PARTY

A letter from Mrs. Kenneth Kingman, dated June 17, 1963 requesting that the 1100 block of Cambridge Court, Yorkshire Manor be closed for the purpose of a block party to be held July 4, 1963 was read by City Manager Keefe. Mr. Keefe recommended that the request be granted.

The City Attorney stated that the code was amended to permit the administrative handling of this type of request. The letter was referred to the staff for handling.

REQUEST OF CITY ATTORNEY FOR VACATION

MOTION

That the request of the City Attorney for one week's vacation beginning June 24, 1963 be approved

Moved by VanderWall      Seconded by Shastid      Unanimously carried

REPORT OF PUBLIC PROJECTS COMMITTEE ON PROPOSED POLICY OF ADVANCES BY CITY FOR SUBTRUNK AND PERIMETER SEWERS

Councilman Mitchell stated that this matter was referred to the Council Public Projects Committee for consideration and report, the Committee meeting on June 12, 1963 with members of the Home Builders' Association. Mr. Mitchell reported that through a misunderstanding on the part of the Association as to the staff's recommendation, namely, that the subdivider would pay the entire cost of the sewer installation, not only for his own subdivision, but the extra depth and capacity to serve future area, the Home Builders' Association was not in favor of the proposed policy.

Councilman Mitchell suggested that the proposed change of policy be dropped.

City Manager Keefe announced the appointment of Marvin Ray as the new Deputy City Manager and Ross Campbell as the new Director of Public Works.

REPORT BY POLICE CHIEF ON TRAFFIC LAW ENFORCEMENT ON 10TH AND 11TH STREETS

A memorandum from Chief of Police Bowers, dated June 10, 1963, subject, "Traffic Law Enforcement on 10th and 11th Streets," was furnished the Council, a copy of which is on file with the record of the minutes.

Councilman Shastid questioned the small number of citations issued.

Chief Bowers said that a motorcycle patrolman has been assigned to full time duty on 10th and 11th Streets on Thursday, Friday and Saturday nights, but in order to assign more personnel to this area, other assignments would have to be slighted.

The matter was discussed by the Council.

Chief Bowers was directed to furnish a report to the Council on this matter in about three months.

REPORT ON ACQUISITION AND DEVELOPMENT OF CITY PARKS

The City Manager stated that a report from the Council Public Projects Committee, dated May 24, 1963, subject, "Report on Acquisition and Development of City Parks," was submitted to the Council at the June 3rd meeting for its review and recommendation.

Councilman Shastid asked if consideration had been given to the development of larger parks comparable to Graceada, with fewer small neighborhood parks adjacent to school sites.

Councilman VanderWall, Chairman of the Public Projects Committee, stated that this had been discussed and the Committee in agreement that the policy of small parks adjacent to schools should be continued.

Councilman Mitchell stated that the General Plan calls for larger parks in the vicinity of high schools, with one purchased in the Downey High School area and another under consideration in the Davis High School area.

Councilman VanderWall suggested that consideration might be given to a property tax levy for park improvement purposes, ranging from 1¢ to 10¢, stating that a 10¢ levy would provide about \$70,000 per year for this purpose.

MOTION

That the report of the Council Public Projects Committee, dated May 24, 1963, subject, "Report on Acquisition and Development of City Parks," be approved and the guide lines accepted

Moved by Mayor Johansen                      Seconded by Patton                      Unanimously carried

Mrs. W. C. Wemken asked that the Council consider the improvement of a park site near the El Vista School, stating that it was acquired by the City approximately six years ago; that the nearest park to the area was Kewin Park, approximately three miles away. She said that if

the City provided lawn, residents in the area would be willing to furnish trees. The park site was indicated on a map.

Mrs. Wemken listed a few restrictions connected with the use of the El Vista School playground by children.

Mrs. Harvey Grote, 316 Cloverdale Avenue, asked that lawn be planted in the park site.

The City's problems connected with financing and establishing priority in parking improvements, and possible county participation in improving parks bordering the County were discussed.

#### MOTION

That the City Manager and Director of Parks and Recreation meet with Mrs. Wemken and Mrs. Grote to discuss the improvement of the El Vista School park site

Moved by Mayor Johansen      Seconded by Mitchell      Unanimously carried

#### INVITATION FROM PERSONNEL COMMISSION FOR MAYOR AND COUNCILMEN TO ATTEND LUNCHEON, WEDNESDAY NOON, JUNE 26, 1963, WORK REFERENCE ROOM, THIRD FLOOR, CITY HALL

The City Manager stated that the purpose of the invitation was to give the Council and the Personnel Commission an opportunity to review the Council's resolution establishing principles for the Personnel Commission to follow in arriving at salary recommendations, and other mutual problems.

The City Manager was directed to furnish each Council member a copy of the Council's salary resolution before the scheduled meeting.

#### MOTION

That the invitation from the Personnel Commission to Mayor and Councilmen to attend a luncheon meeting Wednesday Noon, June 26, 1963, Work Reference Room, Third Floor, City Hall, be accepted

Moved by VanderWall      Seconded by Patton      Unanimously carried

#### CONSIDERATION OF CITY COUNCIL - BOARD OF SUPERVISORS LUNCHEON MEETINGS TO BE HELD AT NOON ON THE 5TH TUESDAY OF EVERY MONTH HAVING FIVE TUESDAYS

That the Council express its willingness to join with the Board of Supervisors in meeting every fifth Tuesday quarterly to discuss mutual problems

Moved by Mitchell      Seconded by Shastid      Unanimously carried

#### LETTER FROM C. W. THROSSELL, PRESIDENT, MODESTO GOLF CLUB, RE: OPERATION AND PLANNED IMPROVEMENTS FOR DRYDEN PARK MUNICIPAL GOLF COURSE

Copies of a letter from C. W. Throssell, dated June 5, 1963; a memorandum from Director of Finance Bird, dated June 17, 1963; and a memorandum from Director of Parks Cowie, dated June 17, 1963 subject, "Golf Courses - Memorandum from City Manager Dated 6-5-63 and Letter to the Mayor and Members of the City Council from Modesto Golf Club Dated 6-5-63," were furnished the Council, copies of which are on file with the record of the minutes.

Mr. Bird's memorandum indicated the total equipment pool costs and rental charges for the golf courses for the past nine years to be \$44,094.32, with a net estimated overage of \$1,949.58.

Mr. Throssell's letter indicated that the Board of Directors of the Modesto Golf Club wished to discuss planned improvements and operation of Dryden Park Municipal Golf Course prior to the approval and adoption of any portion of the 1963-64 budget affecting the golf courses. He stated that the purpose of the discussion was to acquaint both parties with the operational expenses of the golf courses to work towards bringing income and expense more closely together, and to fully acquaint all parties with the provisions of Ordinance No. 9-C.S., relating to the acquisition, construction, maintenance and operation of an eighteen hole municipal golf course by the City of Modesto, and the agreement upon which the ordinance was based.

Mr. Bird was questioned by the Council, stating that his report covered the period from the inception of the equipment pool in 1954 through December 31, 1962; that the overage, without the inclusion of the proposed purchase of additional equipment for the golf courses in 1963-64, was \$4,199.58.

After an analysis of Mr. Bird's memorandum, Mr. Throssell said his own figures indicated approximately \$3,500 for annual depreciation of the equipment, an expected expenditure of \$4,853 for operational costs (\$5,500 for budget purposes), with an annual budget of \$9,000 to cover equipment rental; that on the basis of this calculation there would be an anticipated reserve of \$26,335 in the Revolving Fund at the end of the year.

Mr. Throssell questioned an item of \$278.45 for tee shelters appearing as a golf course expenditure in Mr. Cowie's memorandum, stating that the tee shelters were donated by the golfers.

Mr. Cowie said that the \$278.45 represented labor furnished by the City in constructing the tee shelters. Mr. Throssell pointed out that the labor for the tee shelters presented a capital improvement and should properly have been posted to the Capital Outlay Account and not the Regular Salaries and Wages Account; that although this might have been done, it was not properly reflected in the budget figures. Mr. Throssell said he was bringing up this point to show a discrepancy in the City's accounting system.

Mr. Throssell referred to the agreement entered into between the City and Mr. and Mrs. Horace Dryden, dated January 3, 1954. Referring to Section 2 of the agreement wherein the City agreed "to proceed with due diligence to acquire, construct, ... maintain and operate an eighteen-hole municipal golf course, a portion of which shall be located upon said property, and to complete the development of same without unnecessary or unavoidable delay..." Mr. Throssell asked what was meant by the term "due diligence." He said that in checking city records, particularly the minutes of the Council meetings, there was no doubt in Mr. and Mrs. Dryden's minds that when the property was dedicated to the City, the driving range and clubhouse were meant to be an integral part of the golf course; that the City even went so far as to buy an additional piece of property in order to properly locate the clubhouse; that the expression "due diligence" was defined in the minutes of December, 1954, council meeting minutes, as covering a period of from five to seven years.

Commitments of the City, both legal and moral, in connection with the acquisition of Dryden Golf Course, were discussed.

Councilman Patton asked if the golfers would be willing to pay an additional charge for green fees to be earmarked for golf course capital improvements. Mr. Throssell answered that the golfers wanted no further assessments until the ground is broken.

Upon request, Mr. Throssell repeated a statement previously made that during the past six years, approximately ten per cent of the City's expenditure for capital improvements (about \$272,000) have been spent on golf course improvements.

Mr. Throssell said that his presence at this meeting was occasioned by the elimination of a driving range for the Dryden Golf Course from the 1963-64 Capital Improvement Program. He said that the Golf Association wanted the driving range placed back in the Capital Improvement Program.

Mayor Johansen said that consideration would be given the request when the Capital Improvement Program was under Council consideration. He suggested that Mr. Throssell meet with City Manager Keefe and Director of Finance Bird to discuss the alleged discrepancies in the golf course accounting procedures, and that Mr. Throssell be present at the meeting when the Capital Improvement Program is considered.

CONSIDER APPOINTMENT OF MEMBER TO THE PERSONNEL COMMISSION, TERM TO EXPIRE JANUARY 1, 1966

Mayor Johansen stated that the Council would meet in executive session following the meeting to consider this appointment.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Patton      Unanimously carried

The meeting adjourned at 7:40 P.M.

ATTEST:

  
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Vice Mayor VanderWall presiding, to further consider the preliminary budget for fiscal year 1963-64.

The City Clerk called the roll and there were:

Present: Councilmen: Mitchell, Patton, Tabbert, VanderWall  
Councilman Shastid arrived at 4:09 P.M.  
Mayor Johansen arrived at 4:22 P.M.  
Absent: Councilmen: Hughes

Police Building Color - Unanimous Consent Item 1-5

MOTION

That the recommendation of the architect, staff and color consultants for the exterior color and trim of the Police-Communications Center Building be approved

Moved by Mitchell      Seconded by Patton      Unanimously carried

The following documents were distributed to the Council, and a copy of each filed with the record of the minutes: Letter from C. W. Throssell, President, Modesto Golf Club, dated June 17, 1963; A report from the Finance Department showing the tax rates for the City for the past ten years; Memorandum prepared by the Finance Department dated June 18, 1963, subject, "Recap of Status of General Fund 1963-64 Budget"; Memorandum from the Finance Director dated June 17, 1963, subject, "Report on Tax Rate Change for the Library Fund"; Memorandum from the Director of Parking and Traffic dated July 30, 1962, subject, "Status of Parking Lot Leases and Future Capital Requirements"; Memorandum from Director of Parking and Traffic dated September 11, 1962, subject, "Status of Parking Lot Revenues and Rents"; Memorandum from the City Attorney, with attachments, dated June 18, 1963, subject, "Personnel Analysis of City Attorney's Office: 1963-64 Budget Request."

SUPPLEMENTAL BUDGET REQUESTS - 1963-64 BUDGET (Memorandum from Finance Department dated May 27, 1963)

Mayor Johansen arrived and presided at the rest of the meeting.

The City Manager listed the supplemental requests which in his opinion were essential to city operations.

City Hall Leak Repair, \$12,000 - 2-100

The need for the work was discussed.

Councilman Mitchell asked if it would be appropriate to use capital improvement funds for the repair.

The Finance Director was directed to check with the City's outside auditor to see if capital improvement funds could be used for the repair.

Fire Department - 3-55

## MOTION

That Items 110, Salaries & Wages, Regular, \$4,504, and 339, Uniform Allowance, \$50, be tentatively approved

Moved by VanderWall      Seconded by Patton      Unanimously carried

Police Department

## MOTION

That Items 505, Electric Typewriter, \$433; 504, Portable Battery Operated Recorder with Brief Case, \$600; and 504, (2) 50,000 B.T.U. heaters, \$500, be tentatively approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

A motion introduced by Councilman Tabbert tentatively approving 218, Equipment Rental Charges, \$4,320, for two police cars, died for lack of a second.

## MOTION

That 218, Equipment Rental Charges, for one car to be used in the Detective Division, with needed equipment, be tentatively approved

Moved by Patton      Seconded by VanderWall      Unanimously carried

Disaster & Civil Defense

With the unanimous consent of the Council, 504, Radio Equipment, two radios, were tentatively approved -- one for the Parks Leadman's pickup, and one for the additional police department vehicle approved above, in the amount of \$820.

Parks & Recreation - Parks, 9-Hole Golf Course, Dryden Golf Course

## MOTION

That the following supplemental requests in the Parks & Recreation Department be tentatively approved: Parks & Recreation - Parks: 110, Salaries and Wages, Regular (one leadman for a 6-months period) \$2,896; 218, Equipment Rental Charges, \$312; 223, M & R, Equipment Other, \$27; 218, Equipment Rental Charges (trailer, two 21" rotary mowers, utility body, and a grounds maintenance machine budgeted in the Equipment Pool, to be shared with golf course); Parks and Recreation - 9-Hole Golf Course: 218, Equipment Rental Charges, grounds maintenance machine, \$525; Parks and Recreation - Dryden Golf Course: 218, Equipment Rental Charges, \$944.

Moved by Shastid      Seconded by VanderWall      Unanimously carried

Public Works - Water 4-120

## MOTION

That 504, Pavement Cutter, \$550, be tentatively approved

Moved by VanderWall      Seconded by Patton      Unanimously carried

Public Works - Sewers and Garden Refuse

## MOTION

That Sewers Accounts 504, Submersible Sewage Lift Pump with Extra Motor, \$900; Garden Refuse, 218, Equipment Rental Charges, \$369; and 235, Services, Prof. and Others, \$180, be tentatively approved

Moved by Shastid            Seconded by Tabbert            Unanimously carried

Repair of City Hall

That \$12,000 be budgeted to repair the City Hall leak in a yet to be determined fund

Moved by Tabbert            Seconded by VanderWall            Unanimously carried

SERVICE WORKING CAPITAL FUND (Service Division)

## MOTION

That the following items listed under the Service Working Capital Fund (Service Division) p. 4, of Finance Memorandum dated May 27, 1963 be tentatively approved:

- 504, Police Car (1) for Detective Division, \$2,300 ;
- 504, Trailer (P & R Parks for hauling mowers, etc.) \$800;
- 504, Grounds Maintenance Machine (P & R Parks & Golf Course) \$1,497;
- 504, 21" Rotary Mowers (2) (P & R Parks) \$312;
- 504, ½ T. Pickup (P & R Parks for Parks Leadman) \$1,800;
- 504, Utility Body for ½ T. Truck (P & R Parks) \$767;
- 504, 76" Triplex Mower (P & R Dryden) \$1,500;
- 504, Portable Pumps (2) (Service) \$1,768;
- 504, Power Valve Operator (PW Water) \$2,000
- 504, ¾ T Pickup (PW Water) \$2,300
- 504 2 T. Dump Truck (PW Garden Refuse) \$4,600
- 504, Truck with Paint Equipment (Parking & Traffic) \$3,973

Moved by Shastid            Seconded by VanderWall            Unanimously carried

TAX RATE CHANGE - LIBRARY FUND

Tax rates of Fresno, Stockton, and Merced were discussed.

The memorandum from Director of Finance Bird dated June 17, 1963, subject, "Report on Tax Rate Change for the Library Fund," indicated that a 9¢ library tax rate would most nearly match current revenues with operating costs, including supplemental requests; that if the supplemental requests were denied, the tax rate could be lowered an additional 1¢.

Improvement of the parking lot adjacent to the library was discussed. Mr. Bird stated that a paving job could properly be charged to the McHenry Capital Outlay fund; also, the supplemental requests for two barred gates, woven wire enclosure for reference books and documents, and five air conditioning units.

## Motion

That the supplemental requests for 502, two barred gates, \$300, and 503, 5 air conditioning units, \$1,500, be tentatively approved, to be charged to the McHenry Library Capital Outlay Fund

Moved by Shastid            Seconded by VanderWall            Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to Thursday, June 20, 1963 at 4:00 P.M.

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 5:26 P.M.

ATTEST: *REX E. GAILFUS*  
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to further consider the preliminary budget for fiscal year 1963-64.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Shastid, Tabbert, VanderWall,  
Mayor Johansen  
Councilman Patton arrived at 4:05 P.M.  
Absent: Councilmen: Hughes

The following documents were distributed to the Council:  
A memorandum from Director of Finance Bird dated June 18, 1963, subject, "Working Capital Fund"; Memorandum from Personnel Officer Mitchel dated June 19, 1963, subject, "City Attorney's Personnel Analysis" dated June 18, 1963; Memorandum from Director of Finance Bird dated June 20, 1963, subject, "Analysis of Adjustments to the Preliminary 1963-64 Budget."

The documents were reviewed by the Council.

#### REPAIR OF CITY HALL

Director of Finance Bird stated that the City's outside auditor has agreed that if the repair of the leak is to be considered as satisfactorily completing the construction of the City Hall, it can be classified as a capital expenditure; if approved by the Council, Mr. Bird proposed that it appear in the Special Fund for Capital Outlay.

#### REDUCTION OF LIBRARY TAX RATE

Reduction of the library tax rate from the present 11¢, with the difference between the present and the lowered tax rate added to the general fund tax rate, was discussed

Director of Finance Bird suggested that rather than setting a rate, a formula be established; that if a rate is set when the assessed valuation is determined, provision can be made for the expenditures authorized by the Council with some reserve, whether it be \$1,000 or some higher amount.

#### MOTION

That the Council tentatively proposes that there be no transfer of \$20,000 or any other amount to the Library Capital Outlay Fund; that the Library Fund, which has an approximate \$14,000 balance, be reduced to a minimum reserve of \$5,000; that the tax rate be set at a figure which will return enough to pay the difference between the budget operating costs and the reserve of \$5,000 left in the Library Fund

Moved by Shastid                      Seconded by VanderWall                      Unanimously carried

#### PARKING FUND

The possibility of charging certain parking and traffic costs to the Parking Fund was discussed.

The City Attorney stated that in order to make different allocations it would be necessary to change present regulations governing the use of on-street parking revenues, which now permit the use of 25% of the funds for general purposes. It was Mr. Grimes' opinion that traffic engineering expenditures for traffic purposes would be valid expenditures against this fund.

Councilman VanderWall stated that he would not like to see the Parking Fund go below \$250,000.

The status of the proposed purchase of the Holtham-Tucker property as an extension of the City Hall parking lot was discussed.

#### MOTION

That approximately \$36,000 of the items allocated on page 46 of the preliminary budget which are properly chargeable to the Parking Fund be charged to the Parking Fund either through an interfund transfer, or such other accounting methods as the staff may determine necessary, which will leave an approximate balance in the fund of \$275,000.

Moved by Shastid      Seconded by VanderWall      Unanimously carried

#### LIBRARY - SUPPLEMENTAL REQUEST

##### LaLoma Branch Library 3-75

The City Manager reported that the Board of Supervisors, at its last meeting, failed to take action on the establishment of a branch library in the LaLoma area.

Use of the Phoenix Fire Station for the proposed branch library, and the available methods of meeting the City's obligation to the Empire Fire District in connection with the acquisition of the fire station were discussed.

#### CITY ATTORNEY - SUPPLEMENTAL REQUEST 4-0

Memorandums from the City Attorney and Personnel Officer relating to a personnel analysis of the City Attorney's Office were reviewed.

The City Manager and City Attorney were directed to work together with a view to reducing the paper work in the City Attorney's office. Possible reduction of work on the part of the City Attorney in connection with the rendering of Opinions was discussed.

#### PROPOSED REVISION OF MINUTES OF COUNCIL MEETINGS

Preparing Council minutes to record only actions taken by the Council was suggested by Councilman Shastid.

#### MOTION

That the staff be instructed to submit a recommendation to the Council on future preparation of council minutes, as well as minutes of City Commissions

Moved by VanderWall      Seconded by Shastid      Unanimously carried

CITY ATTORNEY - SUPPLEMENTAL REQUEST 5-15

MOTION

That Account 301, Office Supplies, \$266, be approved

Moved by VanderWall      Seconded by Shastid      Unanimously carried

APPROPRIATION OF FUNDS FOR FORWARD MODESTO COMMITTEE

MOTION

That \$500 be appropriated for the Forward Modest Committee

Moved by Shastid      Seconded by VanderWall      Unanimously carried

CAPITAL IMPROVEMENT PROGRAM (Attached to Memorandum from Alan E. Freeborn, Chairman, City Planning Commission, dated May 31, 1963)

59-3B - Trunks, subtrunks, perimeter sewers - various. Now Incl. (55-3 Coffee Rd. subtrunk) - \$75,000

Director of Finance Bird stated that the \$75,000 under this account could be reduced to \$40,000.

The proposed Capital Improvement Program for fiscal year 1963-64 was generally discussed.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned to Monday, June 24, 1963 at 9:00 P.M.

Moved by VanderWall      Seconded by Shastid      Unanimously carried

The meeting adjourned at 5:39 P.M.

ATTEST: REX E. GALLFUS  
REX E. GALLFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll and there were

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall,  
Mayor Johansen  
Councilman Shastid arrived at 7:37 P.M.  
Absent: Councilmen: None

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

Reverend Alfred M. Smoak gave the invocation.

COMMUNICATION FROM THE MODESTO DOWNTOWN ASSOCIATION RE: REVITALIZATION OF MODESTO'S CENTRAL BUSINESS DISTRICT

A letter from The Downtown Modesto Association, dated June 17, 1963, stating that the Association voted unanimous support of the City Council's effort to revitalize Modesto's central business district, was read by the City Clerk. The letter stated that the directors have also established a special "Modesto Booster" membership of \$5 for Modesto residents who are not downtown businessmen or property owners, but want to assist the association in its efforts to boost downtown Modesto for the betterment of the entire community.

The letter was ordered filed.

LETTER FROM ANDREW J. BIRD, 309 RIBIER AVENUE, REQUESTING THE CITY TO CAUSE INSTALLATION OF SIDEWALKS

A letter from Andrew J. Bird requesting that property owners on his side of Ribier Avenue be required to install curbs and gutters in accordance with established city policy, was read by the City Clerk.

By Order of the Chair, the matter was referred to the staff.

LETTER FROM CHARLES P. BREEN, SECRETARY-MANAGER OF STANISLAUS COUNTY TAXPAYER'S ASSOCIATION RE: POSSIBLE JOINT USE OF DATA PROCESSING CENTER

Copies of a letter from Charles Breen, Secretary-Manager of the Stanislaus County Taxpayer's Association, dated June 13, 1963, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

By resolution, the Board of Directors of the Association directed that president Joe Hart appoint a committee with the objective "to develop standards as a means of evaluating the potential for a consolidation of equipment and personnel in the data processing area with the end purpose of increasing the level of service and decreasing the cost presently borne by the taxpayer," and asked that a Councilman be appointed to represent the City as a member of the Committee.

MOTION

That Councilman Mitchell be appointed Council representative of the Committee

Moved by Shastid                      Seconded by Patton                      Unanimously carried

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Copies of an undated letter from Fred A. Earle, Jr. subject, "Water Polo as Recreational Activity," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The letter requested that the Council recommend to the City Recreation Department the institution of a water polo program to operate under its direction at the Modesto Junior College Pool on Monday and Wednesday nights, from 8:10 to 10:00 P.M. when the pool is not in use.

City Manager Keefe stated that this type of activity was covered under the City's present insurance policy.

Upon questioning, Mr. Earle stated that he and Mr. James Livingston would donate their services to the project; that they would be responsible for closing the pool, putting away equipment, etc.

The City Manager recommended that the request be granted subject to the approval of the Director of Parks and Recreation; that lighting expenses be absorbed by the City, and rental charges waived.

Upon questioning, Superintendent of Recreation Grogan said that inclusion of this activity in the City's recreational program would be subject to Council approval, and depended upon the success of the program. From the standpoint of the staff, Miss Grogan stated that inclusion of the activity would present no problems.

#### MOTION

That the use of the Modesto Junior College Pool be approved in accordance with staff recommendations, subject to the conditions that no city staff time or other costs to the City are involved with the exception of lighting costs

Moved by Shastid                      Seconded by Patton                      Unanimously carried

#### INVITATION FROM OAKDALE DISTRICT CHAMBER OF COMMERCE COMMITTEE TO PARTICIPATE IN THE GROUND BREAKING CEREMONY AND PARADE, HERSHEY CHOCOLATE CORPORATION, JULY 20, SATURDAY, AT 10:00 A.M. SHARP

The City Clerk was directed to contact each Councilman by phone about a week before the scheduled groundbreaking ceremony to see if they are able to attend.

#### CONSIDER AWARD OF BID FOR IMPROVEMENT OF BRIGGSMORE AVENUE BETWEEN CARVER ROAD AND WEST LINE OF PARK MANOR NO. 3B SUBDIVISION

The City Manager stated that three bids were received for the improvement of Briggsmore Avenue from Carver Road to the west line of Park Manor No. 3B Subdivision, the low bid submitted by M. J. Ruddy and Son for \$9,999. He recommended that the low bid be accepted.

#### RESOLUTION NO. 63-301

A RESOLUTION ACCEPTING THE BID OF M. J. RUDDY AND SON FOR IMPROVEMENT OF BRIGGSMORE AVENUE BETWEEN CARVER ROAD AND WEST LINE OF PARK MANOR NO. 3B SUBDIVISION

Introduced by VanderWall                      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen

Noes: None                      Absent: None

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APPROVE AGREEMENT WITH STATE FOR TRAFFIC SIGNALS AT 10TH AND D STREETS

The proposed agreement with the State for the installation of traffic signals and lighting at 10th and D Streets was reviewed by the City Manager.

Director of Traffic Carmody said that an additional \$2,000 was needed to cover the City's share of the costs; that the Director of Finance has proposed that \$6,000 be transferred to cover the entire cost of the project, with later reimbursement by the State of one-half the costs; that under the proposed agreement, the State will bear one-half the maintenance cost of the signals.

Director of Finance Bird suggested that the appropriation transfer be held over and the funds provided in the Capital Improvement Program next year.

RESOLUTION NO. 63-302

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA FOR TRAFFIC SIGNALS AT TENTH AND D STREETS

Introduced by Tabbert                      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen

Noes: None                      Absent: None

CONSIDER AWARD OF BID FOR CONSTRUCTION OF TRAFFIC SIGNALS AT 10TH AND D STREETS

At the request of Director of Parking and Traffic Carmody, and with the consent of the Council, award of bid for construction of traffic signals at 10th and D Streets was held over pending approval of State Division of Highways appropriation for its share of the costs, late in July.

CONSIDER AWARD OF BID FOR FURNISHING ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT

The City Manager stated that Jacuzzi Bros., Inc. has asked that its low bid for one deep well pump and electrical equipment be accepted by the City in spite of a request contained in a letter from R. S. McClaren, dated June 12, 1963, that the bid be rejected by the City because of an error in computation. The City Manager recommended that the low bid be accepted.

RESOLUTION NO. 63-303

A RESOLUTION ACCEPTING THE BID OF JACUZZI BROS., INC. FOR FURNISHING OF ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT

Introduced by Shastid                      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen

Noes: None                      Absent: None

CONSIDER AWARD OF BID FOR CONSTRUCTION OF LIFT HOUSE AT STATION NO. 27

The City Manager recommended that the low bid of \$2,055.95 submitted by Oscar F. Olson for construction of a lift house at Station No. 27 be accepted.

RESOLUTION NO. 63-304

A RESOLUTION ACCEPTING THE BID OF OSCAR P. OLSON FOR CONSTRUCTION OF PUMP HOUSE AT PUMP STATION NO. 27

Introduced by Shastid      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

CONSIDER AWARD OF BID FOR CALIFORNIA-FRANKLIN PARK SITE SPRINKLER SYSTEM

At the request of the City Manager, and with the consent of the Council, this matter was held over.

CONSIDER AWARD OF BID FOR DIESEL OIL

The City Manager recommended that the low bid received from Standard Oil Company for the City's annual diesel oil needs be accepted.

RESOLUTION NO. 63-305

A RESOLUTION ACCEPTING THE BID OF STANDARD OIL COMPANY FOR THE FURNISHING OF DIESEL OIL FOR FISCAL YEAR 1963-64

Introduced by Shastid      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

CONSIDER PURCHASE OF ADDITIONAL QUANTITY OF CEMENT ASBESTOS PIPE

The City Manager reviewed a memorandum from Director of Finance Bird, dated June 30, 1963, subject, "Purchase Additional Quantity of Cement Asbestos Pipe," which stated that the Public Works Department was in immediate need of 3,500 feet of 10" cement asbestos pipe for installation of recently authorized water service lines to a 15-acre shopping center on McHenry Avenue, and for new subdivisions.

RESOLUTION NO. 63-306

A RESOLUTION AUTHORIZING THE PURCHASE OF ADDITIONAL PIPE FROM JOHNS-MANVILLE SALES CORPORATION (upon terms and conditions set forth in Resolution No. 62-442)

Introduced by Shastid      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

CONSIDER ORDINANCE APPROPRIATING FUNDS FOR USUAL CURRENT OPERATING EXPENSES OF THE CITY OF MODESTO BEGINNING JULY 1, 1963 UNTIL ADOPTION OF 1963-64 BUDGET 2-30

The City Manager recommended that the proposed ordinance appropriating the funds be adopted.

**"AN ORDINANCE APPROPRIATING FUNDS FOR PAYMENT OF THE USUAL CURRENT EXPENSES OF THE CITY OF MODESTO"**

was introduced and adopted, and ordered printed as required by the Charter. (Effective immediately)

Moved by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

**CONSIDER POSSIBLE AMENDMENT TO THE PROVISIONS OF THE MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS AND THE EXEMPTION OF CITY OWNED MOTOR VEHICLES FROM THE PARKING METER REGULATIONS**

Mayor Johansen stated that this matter was considered at the last Council meeting, at which time a motion introducing an ordinance which would eliminate the present exemption of city-owned vehicles, together with privately-owned and operated vehicles displaying city parking stickers from the parking meter regulations except in the lower floor level of the city hall parking garage only, was introduced by Councilman VanderWall, seconded by Mayor Johansen, and the vote withheld at the request of Councilman Tabbert, pending further study.

A memorandum prepared by the City Manager, dated June 13, 1963, subject, "Traffic Regulations; Exemption of City Owned Vehicles from Parking Meter Regulations," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

A suggestion made by Councilman Mitchell at the previous meeting that county and city cars be exempted from parking traffic regulations when parked in the area immediately adjacent to the court house and city hall, but observing parking meter regulations when parked outside the perimeter of the court house and city hall premises, was discussed.

Discrimination against other public agencies, the State, Schools, M.I.D., etc. was discussed.

A memorandum from Chief of Police Bowers indicating the number of citations issued against county personnel from the period September 1, 1962, through May, 1963, was distributed to the Council.

Councilman Patton suggested that consideration be given to a yearly flat rate charge for parking which would eliminate the need of individual expense vouchers. It was Councilman Hughes' opinion that the monetary consideration was less important than having badly needed parking spaces tied up for long periods of time.

**ORDINANCE NO. 593-C.S. entitled**

**"AN ORDINANCE AMENDING SECTION 3-2.206 OF ARTICLE 2 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND SECTION 3-2.1510 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III THEREOF, RELATING TO PARKING OF CITY VEHICLES" (eliminating exemption of city vehicles from parking meter regulations except in lower floor level of city hall garage)**

Moved by VanderWall      Seconded by Mayor Johansen

Ayes: Tabbert, VanderWall, Mayor Johansen

Noes: Hughes, Mitchell, Patton, Shastid      Absent: None

The ordinance failed to carry

Councilman Mitchell introduced a motion, seconded by Councilman Shastid, "that the staff be directed to prepare a proposed ordinance to accomplish the following: Repealing the present exemption of city-owned vehicles and granting an exemption to city-owned vehicles in the lower level city hall garage (parking zone 7) and on the side of the street contiguous to the city hall and city hall parking lot, and granting an exemption to county-owned vehicles on the frontage of the court house square."

Discussion was held on the "E" designation on cars, Chief Bowers stating that it would be difficult for police officers to distinguish vehicles owned by the City, the County, or other cities in the County since they all bear the same type "E" license, unless the name of the agency is designated on the side panels of the car. The Acting City Attorney stated that Schools-owned cars also have "E" licenses similar to the City and County.

Councilman Mitchell said it was the intent of the proposed motion that parking of city cars would be restricted to the streets contiguous to the City Hall and the county cars to the streets fronting the Court House, but if more administratively feasible, the motion could be amended to permit parking of city or county vehicles in either area.

It was Councilman Tabbert's opinion that the number of county cars involved should be determined.

After discussion, it was the consensus of the Council that further study was needed.

#### MOTION

That the staff be directed to prepare a proposed ordinance to accomplish the following: Repealing the present exemption of city-owned vehicles and granting an exemption to city-owned vehicles in the lower level city hall garage (parking zone 7) and on the side of the street contiguous to the city hall and city hall parking lot, and granting an exemption to county-owned vehicles on the frontage of the court house square

Moved by Mitchell      Seconded by Shastid

The motion was tabled pending further study by the Council, to be considered by the Council again at such time as a full Council is present.

#### HEARING ON PROPOSED ANNEXATION OF NORTHLAND ESTATES NO. 2 ADDITION

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of Northland Estates No. 2 Addition, and opened the hearing.

The City Clerk reported that notice of the proposed annexation was published in the Modesto Tribune on May 23 and 30, 1963 and in the Turlock Daily Journal on May 23 and 31, 1963; notices mailed to all governmental agencies and other interested parties on June 14, 1963. No written protests were filed with the City Clerk.

A letter from the property owners residing in the area proposed for annexation, dated April 11, 1963, requesting that proceedings be initiated to abandon the street known as Broadway Avenue, lying east of Lots 1 to 8 and the unnamed street lying east of Lots 33 and 44, was read by the City Manager. The letter stated that the roads are not required by the public for access to other properties and their location is not compatible with future subdivision design of the land.

Planning Commission Resolution No. 939 recommends the commencement of proceedings for the annexation of Northland Estates No. 2 Addition.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 590-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE NORTHLAND ESTATES NO. 2 ADDITION TO THE CITY OF MODESTO"

was introduced and adopted and ordered printed as required by the Charter. (Effective immediately)

Moved by Patton      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

HEARING ON PROPOSED ANNEXATION OF WYLIE NO. 2 ADDITION

Mayor Johansen announced that the hour of 8:05 P.M. had arrived, the time set for consideration of the proposed annexation of Wylie No. 2 Addition, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on May 23 and 30, 1963, and notices mailed to all interested persons on May 23, 1963. No written protests were filed with the City Clerk.

The City Manager stated that Planning Commission Resolution No. 940 recommends commencement of proceedings for the annexation of Wylie No. 2 Addition.

No one in the audience asked to be heard and Mayor Johansen ordered the hearing closed.

Upon questioning, the City Manager stated that the area can be provided with all city services including sewer and water facilities.

ORDINANCE NO. 591-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE WYLIE NO. 2 ADDITION TO THE CITY OF MODESTO"

was introduced and adopted and ordered published as required by the Charter. (Effective immediately)

Moved by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

HEARING ON PROPOSED REZONING OF SPENCER ADDITION TO P-D (12) 4-50

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the proposed rezoning of Spencer Addition from Interim P-D (12) to P-D (12) and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on June 13, 1963, and notices posted and

delivered in the area on the same date. A petition bearing 48 signatures protesting the rezoning was read by the City Clerk.

Acting Planning Director Allaire reviewed the background of the proposed rezoning. Dan Avila, Assistant Planner, stated that the proposed planned development consisted of an apartment complex containing eleven 2-story apartment units to be constructed on approximately 8 acres of land, with 122 dwelling units when finally completed.

Planning Commission Resolution No. 943 recommends formal zoning to Planned Development Zone, P-D (12), subject to conditions which were read by the City Manager.

Harold Monighan, Santa Clara, the applicant, and Paul Birmingham, Engineer, spoke briefly in support of the rezoning.

Leslie Billingsley, 716 Spencer Avenue, representing the petitioners protesting the proposed rezoning, complained that residents in the area were not aware of the interim P-D zoning, and based their objections on the following: the residents feel that the proposed apartment buildings are not architecturally compatible to the neighboring area; indications are that the development will become a low-rent housing project; the project will depreciate surrounding property values; the proposed 122 units will create density and traffic congestion on Spencer Avenue. Mr. Billingsley recommended that the total number of units be cut down to not more than 80 units, with the buildings along Spencer Avenue limited to one-story units.

Mr. Birmingham and Mr. Billingsley were questioned by the Council.

Proposed street plans in the area were discussed by the staff.

The additional amount of traffic which will be generated on Spencer Avenue by the proposed planned development was discussed.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

Enforcement of the planned development schedules of P-D zoning was discussed. Councilman Patton stressed the importance of inspections to see that development progresses in accordance with planned development schedules.

The City Manager was designated the responsibility of seeing that each inspection phase is carried out by the responsible departments.

#### ORDINANCE NO. 592-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 31 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (SPENCER ADDITION)"

was introduced and ordered published as required by the Charter.

Moved by Shastid      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: VanderWall      Absent: None

#### RESOLUTION NO. 63-307

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D (12) (SPENCER ADDITION)

Introduced by Shastid      Seconded by Mitchell

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Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: VanderWall Absent: None

HEARING ON AMENDMENTS TO TEXT OF ZONING REGULATIONS 9-22

Mayor Johansen announced that the hour of 8:15 P.M. had arrived, the time set for consideration of proposed amendments to the text of the zoning regulations, and opened the hearing.

The City Clerk reported that notice of the hearing was published as required and notices mailed to all interested parties. No written protests to the proposed changes were filed with the City Clerk.

The City Manager stated that Planning Commission Resolution No. 942 recommends that the Council approve the proposed zoning amendments.

Copies of Planning Commission Resolution No. 942, Proposed <sup>Zoning</sup> Text Amendments, dated March, 1963, and Description of Proposed Text Amendments, dated March, 1963, were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes.

A letter from the Modesto City Planning Commission, dated June 24, 1963, was read by the City Manager. The letter indicated that the proposed zoning text amendments presently under Council consideration were forwarded to the Council prior to the Planning Commission's consideration of the Kroeger Report on administrative improvement, and requested that the Council refer the items under Article 27, Planned Development Zone, back to the Commission for revision at its next regular meeting; that this would enable the Commission to include the Kroeger report recommendations into the total list of approved text amendments for Council consideration.

A newly adopted Planning Commission policy pertaining to Planned Development Zone regulations whereby the Commission could change any planned development schedule to require that the most compatible use be developed first, was discussed.

Acting Planning Director Allaire said that this was a formal policy adopted by the Planning Commission, and was in no way connected with the proposed zoning text amendments; that the proposed amendments to the zoning text would permit this at the Planning Commission's discretion.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

**MOTION**

That the Planning Commission be directed to furnish the Council a report on proposed revision of Article 27, Planned Development Zone, as requested in letter, dated June 24, 1963, the report to be furnished the Council at the earliest possible time; that the matter be continued to July 8, 1963

Moved by Shastid      Seconded by VanderWall      Unanimously carried

CONSIDER PURCHASE OF DAVIS PARK SITE (ALESSI PROPERTY)

City Manager Keefe stated that a letter from the Housing and Home Finance Agency, dated June 11, 1963, consents to the City acquiring the land for the proposed Davis Park site prior to approval of the City's application for a federal grant without jeopardizing the City's application. He recommended that the staff be authorized to purchase the land to permit the encumbrance of funds before the end of the fiscal year. Estimated cost of the park site is \$71,200.

MOTION

That the purchase of the Davis Park Site (Alessi Property) be approved  
Moved by VanderWall      Seconded by Tabbert      Unanimously carried

REQUEST FROM GAGE-BABCOCK ASSOCIATES, INC. FOR ADDITIONAL FUNDS FOR  
ENGINEERING SERVICES

The City Manager stated that the firm of Gage-Babcock, Inc., in a letter from Paul D. Smith, dated June 14, 1963, has requested an additional \$500 to its present contract with the City for engineering services for the police-communications center building.

MOTION

That the request of Gage-Babcock Associates, Inc., for increase in fee be denied

Moved by Shastid      Seconded by Hughes      Unanimously carried

ACCEPT AS COMPLETE NORTH BAY CONSTRUCTION COMPANY'S CONTRACT FOR CON-  
STRUCTION OF AERATION FACILITIES AT SEWAGE TREATMENT PLANT

The City Manager reported that all work on this contract has been completed to the satisfaction of the Public Works Department and recommended that the work be accepted as complete, the City Clerk authorized to file a notice of completion and payment authorized. Total cost of work done, \$101,300.

RESOLUTION NO. 63-308

A RESOLUTION ACCEPTING THE CONSTRUCTION OF INDUSTRIAL WASTE TREATMENT  
WORKS ADDITION AT THE SEWAGE TREATMENT PLANT BY NORTH BAY CONSTRUCTION  
COMPANY

Introduced by Shastid      Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen

Noes: None      Absent: None

ACCEPT AS COMPLETE FERRERO ELECTRIC, INC. CONTRACT FOR CONSTRUCTION OF  
A MERCURY VAPOR LIGHTING SYSTEM AT MODESTO JUNIOR COLLEGE

The City Manager reported that all work on this contract has been completed by the contractor and that it would be in order for the Council to accept the work as complete. He recommended that the work be accepted, the City Clerk authorized to file a notice of completion, and that payment be authorized. Total cost of work done was \$12,839.

RESOLUTION NO. 63-309

A RESOLUTION ACCEPTING THE CONSTRUCTION OF A MERCURY VAPOR LIGHTING  
SYSTEM AT MODESTO JUNIOR COLLEGE BY FERRERO ELECTRIC, INC.

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen

Noes: None      Absent: None

**ACCEPT CONTRACT WITH GEORGE REED, INC. AS COMPLETE FOR CONSTRUCTION OF SUBTRUNK SEWER ON CARVER ROAD AND DEBONAIRE DRIVE TO BRENTWOOD ESTATES SUBDIVISION**

The City Manager reported that the contract has been completed to the satisfaction of the Public Works Department and that it would be in order to accept the work as complete, the City Clerk authorized to file a notice of completion, and payment in the amount of \$11,899 authorized.

**RESOLUTION NO. 63-310**

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF SUBTRUNK SEWER ON CARVER ROAD AND DEBONAIRE DRIVE TO BRENTWOOD ESTATES SUBDIVISION BY GEORGE REED, INC.**

Introduced by VanderWall      Seconded by Tabbert  
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
        Johansen  
Noes: None      Absent: None

**ACCEPT IMPROVEMENTS IN NORTHGATE NO. 4 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION BOND**

The City Manager reported that all work required by the subdivision agreement has been completed to the City's satisfaction, inspection fees have been paid, and it would be in order to release the subdivision bond.

**RESOLUTION NO. 63-311**

**A RESOLUTION AUTHORIZING THE RELEASE OF THE GREAT AMERICAN INSURANCE COMPANY SUBDIVISION IMPROVEMENT BOND FILED TO GUARANTEE IMPROVEMENTS IN NORTHGATE NO. 4 SUBDIVISION**

Introduced by Shastid      Seconded by Patton  
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
        Johansen  
Noes: None      Absent: None

**CONSIDER AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SYLVAN SCHOOL DISTRICT OF STANISLAUS COUNTY FOR THE INSTALLATION BY SYLVAN SCHOOL DISTRICT ON AN 18 INCH UNDERGROUND IRRIGATION LINE ACROSS THE SHERWOOD PARK SITE**

**RESOLUTION NO. 63-312**

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SYLVAN SCHOOL DISTRICT FOR INSTALLATION OF AN 18 INCH UNDERGROUND IRRIGATION LINE ACROSS THE SHERWOOD PARK SITE**

Introduced by Shastid      Seconded by VanderWall  
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
        Johansen  
Noes: None      Absent: None

**RECOMMEND EXTENSION OF TIME FOR P-D (11) ZONING (GHILOTTI)**

The City Manager stated that Planning Commission Resolution No. 949 recommends the extension of the limits imposed by the development schedule approved as part of the P-D (11) zoning. The schedule recommended provides development to be completed in a single phase, with construction to begin April 1, 1965 and to be completed by October 1, 1965.

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**A RESOLUTION EXTENDING THE LIMITS IMPOSED BY THE DEVELOPMENT SCHEDULE APPROVED AS PART OF PLANNED DEVELOPMENT ZONE, P-D (11) (GHILOTTI)**

Introduced by Shastid      Seconded by VanderWall  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
       Johansen  
 Noes: None      Absent: None

**LETTER CONCERNING CONSIDERATION OF DRYDEN PROPERTY**

Copies of a letter from Alan Freeborn, Chairman, City Planning Commission, dated June 19, 1963, suggesting a possible joint City-County program for acquisition and development of Dryden property as an integrated element in the County's regional park program, were distributed to the Council, and a copy filed with the record of the minutes.

**MOTION**

That the staff be authorized to discuss the matter with the County as suggested by the Planning Commission

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

**APPROVAL OF AGREEMENT WITH WOODCREST CONSTRUCTION, INC. FOR WATER SERVICE TO COMMERCIAL DEVELOPMENT ON NORTH McHENRY AVENUE**

The City Manager stated that the proposed agreement will provide water to the Value World Shopping Center, with the developer to pay 50% of the total cost of constructing the water main. Total estimated cost of construction is \$16,900.

**RESOLUTION NO. 63-314****A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WOODCREST CONSTRUCTION, INC. FOR WATER SERVICE TO COMMERCIAL DEVELOPMENT ON NORTH McHENRY AVENUE**

Introduced by Mitchell      Seconded by Patton  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
       Johansen  
 Noes: None      Absent: None

**CONSIDER APPROVAL OF GRANT OFFER OF F.A.A. FOR CONSTRUCTION OF A TAXI-WAY LIGHTING SYSTEM AT MODESTO CITY-COUNTY AIRPORT AND AUTHORIZATION FOR CITY MANAGER TO SIGN GRANT AGREEMENT**

The City Manager reported that the County Board of Supervisors has approved the F.A.A. grant offer of \$11,027 for construction of a taxi-way lighting system at the City-County Airport; that acceptance of the offer by the City and authorization for the City Manager to sign the grant agreement on behalf of the City was needed.

**RESOLUTION NO. 63-315****A RESOLUTION ACCEPTING THE OFFER OF THE UNITED STATES OF AMERICA FOR A GRANT OF FEDERAL FUNDS FOR THE DEVELOPMENT OF THE MODESTO CITY-COUNTY AIRPORT (Installation of Taxiway Lighting)**

Introduced by VanderWall      Seconded by Shastid  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
       Johansen  
 Noes: None      Absent: None

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**RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FOR PARK AND STREET PURPOSES (COST APPRAISAL, \$48,800)**

**RESOLUTION NO. 63-320**

**A RESOLUTION AUTHORIZING THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY BY THE CITY OF MODESTO TO BE USED FOR PARK PURPOSES AND STREET PURPOSES (Downey Avenue Park Site - Brighton Avenue Extension: Lamon Wright)**

Introduced by Tabbert      Seconded by Patton  
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Shastid

Councilman Shastid returned to the meeting.

**RESOLUTION NO. 63-321**

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4,100 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, CURBS, GUTTERS AND SIDEWALKS, VARIOUS PARKS, TO PARK ACQUISITION, DOWNEY HIGH AREA**

Introduced by VanderWall      Seconded by Tabbert  
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

**LEGISLATIVE MATTERS - None**

**APPROPRIATION TRANSFERS - None**

**MATTERS FOR THE GOOD OF THE COMMUNITY**

**Letter Requesting Abandonment of Portion of Broadway Avenue**

A letter from John and Dolores Kirkpatrick; Orval R. and Wilma J. Yurth, Edwin A. and Rosa Rezendes, and George M. and Mary A. Bernard requesting abandonment of a portion of Broadway Avenue lying east of Lots 1 to 8 and the unnamed street lying east of Lots 33 and 44, was reviewed by the City Manager.

**MOTION**

That the letter be referred to the Planning Commission.

Moved by Hughes      Seconded by Mitchell      Unanimously carried

**CAVE-IN OF NO. 3 PUMP STATION**

A memorandum from the Assistant Director of Public Works, dated June 24, 1963, subject, "Pump Station No. 3 - Water Well," was read by the City Manager. The memorandum indicated that the well has apparently caved in; that arrangements have been made to have the well checked; that approximately \$1,700 remains in the maintenance fund for the repair of wells and pumps; that it is quite possible that additional funds will be needed. The pump is located at the present corporation yard site at the corner of 8th and I Streets.

**LETTER FROM FRANK ANDREWS RE: COMMUNITY NAMES AND POWER RIGHTS**

Copies of a letter from Frank Andrews, dated June 24, 1963, subject, "Unexplainable But True - How Breaks Can At Last Be Made At The Right Time When We Work To Save Our Liquid Gold," were distributed to the Council.

The letter was ordered filed.

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NOTICE TO CITY COUNCIL THAT CITY CLERK HAS RECEIVED PETITIONS PROTESTING ADOPTION OF ORDINANCE NO. 583-C.S. ESTABLISHING MODESTO REDEVELOPMENT AGENCY

The City Clerk reported that petitions containing 4,692 signatures protesting adoption of Ordinance No. 583-C.S. were filed; that validity of the signatures was being checked against registration files.

NOTICE THAT CITY OF MODESTO HAS RECEIVED OUTSTANDING ACHIEVEMENT CERTIFICATE FOR TRAFFIC ENGINEER

The City Manager reported that notice has been received that Modesto has again been awarded an outstanding achievement certificate for traffic engineering.

The telegram was ordered filed.

CONSIDER APPOINTMENT OF MEMBER TO THE PERSONNEL COMMISSION

Mayor Johansen stated that the Council would meet in executive session after adjournment.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall    Seconded by Tabbert    Unanimously carried

The meeting adjourned at 10:14 P.M.

ATTEST:   
Rex E. Gailfus, City Clerk

Modesto City Council  
Adjourned Regular Meeting  
June 24, 1963

The Council of the City of Modesto met in adjourned regular session this date at 10:15 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to consider the preliminary budget for fiscal year 1963-64.

The City Clerk called the roll and there were:

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Tabbert,  
VanderWall, Mayor Johansen

Absent: Councilmen: None

Copies of the following reports were distributed to the Council by Director of Finance Bird and filed with the record of the minutes: A report outlining the current status of appropriations for Special Capital Funds; and a report of those projects which are proposed as carryover projects in next year's budget; A revised estimate of carryover balances and what is available for budgeting next fiscal year for the Special Capital Outlay Fund.

ADJOURNMENT OF MEETING TO THURSDAY, JUNE 27, 1963 AT 4:00 P.M.

MOTION

That the meeting now in session be adjourned to Thursday, June 27, 1963 at 4:00 P.M.

Moved by VanderWall      Seconded by Shastid      Unanimously carried

The meeting adjourned at 10:20 P.M.

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

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding, to further consider the preliminary budget for fiscal year 1963-64.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall,  
Mayor Johansen  
Councilman Shastid arrived at 4:20 P.M.  
Absent: Councilmen: None

CONSIDERATION OF CAPITAL IMPROVEMENT PROGRAM 1963-64  
AIRPORT - Administration Building 1-25 \$12,500

The City Manager reported that the County Board of Supervisors has denied the Council's request to match funds to construct an administration building at the City-County Airport.

The following were discussed: Possible joint city-county participation in operation of the airport; status of the proposed control tower.

Director of Finance Bird stated that under the new law pertaining to unrefunded gas tax funds, the City must match the amount paid by the State; that part of the above sum is from the City's Special Fund for Capital Outlays.

By order of the Chair, the matter was referred to the Public Relations Committee to determine procedure for contacting the County on possible joint participation in operation of the Airport.

CORPORATION YARD - Construction, \$50,000

The City Manager stated that this project was proposed by the Planning Commission for bond issue during 1965-68.

Possible federal participation and the necessity of having necessary matching funds available for various projects was discussed.

LIBRARY

Improvements - La Loma Branch - \$5,000

The City Manager reported that the County has earmarked necessary funds in its Reserve Fund for its share of the costs for the LaLoma branch library, with availability of funds for this purpose reviewed in April 1964

Preliminary studies and cost analysis - new central library, \$5,000

Possible federal participation was discussed.

Location of proposed new library

The City Manager stated that determination should be made of the location of the proposed new library.

## MOTION

That the \$5,000 for preliminary studies and cost analysis - new central library - remain in the Capital Improvement Program

Moved by VanderWall      Seconded by Tabbert

The motion carried, Councilmen Shastid and Hughes dissenting.

GOLF COURSES (Project Considered but not Recommended by Planning Commission)

Dryden - Driving Range, Fence Sprinklers, Lawn & Grading, \$23,200

The percentage of Special Capital Outlay Funds spent on Dryden Golf Course over the past ten years, the City's policy that adult recreation/as nearly selfsupporting as feasible, possible golf pro and golfers participation through self-assessment in constructing the requested driving range, and operation of and revenues from the driving range were discussed.

By order of the Chair, it was directed that the \$23,200 for construction of a driving range at Dryden Golf Course be left out of the Capital Improvement Program, and the City Manager directed to meet with the golfers and golf pro on the matter of self-assessment to help construct the driving range.

Councilman Shastid was excused from the meeting.

Miscellaneous Development - Parks, \$41,950

Miscellaneous development of various city parks was reviewed by Director of Parks and Recreation Cowie.

STREETS

The status of the improvement of Briggsmore Avenue from Tully to Carver, and the portion under joint city-county construction, was discussed. Mr. Keefe said that two rights of way remain to be obtained.

TRAFFIC SIGNALS

Modernization of Needham and McHenry Avenue signals

The City Manager stated that \$1,000 has already been budgeted for this modernization, with \$200 additional needed to complete the project.

## MOTION

That an additional \$200 be approved for the modernization of traffic signals at Needham and McHenry Avenues; that \$8,500 for traffic signals at Orangeburg & Tully and \$8,500 for traffic signals at Santa Ana and LaLoma be approved, total \$17,200

Moved by Tabbert      Seconded by VanderWall

The motion carried, Councilman Hughes dissenting.

POLICE

Police Building Furniture - \$17,500

The City Manager reported that indications are that the \$17,500 proposed for the police building furniture will not be needed; that funds will be available from estimated savings in the cost of the building.

Mayor Johansen suggested that the staff recommend uses for the \$17,500 for submission at the July 1, 1963 meeting.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Mayor Johansen      Unanimously carried

The meeting adjourned at 5:40 P.M.

ATTEST:     *REX E. GAILFUS*      
                    REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll and there were

Present: Councilmen: Hughes, Mitchell, Patton, VanderWall, Mayor Johansen  
Councilman Shastid arrived at 4:04 P.M.  
Councilman Tabbert arrived at 4:10 P.M.

Absent: Councilmen: None

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

Reverend C. Quenton Prather gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of June 10, 1963, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM WILLIS M. KLEINENBROICH, OWNER, MODESTO MOTOR BUS SERVICE, RE: CHANGE IN OPERATION OF BUS SERVICE

A letter from Willis M. Kleinenbroich, owner, Modesto Motor Bus Service, dated June 25, 1963 informing the Council of bus route and time changes was read by the City Clerk.

RESOLUTION NO. 63-322

A RESOLUTION APPROVING SCHEDULES OF ROUTES AND OPERATING TIMES OF MODESTO MOTOR BUS SERVICE IN THE CITY OF MODESTO

Introduced by VanderWall      Seconded by Mitchell  
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

LETTER FROM MRS. LELAND N. ANDERSON RE: 10TH AND 11TH STREET HOT RODDING

A letter from Mrs. Leland N. Anderson, 326 Severin Avenue, Modesto, dated June 21, 1963, expressing approval of action taken in connection with 10th and 11th Street "hot rodding" was read by the City Clerk. The letter was ordered filed.

LETTER FROM HARRY KULLIGIAN, 3001 COFFEE ROAD, RE: A PROPOSED SUBDIVISION

Copies of a letter from Harry Kulligian, 3001 Coffee Road, dated June 18, 1963 requesting consideration of an improvement district for certain improvements proposed for a subdivision immediately west of Coffee Road, on Rumble Road, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

By Order of the Chair, the matter was referred to the Public Projects Committee for study and meeting with Mr. Kulligian.

PETITION OPPOSING THE PROPOSAL TO CLOSE GLENWOOD DRIVE TO THROUGH TRAFFIC - TRAFFIC PATTERN CHANGE ON GLENWOOD DRIVE AND KEARNEY AVENUE

A petition, dated June 27, 1963, and bearing 265 signatures, opposing a traffic pattern change on Glenwood Drive, was read by the City Clerk.

Andrew Weaver, 1502 Goldenwood Drive, spoke briefly in opposition to the traffic pattern change.

By Order of the Chair, the matter was referred to the Planning Commission.

CONSIDER AWARD OF BID FOR WATER MAINS, TULLY MANOR NO. 1 SUBDIVISION

No bids were received for the installation of water lines. The City Manager recommended that the work be done by city forces.

RESOLUTION NO. 63-323

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS IN TULLY MANOR NO. 1 SUBDIVISION

Introduced by Shastid      Seconded by VanderWall  
Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

Councilman Tabbert arrived at 4:10 P.M.

CONSIDER AWARD OF BID FOR WATER MAINS, LORENZEN PARK NO. 2 SUBDIVISION 1-7

No bids were received for installation of water mains in Lorenzen Park No. 2 Subdivision. The City Manager recommended that the work be done with city forces.

RESOLUTION NO. 63-324

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS IN LORENZEN PARK NO. 2 SUBDIVISION

Introduced by VanderWall      Seconded by Patton  
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

CONSIDER AWARD OF BID FOR CALIFORNIA-FRANKLIN PARK SITE SPRINKLER SYSTEM

The City Manager read a letter from Congressman John McFall, dated June 28, 1963, which stated that the City's applications for Accelerated Public Funds to assist in the parks program were still being reviewed; that the application covering California-Franklin park for \$27,000 was under active consideration; that the outlook for the application for Garrison Park for \$24,000 was not quite as bright; that the City would be notified as soon as definite action is taken.

MOTION

That the time for award of bid be extended thirty days, subject to extension of bidder's bond

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR SALE OF DRIED, DIGESTED SLUDGE AT SEWAGE TREATMENT PLANT

RESOLUTION NO. 63-325

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR SALE OF DRIED, DIGESTED SLUDGE AT THE SEWAGE TREATMENT PLANT FOR FISCAL YEAR 1963-64

Introduced by Shastid      Seconded by Mitchell  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: None

July 16, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER AWARDING CONTRACT FOR GASOLINE TO UNION OIL COMPANY OF CALIFORNIA, LOW BIDDER

A memorandum from Director of Finance Bird, dated June 27, 1963, subject, "Gasoline Bids," with a tabulation of bids received in the joint City-County bid call for gasoline requirements of both agencies for fiscal year 1963-64 attached, was distributed to the Council, a copy of which is on file with the record of the minutes.

RESOLUTION NO. 63-326

A RESOLUTION ACCEPTING THE BID OF UNION OIL COMPANY OF CALIFORNIA FOR GASOLINE FOR THE FISCAL YEAR 1963-64 (low bidder)

Introduced by VanderWall      Seconded by Shastid  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER MAINS ON SYLVAN AND McHENRY AVENUES TO VALUE WORLD SHOPPING CENTER 1-109

RESOLUTION NO. 63-327

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR INSTALLATION OF WATER MAINS ON SYLVAN AVENUE AND McHENRY AVENUE TO VALUE WORLD SHOPPING CENTER

Introduced by Mitchell      Seconded by VanderWall  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: None

July 16, 1963 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER POSSIBLE AMENDMENT TO THE PROVISIONS OF THE MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS AND THE EXEMPTION OF CITY AND COUNTY OWNED MOTOR VEHICLES FROM THE PARKING METER REGULATIONS 1-115

This matter was carried over from the June 24, 1963 meeting at which time the following motion introduced by Councilman Mitchell, seconded by Councilman Shastid, was tabled pending further consideration by a full Council: That the staff be directed to prepare a proposed ordinance to accomplish the following: Repealing the present exemption

of city owned vehicles and granting an exemption to city owned vehicles in the lower level city hall garage (parking zone 7) and on the side of the street contiguous to the city hall and city hall parking lot, and granting an exemption to county owned vehicles on the frontage of the court house square.

The matter was discussed by the Council.

#### MOTION

That the staff be directed to prepare a proposed ordinance to accomplish the following: Repealing the present exemption of city owned vehicles and granting an exemption to city owned vehicles in the lower level city hall garage (parking zone 7) and on the side of the street contiguous to the city hall and city hall parking lot, and granting an exemption to county owned vehicles on the frontage of the court house square

Ayes: Mitchell, Patton, Shastid  
 Noes: Hughes, Tabbert, VanderWall, Mayor Johansen      Absent: None

The motion failed to carry.

#### ORDINANCE NO. 594-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.206 OF ARTICLE 2 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND SECTION 3-2.1510 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III THEREOF, RELATING TO PARKING OF CITY VEHICLES" (eliminating exemption of city owned vehicles from parking meter regulations except in lower floor level of city hall garage)

was introduced.

Moved by VanderWall      Seconded by Hughes  
 Ayes: Hughes, VanderWall, Mayor Johansen  
 Noes: Mitchell, Patton, Shastid, Tabbert      Absent: None

The ordinance failed to carry.

The staff was directed to enforce the ordinance as it presently exists.

#### HEARING ON PROPOSED 1963-64 CITY BUDGET      3-27

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed 1963-64 city budget, and opened the hearing.

The City Clerk reported that notice of the hearing was published in The Modesto Tribune on June 20, 1963; that copies of the proposed budget were available for inspection in the City Clerk's office.

Two reports prepared by the Director of Finance, dated July 1, 1963, subject, "Detail of Adjustments to Revenue and Interfund Transfers, 1963-64 Budget," and "Summary of 1963-64 Budget by Funds," dated June 27, 1963 were distributed to the Council.

#### Resolution Allocating Parking Meter Revenues

Copies of a proposed resolution broadening the use of parking meter revenues prepared by the City Attorney at the direction of the Council was furnished the Council prior to the meeting.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.





## MOTION

That the staff be instructed to negotiate with Nattinger and Lowry on the basis of the proposal outlined in the letter from Nattinger and Lowry, subject to the right of the City to terminate the contract at the end of the first or second year, if desired

Moved by Mitchell      Seconded by Shastid      Unanimously carried

CONSIDER RENEWAL OF CONTRACT WITH CALIFORNIA STATE PERSONNEL BOARD FOR FURNISHING OF EXAMINATIONS      5-62

## RESOLUTION NO. 63-331

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE PERSONNEL BOARD COOPERATIVE PERSONNEL SERVICES TO FURNISH EXAMINATIONS AS NEEDED

Introduced by VanderWall      Seconded by Mitchell  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: None

CONSIDER CHANGE IN PROCEDURE IN PREPARATION OF COUNCIL MINUTES

Copies of a memorandum from the City Manager, dated June 25, 1963, subject, "Minutes of Council Meetings," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

## MOTION

That the City Clerk be directed to streamline the preparation of the Council meeting minutes in accordance with recommendations contained in the above memorandum

Moved by Shastid      Seconded by VanderWall      Unanimously carried

REQUEST BY 20-30 CLUB OF MODESTO TO USE DEL WEBB FIELD ON SEPTEMBER 21, 1963 FOR ITS ANNUAL DONKEY BASEBALL GAME      5-90

The City Manager stated that at the direction of the Council, the staff was in the process of preparing a policy resolution which would permit administrative approval of requests for the use of Del Webb for recurring approved uses of Del Webb Field, and would be presented to the Council shortly for approval.

## RESOLUTION NO. 63-332

A RESOLUTION GRANTING A PERMIT TO THE 20-30 CLUB OF MODESTO TO USE DEL WEBB BASEBALL FIELD FOR ANNUAL DONKEY BASEBALL GAME ON SEPTEMBER 21, 1963 (subject to the usual provisions)

Introduced by VanderWall      Seconded by Shastid  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: None

REPORT ON PROGRESS RELATIVE TO GRIFFENHAGEN-KROEGER, INC. REPORT ON ADMINISTRATION IMPROVEMENT FOR CITY PLANNING DEPARTMENT

A report from the Planning Director, dated June 17, 1963, subject, "Kroeger Report Recommendations," was furnished the Council and a copy ordered filed with the record of the minutes.

Items 10, 12 and 13 of the report were discussed by the Council.

The City Manager stated that a quarterly progress report would be submitted at the September 16, 1963 council meeting.

**A RESOLUTION DECLARING THAT PROCEEDINGS HAVE BEEN INITIATED BY THE COUNCIL OF THE CITY OF MODESTO TO ANNEX TO SAID CITY CERTAIN UNINHABITED TERRITORY DESCRIBED AND DESIGNATED AS THE McBRIDE ADDITION, AND GIVING NOTICE OF SUCH PROPOSED ANNEXATION 6-40**

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The City Manager reported that this area is west of the present sewer farm and is being used as a disposal area.

**RESOLUTION NO. 63-333**

**A RESOLUTION DECLARING THAT PROCEEDINGS HAVE BEEN INITIATED BY THE COUNCIL OF THE CITY OF MODESTO TO ANNEX TO SAID CITY CERTAIN UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS McBRIDE ADDITION, AND GIVING NOTICE OF SUCH PROPOSED ANNEXATION**

Introduced by Shastid      Seconded by Patton  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
       Johansen  
 Noes: None      Absent: None

August 12, 1963 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

LEGISLATIVE MATTERS - None

APPROPRIATION TRANSFERS

Police-Communications Center Building (for payment of bills, from Special Fund for Capital Outlays (321) General Reserve (600) to Police Building and Communications Center (502)

**RESOLUTION NO. 63-334**

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$75,400 FROM GENERAL RESERVE (600) TO POLICE BUILDING AND COMMUNICATIONS CENTER (502)**

Introduced by Shastid      Seconded by Tabbert  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
       Johansen  
 Noes: None      Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY

Notification to Public of Closing of Streets in Connection with Freeway Construction

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Councilman Patton stated that he had received numerous complaints from residents on Neece Drive on the closing of the street at its intersection with Tuolumne Boulevard, the residents of the area receiving no notification of the closing.

The staff was directed to present occasional reports on the status of freeway construction, and to notify residents of change of traffic patterns occasioned by the construction.

REPORT BY CITY CLERK ON REFERENDUM PETITIONS

A report prepared by the City Clerk, dated July 1, 1963, certifying that the referendum petitions filed with the City Clerk protesting the



The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll and there were

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Tabbert,  
VanderWall, Mayor Johansen  
Absent: Councilmen: None

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

Cadet Chadel, Salvation Army, gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the regular meeting of June 17, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER REQUESTING 42-FOOT CURB CUT VARIANCE AT NORTHEAST CORNER OF COLDWELL AND COLLEGE AVENUES (JOHN KLEIN)

A letter from John Klein, 1409 Baywood Drive, Modesto, dated June 28, 1963, requesting a variance to permit a 42-foot curb cut at property located at the northeast corner of Coldwell and College Avenues, was read by the City Manager, a copy of which is on file with the record of the minutes.

Assistant Director of Public Works Campbell stated that Mr. Klein has agreed to a 36-foot curb cut to be located between two existing city street trees. He recommended that a 36-foot curb cut between two existing city street trees be approved.

RESOLUTION NO. 63-336

A RESOLUTION GRANTING THE VARIANCE REQUEST FILED BY JOHN KLEIN TO CONSTRUCT A THIRTY-SIX (36') FOOT DRIVEWAY APPROACH TO PROPERTY LOCATED AT THE NORTHEAST CORNER OF COLDWELL AND COLLEGE AVENUES

Introduced by VanderWall      Seconded by Shastid  
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen  
Noes: None      Absent: None

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN NORTHWOOD ESTATES SUBDIVISION

RESOLUTION NO. 63-337

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN NORTHWOOD ESTATES SUBDIVISION

Introduced by Tabbert      Seconded by VanderWall  
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen  
Noes: None      Absent: None

July 23, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 592-C.S. REZONING OF SPENCER ADDITION

ORDINANCE NO. 592-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 31 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (SPENCER ADDITION)"

introduced on June 24, 1963 and having been published as required by the Charter, was moved and adopted. (Effective August 7, 1963)

Moved by Mitchell      Seconded by Hughes  
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: VanderWall      Absent: None

CONSIDER REAFFIRMING OR AMENDING COUNCIL RESOLUTION NO. 59-456 RELATING TO POLICY FOR SETTING CITY EMPLOYEES' SALARIES

James Morgenson, Chairman, Personnel Commission, recommended reaffirmation of Resolution No. 59-456.

MOTION

That Resolution No. 59-456 relating to policy for setting city employees' salaries be reaffirmed

Moved by Shastid      Seconded by VanderWall      Unanimously carried

CONSIDER ESTABLISHING PROCEDURE FOR GRANTING OF SPECIAL PERMITS TO CERTAIN ORGANIZATIONS TO USE DEL WEBB FIELD FOR SPECIFIED USES

RESOLUTION NO. 63-338

A RESOLUTION RELATING TO THE GRANTING OF SPECIAL PERMITS TO USE DEL WEBB FIELD (by Director of Parks and Recreation)

Introduced by VanderWall      Seconded by Shastid  
Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: None

Upon questioning, the City Attorney stated that the resolution could be amended to add further uses approved by the Council.

ACCEPT IMPROVEMENTS IN MORADA ESTATES SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION BOND

The City Manager read a memorandum from the City Engineer, dated July 3, 1963, indicating that all work required by the subdivision agreement for Morada Estates Subdivision has been completed to the satisfaction of the Public Works Department, and all inspection fees paid. The City Manager recommended that the improvements be accepted and the City Clerk authorized to release the subdivision bond in the amount of \$46,500.

RESOLUTION NO. 63-339

A RESOLUTION AUTHORIZING THE RELEASE OF THE HARTFORD ACCIDENT AND INDEMNITY COMPANY CONTRACT BOND FILED TO GUARANTEE IMPROVEMENTS IN MORADA ESTATES SUBDIVISION

Introduced by VanderWall      Seconded by Tabbert

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Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
 Johansen  
 Noes: None Absent: None

CONSIDER AMENDING COUNCIL RESOLUTION NO. 62-2 WHICH ESTABLISHES CHARGES  
 FOR USE OF THE MUNICIPAL DISPOSAL AREA 1-85

Copies of a memorandum from the Assistant Director of Public Works, dated July 3, 1963, subject, "Disposal of Cannery Waste at Municipal Dump," and copies of a letter from Arthur R. Friedman, dated June 28, 1963, same subject, were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes. The Modesto Garbage Company has requested that the Council permit the dumping of cannery waste at the city disposal area with payment of an additional sum of \$1 per load to Modesto Garbage Company to compensate it for the extra work involved.

Assistant Director of Public Works Campbell outlined plans for disposal of the cannery waste at the disposal area.

Possible over-extension of city disposal facilities and control of outside-the-city limits dumping was discussed.

RESOLUTION NO. 63-340

A RESOLUTION AMENDING SECTION 2 AND SECTION 5 OF RESOLUTION NO. 62-2 ENTITLED "A RESOLUTION PROVIDING FOR THE OPERATION OF THE MUNICIPAL DISPOSAL AREA AND ESTABLISHING CHARGES FOR THE USE OF SAID DISPOSAL AREA"

Introduced by Shastid Seconded by VanderWall  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
 Johansen  
 Noes: None Absent: None

The staff was directed to furnish the Council an experience report at the end of the cannery season.

RESOLUTION REJECTING THE CLAIM OF PAUL THOMAS FOR DAMAGES 2-33

The City Attorney recommended that the claim of Paul Thomas for water damages to a home located at 912 Crestwood Drive, Modesto, be rejected as not compensable against the City.

RESOLUTION NO. 63-341

A RESOLUTION REJECTING THE CLAIM OF PAUL THOMAS FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by Mitchell Seconded by VanderWall  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
 Johansen  
 Noes: None Absent: None

RECOMMENDATION TO CHANGE NAME OF EXISTING HIGHWAY 99 (GOLDEN STATE  
 HIGHWAY) UPON COMPLETION OF NEW HIGHWAY 99 FREEWAY WHICH WILL BY-PASS  
 PRESENT HIGHWAY 99 WITHIN THE CITY LIMITS 2-40

The City Manager reported that Planning Commission Resolution No. 952 recommends that the names of portions of Highway 99 (Golden State Highway) which will revert to local control upon completion of new 99 Highway freeway be changed as follows: the portion from Needham Avenue north to the city limits be called North 9th Street; from Morton Boulevard south to the city limits, South 9th Street; the portion of Highway 99 between Needham Avenue and Morton Boulevard is presently named Ninth Street.

## RESOLUTION NO. 63-342

A RESOLUTION CHANGING THE NAME OF EXISTING U.S. HIGHWAY 99 TO NORTH NINTH STREET AND SOUTH NINTH STREET IN THE CITY OF MODESTO (effective upon official opening of new 99 Highway)

Introduced by VanderWall      Seconded by Tabbert  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
       Johansen  
 Noes: None      Absent: None

REQUEST FROM DIRECTOR OF PARKING AND TRAFFIC THAT THE CITY BE AUTHORIZED TO ENGAGE RUTH AND GOING ASSOCIATES TO PREPARE ENGINEERING WORK AT THE CITY PARKING LOT ON 9TH STREET BETWEEN J AND K STREETS (PRESENT PLYMOUTH COMPANY) 2-50

Copies of a memorandum from Director of Parking and Traffic Carmody, dated June 28, 1963, subject, "City Parking Lot Between J and K Streets- Presently Modesto Plymouth Company," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Mr. Carmody recommended that the engineering firm of Ruth and Going be hired to prepare a plan for making a party wall safe when the roof and trusses of the Modesto Plymouth Building are removed, the engineering costs to be on an hourly rate with a maximum of \$500.

Mr. Carmody was questioned by the Council on the cost of reinforcing the wall.

## MOTION

That the engagement of Ruth and Going Associates to prepare engineering plans for making a party wall safe be approved

Moved by VanderWall      Seconded by Shastid      Unanimously carried

## RESOLUTION NO. 63-343

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$500 FROM PARKING AND TRAFFIC, GENERAL RESERVE TO NINTH STREET PARKING LOT BETWEEN K AND J STREETS

Moved by Shastid      Seconded by VanderWall  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
       Johansen  
 Noes: None      Absent: None

HEARING ON APPEAL FROM DECISION OF BOARD OF ZONING ADJUSTMENT - H. B. TAYLOR

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the appeal of H. B. Taylor from denial of a variance by the Board of Zoning Adjustment to construct a building within the building line setback on Downey Avenue, Block K, and opened the hearing.

The City Clerk reported that notice of the hearing was published and distributed in the area on June 27, 1963 and notices mailed to all interested persons on the same date. No protests were filed with the City Clerk.

Robert Carter, Attorney, representing Mr. Taylor, asked that the Council refer the matter back to the Board of Zoning Adjustment for consideration of an alternate proposal.





The City Attorney stated that as a result of the referendum petition being filed and certified as valid by the City Clerk, Ordinance No. 583-C.S. adopted by the Council on May 20, 1963, was suspended; that the Council had the alternative of repealing the ordinance, submitting the matter to the electorate either at a special municipal election, or consolidated with another election, or to let the matter rest, in which case no further action could be taken by the Council until the matter was submitted to and approved by the electorate.

The referendum petition protesting the adoption of Ordinance No. 583-C.S. was reviewed by the City Attorney.

The following spoke relative to the referendum petition and/or urban redevelopment: Walt Bozarth, 1557 Victoria Drive; Ed Srenaski, 1510 Oakwood Drive, who read a letter from Lew Franklin, President, Greater Modesto Chamber of Commerce, dated July 8, 1963, which letter is on file with the record of the minutes; Charles Zimmerman, 504 Wilton Avenue; Paul Birmingham, Chairman, Forward Modesto Committee; W. S. Scott, 1230 H Street; Max Hanney, 3413 Westpoint Drive, who challenged Mayor Johansen to a debate on urban redevelopment issues to be held two weeks before the election, if set; Molly Cuff, 204 North Santa Ana; Herbert Baum, 310 North Morton Boulevard, who asked that information be provided on urban redevelopment; F. M. Brack, 408 North Santa Rosa Avenue; August Sommerfeld, 117 Grantland Court, who stated that the group opposing urban renewal would like the cooperation of the City in giving out material opposing urban renewal; and Rudy Potochnik, 612 Charles Avenue.

The City Manager stated that information on urban renewal was available in the office of the City Manager.

Max Hanney stated that information pertaining to the urban renewal law could be secured from the State of California Printing Division, Document Section, Sacramento 14, California.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

#### MOTION

That the City Attorney be instructed to prepare the necessary documents to call a special municipal referendum election on Tuesday, October 8, 1963, to submit Ordinance No. 583-C.S. for approval or rejection

Moved by VanderWall      Seconded by Shastid      Unanimously carried

The City Attorney stated that the documents would be presented to the Council at the July 22, 1963 meeting.

#### ADJOURNMENT

#### MOTION

That the meeting now in session be adjourned

Moved by Patton      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 9:13 P.M.

ATTEST:   
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll and there were:

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall,  
Mayor Johansen  
Absent: Councilmen: Shastid

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the regular meeting of June 24, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM THOMAS A. BRIGHT, ASSISTANT CHIEF ADMINISTRATIVE OFFICER, COUNTY OF STANISLAUS RE: PROPOSED DRYDEN PARK SITE

Copies of a letter from Thomas A. Bright, Asst. Chief Administrative Officer, County of Stanislaus, dated July 10, 1963, expressing the County's inability to participate in the mutual acquisition of a park site adjacent to the Dryden Golf Course, were distributed to the Council prior to the meeting, a copy of which is on file with the record of the minutes.

A resolution from the Board of Supervisors, dated July 9, 1963, denying the City's request for joint acquisition was read by the City Manager.

By Order of the Chair, the letter and resolution were referred to the Planning Commission.

LETTER FROM CAMPBELL SOUP COMPANY RE: NEWSLETTER ON FOURTH OF JULY, MODESTO 1-25

A letter from W. R. Kelley, Personnel Manager, Campbell Soup Company, dated July 3, 1963 enclosing copies of its Plant Newsletter with its central theme the enjoyment of the Modesto Fourth of July celebration, was read by the City Clerk.

The letter was ordered filed. The City Clerk was directed to write a letter thanking the company.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR TWO 1250 GALLON PER MINUTE PUMPERS

Consider color of fire engines

MOTION

That the City continue with the conventional fire engine red color, and that the specifications be changed accordingly

Moved by Patton      Seconded by Mitchell

The motion carried, Councilman VanderWall dissenting.

The staff was directed to change the color of the pumpers in the specifications from chrome yellow to the traditional fire engine red.

RESOLUTION NO. 63-345

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR TWO 1250 GALLON PER MINUTE PUMPERS

Introduced by Mitchell      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Shastid

August 20, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 596-C.S. RELATING TO ZONING REGULATIONS 1-115

The City Clerk reported that the ordinance was published as required by the Charter.

E. Paul Fulfer, attorney, 1506 Paulette Avenue, representing the American School of Taxpayers, and as an individual, voiced his objections to the section of the ordinance requiring an economic feasibility report or market analysis. (Section 10-2.2708. Development Plan. subsection (c) (4) (ae)

Director of Planning Fey explained the meaning of the term "economic feasibility" as considered by the Planning Commission.

Upon questioning, Mr. Fey stated that the next set of zoning text amendments would probably be presented for Council consideration within the next few months, and probably before the October rezoning hearings.

ORDINANCE NO. 596-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 10-2.208 AND 10-2.265 OF ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AMENDING SECTIONS 10-2.501 AND 10-2.502 OF ARTICLE 5 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.602 OF ARTICLE 6 OF CHAPTER 2 OF TITLE X; AMENDING SECTIONS 10-2.702 AND 10-2.706 OF ARTICLE 7 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.801 OF ARTICLE 8 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.901 OF ARTICLE 9 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.1001 OF ARTICLE 10 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.1101 OF ARTICLE 11 OF CHAPTER 2 OF TITLE X; AMENDING SECTIONS 10-2.1201 AND 10-2.1203 OF ARTICLE 12 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.1507 OF ARTICLE 15 OF CHAPTER 2 OF TITLE X; AMENDING SECTIONS 10-2.1602, 10-2.1610, 10-2.1612 AND 10-2.1618 OF ARTICLE 16 OF CHAPTER 2 OF TITLE X; AMENDING SECTIONS 10-2.1801, 10-2.1802 AND 10-2.1807 OF ARTICLE 18 OF CHAPTER 2 OF TITLE X; AMENDING SECTIONS 10-2.2006 AND 10-2.2010 OF ARTICLE 20 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.2110 OF ARTICLE 21 OF CHAPTER 2 OF TITLE X; AMENDING SECTIONS 10-2.2701, 10-2.2705, 10-2.2707, 10-2.2708 AND 10-2.2709 OF ARTICLE 27 OF CHAPTER 2 OF TITLE X; AND ADDING SECTIONS 10-2.215.1 AND 10-2.215.2 TO ARTICLE 2 OF CHAPTER 2 OF TITLE X THEREOF, RELATING TO ZONING REGULATIONS

introduced on July 8, 1963 and having been published as required by the Charter, was moved and adopted. (Effective August 14, 1963)

Moved by VanderWall      Seconded by Patton  
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Shastid

## RESOLUTION NO. 63-346

A RESOLUTION INITIATING PROCEEDINGS TO AMEND SECTION 10-2.2703 OF THE MUNICIPAL CODE (ZONING REGULATIONS) AND REQUESTING THE PLANNING COMMISSION TO SET A TIME AND PLACE FOR A PUBLIC HEARING THEREON

Introduced by Mitchell      Seconded by Hughes  
 Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Shastid

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (WYLIE NO. 2 ADDITION)

## RESOLUTION NO. 63-347

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (WYLIE NO. 2 ADDITION)

Introduced by VanderWall      Seconded by Hughes  
 Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Shastid

SET DATE FOR PUBLIC HEARING ON THE APPEAL OF GEORGE VALENTINE, D.D.S. FROM THE DENIAL OF THE BOARD OF ZONING ADJUSTMENT FOR A DECREASE IN OFF-STREET PARKING REQUIREMENTS      4-90

## RESOLUTION NO. 63-348

A RESOLUTION SETTING THE TIME AND PLACE FOR THE HEARING ON THE APPEAL TO THE DECISION OF THE MODESTO CITY BOARD OF ZONING ADJUSTMENT FILED BY GEORGE VALENTINE, D.D.S., FOR A VARIANCE TO THE OFF-STREET PARKING REQUIREMENT AT 518 NEEDHAM STREET

Introduced by VanderWall      Seconded by Hughes  
 Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Shastid

August 12, 1963 at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place for the hearing.

CONSIDER EXPENDITURE OF APPROXIMATELY \$1,800 FOR LABOR - REMOVAL OF DRY GRASS AND SHRUBS AT THOUSAND OAKS PARK      4-120

Copies of a memorandum from the Director of Parks and Recreation, dated July 12, 1963, subject, "Maintenance of Thousand Oaks Park," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum requested that some sort of maintenance program be established to eliminate the potential fire hazard in the park at minimum expense of \$1,800.

Mr. J. P. Ferrario, 1305 Edgebrook Drive, and Mrs. Harvey Highiet, 1310 Edgebrook Drive, members of the Thousand Oaks Park Committee, were introduced by the City Manager.

The City Manager stated that a personal inspection of the park revealed that one adjacent property owner has dumped garden refuse in the park site, and that grass clippings have been dumped in the park and should be removed.

Mr. Ferrario spoke briefly on the potential fire hazard of the park in its present condition.

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The City Manager recommended that the request be denied on the basis that its accomplishment would violate deed restrictions.

A meeting between the staff and the Thousand Oaks Park Committee was suggested with a view to resolving the problems.

No action was taken by the Council.

RESOLUTION APPROVING RENTAL OF CITY OWNED PROPERTY

RESOLUTION NO. 63-349

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND BILL STEPHENS FOR RENTAL OF CITY OWNED PROPERTY AT 1801 TULLY ROAD (month to month basis, \$50 per month, commencing June 22, 1963)

Introduced by VanderWall    Seconded by Patton  
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None    Absent: Shastid

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR NORTHWOOD ESTATES SUBDIVISION

RESOLUTION NO. 63-350

A RESOLUTION APPROVING THE FINAL MAP OF THE NORTHWOOD ESTATES SUBDIVISION OF THE CITY OF MODESTO

Introduced by Mitchell    Seconded by Tabbert  
Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None    Absent: Shastid

MATTERS FOR THE GOOD OF THE COMMUNITY - None

ANNOUNCEMENT OF ABSENCE FROM NEXT MEETING - MAYOR JOHANSEN - UNANIMOUS CONSENT ITEM 6-15

Mayor Johansen announced that he would be absent from the July 22, 1963 meeting.

APPLICATION OF UNITED AIR LINES TO INCREASE AIR FREIGHT RATES FOR INTRA-CALIFORNIA SHIPMENTS

Copies of a memorandum from Director of Parking and Traffic Carmody, dated July 11, 1963, subject, "United Air Lines (U.A.L.) Application to Increase Air Freight Rates," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

MOTION

That consideration of the application be left to the Public Utilities Commission

Moved by VanderWall    Seconded by Hughes    Unanimously carried

REPORT ON FREEWAY CONSTRUCTION - TUOLUMNE AND NEECE DRIVE INTERSECTION

A memorandum from Director of Parking and Traffic Carmody, dated July 8, 1963, subject, "Freeway Construction - Tuolumne Blvd.-Neece Drive intersection," was distributed to the Council, a copy of which is on file with the record of the minutes.

The City Manager stated that publicity would be given area residents on matters of this kind in the future.

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The report was ordered filed.

REPORT ON STATUS OF ACQUISITION BY THE CITY OF HOLTHAM-TUCKER PROPERTY FOR OFF-STREET PARKING (Price \$50,000)

A memorandum from the Director of Parking and Traffic, dated July 11, 1963, subject, "Tucker-Holtham Property Parking Lot," indicating that the attorney for the owners is still in the process of obtaining a court order to act in behalf of an incompetent part owner, was read by the City Manager.

The cost of the property to the City was discussed.

By Order of the Chair, the staff was directed to secure a review of the appraisal and place the matter on the July 22, 1963 agenda.

DOWNEY AVENUE PARK SITE 7-0

The City Manager stated that at its April 22, 1963 meeting, the Council authorized the staff to prepare the necessary documents to institute condemnation proceedings for the acquisition of the Downey Avenue park site.

A sketch indicating the area recommended for acquisition through condemnation was shown the Council.

Problems which might arise in connection with the acquisition of the parcel and the widening of Brighton Avenue were discussed.

By Order of the Chair, the City Manager's proposal was referred to the Public Projects Committee for review.

REPORT THAT AMERICAN MUNICIPAL CONGRESS IS TO BE HELD AUGUST 10-14 AT HOUSTON, TEXAS

A letter from Mayor Lewis Cutrer, City of Houston, Texas, dated June 21, 1963 inviting Mayor Johansen to attend the 40th annual American Congress to be held in Houston's Shamrock-Hilton Hotel during August 10-14, 1963, was read by the City Manager.

MOTION

That attendance of Mayor Johansen and City Manager Keefe at the 40th American Municipal Congress in Houston, Texas on August 10-14, 1963 at city expense be approved

Moved by VanderWall      Seconded by Patton.      Unanimously carried

APPROPRIATION TRANSFERS - None

REJECTION OF BIDS FOR CALIFORNIA-FRANKLIN PARK SITE SPRINKLERS

The City Manager reported that in view of approval of a federal grant for the complete development of the California-Franklin park site, it was necessary to reject all bids received for the installation of sprinklers at the California-Franklin park site. Mr. Keefe stated that under the terms of the grant, the entire development of the park site must be under development within 120 days.

RESOLUTION NO. 63-351

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING RETURN OF BID BONDS FOR A SPRINKLER SYSTEM AT THE CALIFORNIA-FRANKLIN PARK SITE

Introduced by VanderWall      Seconded by Hughes

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Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
 Noes: None Absent: Shastid

The Director of Parks and Recreation was directed to write a letter of appreciation to Mr. Kline, the high bidder.

REMINDER OF THE QUARTERLY DINNER MEETING, CENTRAL VALLEY DIVISION,  
 LEAGUE OF CALIFORNIA CITIES, IN ATWATER, JULY 25, AT CASTLE AIR FORCE  
 BASE

Mayor Johansen reminded the Council of the quarterly dinner meeting of the Central Valley Division, League of California Cities, to be held in Atwater on July 25, 1963 at Castle Air Force Base.

GROUNDBREAKING CEREMONY, HERSHEY PLANT, OAKDALE

The City Clerk was directed to send the Council members a written reminder of the groundbreaking ceremonies to be held in Oakdale, July 20, 1963.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall Seconded by Patton Unanimously carried

The meeting adjourned at 6:49 P.M.

ATTEST:

  
 Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers at 801 11th Street, Modesto, California, Vice Mayor VanderWall presiding.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Patton, Shastid, Tabbert,  
Vice Mayor VanderWall  
Absent: Councilmen: Hughes, Mayor Johansen

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

Reverend A. P. Gregory gave the invocation.

#### APPROVAL OF MINUTES

The minutes of the regular meetings of July 1 and July 8, 1963 were approved.

#### LETTER FROM MRS. ELEANOR ERICKSON - REDEVELOPMENT PROGRAM AND CITY OFFICIALS

A letter from Mrs. Eleanor Erickson dated July 15, 1963 requesting that the Council instruct the City Manager and other staff members not to take a public stand on the pros and cons of urban renewal, was read by the City Clerk.

By order of the Chair, the letter was referred to the City Attorney for legal opinion to be rendered at the next Council meeting.

The staff was directed to check the address of the organization opposing urban renewal.

#### LETTER FROM FRANK ANDREWS RE NEWSPAPER COVERAGE OF MODESTO IRRIGATION DISTRICT MATTERS

Copies of a letter from Frank Andrews dated July 15, 1963, subject, "Deplorable Cover-Up by the Modesto Bee," were furnished the Council prior to the meeting.

The letter was ordered filed.

#### LETTER FROM CAL PURVIANCE RE FOURTH OF JULY CELEBRATION

A letter from Cal Purviance, Parade Chairman, 4th of July Committee, dated July 12, 1963 expressing appreciation for City cooperation in connection with the 4th of July celebration was read by the City Clerk.

The letter was ordered filed.

#### CARD FROM L. KAUFFMAN CONCERNING REDEVELOPMENT

A card from L. Kauffman, 144 Covena Avenue, asking why the people of Modesto should pay for development of Tenth Street, and whether the owners were on welfare and unable to pay, was read by the City Clerk.

The City Manager was directed to answer the communication.

#### LETTER FROM CONGRESSMAN JOHN J. McFALL CONFIRMING TELEGRAM RELATIVE TO ALLOCATION OF FUNDS

A letter from Congressman John J. McFall dated July 12, 1963

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confirming his telegram advising approval of the City's application for a federal grant of \$27,200 for the improvement of California-Franklin Park, was read by the City Clerk.

The letter was ordered filed.

AGREEMENT WITH HAGER SUPPLY CO. FOR PURCHASE OF DRIED DIGESTED SLUDGE  
(one bid received)

RESOLUTION NO. 63-352

A RESOLUTION ACCEPTING THE BID OF HAGER SUPPLY COMPANY TO PURCHASE DRIED DIGESTED SLUDGE FROM THE SEWAGE TREATMENT PLANT FOR THE SUM OF \$.40 PER CUBIC YARD, FOR FISCAL YEAR 1963-64

Introduced by Shastid                      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None      Absent: Hughes, Mayor Johansen

AWARD OF BID FOR INSTALLATION OF WATER LINES IN SYLVAN AVENUE AND McHENRY AVENUE TO VALUE WORLD SHOPPING CENTER (no bids received)

RESOLUTION NO. 63-353

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN SYLVAN AVENUE AND McHENRY AVENUE TO VALUE WORKD SHOPPING CENTER

Introduced by Mitchell                      Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None                      Absent: Hughes, Mayor Johansen

AWARD OF CONTRACT FOR TRAFFIC SIGNALS AND STREET LIGHTING AT 10TH AND D STREETS

(Held over from previous meeting pending State authorization)

A memorandum from Director of Parking and Traffic Carmody dated June 21, 1963, subject, "Traffic Signals 10th and D Streets," indicating that the State has verbally approved award to the low bidder, was read by the City Manager. A copy of the memorandum is on file with the record of the minutes.

RESOLUTION NO. 63-354

A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL ELECTRICAL COMPANY FOR TRAFFIC SIGNALS AT TENTH AND D STREETS (\$8,974)

Introduced by Shastid                      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None                      Absent: Hughes, Mayor Johansen

APPROVAL OF SPECIFICATIONS AND PROPOSAL AND CALL FOR BIDS FOR WATER PIPE, VALVES AND FITTINGS

## RESOLUTION NO. 63-355

**A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR WATER PIPE, VALVES AND FITTINGS**

Introduced by Mitchell      Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None      Absent: Hughes, Mayor Johansen

August 6, 1963 at 2:00 P.M. in the City Clerk's Office was set as the time and place for opening of bids.

APPROVE PLANS, SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN ROBIN HOOD ESTATES SUBDIVISION 2-45

A resolution introduced by Councilman Shastid disapproving the plans and specifications and call for bids for installation of water mains in Robin Hood Estates Subdivision died for lack of a second.

## RESOLUTION NO. 63-356

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN ROBIN HOOD ESTATES SUBDIVISION**

Introduced by Mitchell      Seconded by Tabbert

Ayes: Mitchell, Patton, Tabbert, Vice Mayor VanderWall  
Noes: Shastid      Absent: Hughes, Mayor Johansen

August 6, 1963 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

APPROVE SUBDIVISION AGREEMENT AND FINAL MAP FOR WALTER HEIGHTS SUBDIVISION

## RESOLUTION NO. 63-357

**A RESOLUTION APPROVING THE FINAL MAP OF THE WALTER HEIGHTS SUBDIVISION OF THE CITY OF MODESTO**

Introduced by Tabbert      Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None      Absent: Hughes, Mayor Johansen

APPROVE PLANS, SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN WALTER HEIGHTS SUBDIVISION 2-70

## RESOLUTION NO. 63-358

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN WALTER HEIGHTS SUBDIVISION**

Introduced by Mitchell      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None      Absent: Hughes, Mayor Johansen

August 6, 1963 at 2:00 P.M. in the City Clerk's Office was set as the time and place for opening of bids.

**CONSIDER COLLECTION OF CITY WATER AND SEWER SERVICE FEES FROM LOCATIONS OTHER THAN CITY HALL 2-80**

Copies of a memorandum from Director of Finance Bird dated July 11, 1963, subject, "Consider Collection of City Water and Sewer Service Fees from Locations Other than City Hall," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. This matter was recommended for Council consideration by the Public Relations Committee. (Estimated yearly cost to City, \$1,500)

**MOTION**

That the report submitted by Director of Finance Bird be approved; that the staff be authorized to negotiate agreements for specific locations for water and sewer bill collection stations for Council approval

Moved by Mitchell          Seconded by VanderWall

The motion carried, Councilman Patton dissenting.

**CAPITAL IMPROVEMENT BUDGET 3-40**

Copies of a memorandum from the Director of Finance dated July 17, 1963, subject, "Capital Improvement Budget," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

**Additional 1¢ Gas Tax Funds approved by Legislature**

The importance of immediate establishment of a select system of streets for application of the above funds was discussed by Assistant Director of Public Works Campbell.

**McHenry Public Library Capital Outlay (301)**

Librarian Carl Hamilton stated that the Library wishes to acquire the entire half-block on 15th Street between H and I Streets; that the \$35,000 in the McHenry Public Library Capital Outlay Fund could be used to acquire the remaining one-third of this parcel from the City.

**RESOLUTION NO. 63-359**

**A RESOLUTION RELATING TO THE BUDGET FOR THE CITY OF MODESTO FOR THE 1963-64 FISCAL YEAR ADJUSTING UNAPPROPRIATED AVAILABLE CARRY-OVER BALANCES IN VARIOUS FUNDS**

Introduced by Patton          Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None          Absent: Hughes, Mayor Johansen

**APPROVAL OF FINAL MAP OF THE RESUBDIVISION OF BLOCK 9986, McHENRY HIGHLANDS SUBDIVISION**

**RESOLUTION NO. 63-360**

**A RESOLUTION APPROVING THE FINAL MAP OF THE RESUBDIVISION OF BLOCK 6986 OF McHENRY HIGHLANDS SUBDIVISION OF THE CITY OF MODESTO**

Introduced by Mitchell          Seconded by Patton  
Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None          Absent: Hughes, Mayor Johansen

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**REPORT BY CITY ATTORNEY ON STATUS OF PREPARATION OF RECOMMENDED LEGISLATION TO IMPLEMENT COUNCIL POLICY ON ZONING OF NEWLY ANNEXED TERRITORY**

The City Attorney reported that the preparation of legislation to implement council policy on zoning of newly annexed territory has been interrupted because of the pioneering of the special referendum election, and other matters, but that work would again be resumed.

**CONSIDER ADDING PARKING METER SERVICEMAN TO THE CITY'S POSITION CLASSIFICATION PLAN WITH PAY AT THE LABORER LEVEL (\$341-\$415) 4-120 (effective August 1, 1963)**

Copies of a memorandum from the Personnel Officer dated July 17, 1963, subject, "Parking Meter Serviceman Classification," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

**RESOLUTION NO. 63-361**

**A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO (creating new classification "Parking Meter Serviceman, \$341-\$415)**

Introduced by Mitchell      Seconded by Tabbert

Ayes: Mitchell, Patton, Tabbert, Vice Mayor VanderWall  
Noes: Shastid      Absent: Hughes, Mayor Johansen

**ELECTION MATTERS**

**RESOLUTION NO. 63-362**

**RESOLUTION AND ORDER OF THE COUNCIL OF THE CITY OF MODESTO PROVIDING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, OCTOBER 8, 1963, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY THE REFERENDUM MEASURE HEREIN SET FORTH; AND FIXING THE MANNER OF HOLDING SAID ELECTION AND PROVIDING FOR NOTICE THEREOF**

Introduced by Shastid      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None      Absent: Hughes, Mayor Johansen

**TIME FOR SUBMISSION OF ARGUMENTS ON REFERENDUM MEASURE 5-115**

The City Attorney read the section of the Elections Code pertaining to the submission of arguments on the referendum measure, stating that the arguments, both for and against, must be submitted in writing to the City Clerk on or before August 30, 1963 at 5:00 P.M. The arguments shall not exceed 300 words in length. One argument for and one argument against, selected by the City Clerk, will be enclosed with the sample ballots, along with a copy of Ordinance 583-C.S.

APPROPRIATION TRANSFER COVERING COST OF SPECIAL MUNICIPAL REFERENDUM  
ELECTION (\$7,500) 6-19

RESOLUTION NO. 63-363

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$7,500 FROM GENERAL RESERVE TO MISCELLANEOUS UNCLASSIFIED, ELECTIONS

Introduced by Mitchell      Seconded by Shastid  
Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None                  Absent: Hughes, Mayor Johansen

REQUEST THAT COUNTY OF STANISLAUS FURNISH CERTAIN SERVICES IN CON-  
NECTION WITH ABSENTEE BALLOTS FOR THE OCTOBER 8, 1963 SPECIAL MUNICIPAL  
REFERENDUM ELECTION 6-26

RESOLUTION NO. 63-364

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO FURNISH CERTAIN SERVICES, FACILITIES, SUPPLIES AND EQUIPMENT OF THE REGISTRATION AND ELECTION DEPARTMENT OF THE COUNTY CLERK'S OFFICE IN CONNECTION WITH THE CITY'S ABSENTEE BALLOTS FOR THE SPECIAL MUNICIPAL REFERENDUM ELECTION TO BE HELD OCTOBER 8, 1963

Introduced by Mitchell      Seconded by Tabbert  
Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None                  Absent: Hughes, Mayor Johansen

SET HEARING FOR AMENDMENT TO SECTION 19 OF ZONING MAP REQUESTED BY  
JOE NUNES 6-50

Planning Commission Resolution No. 955 recommends the requested rezoning.

RESOLUTION NO. 63-365

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 19 OF THE ZONING MAP (NUNES)

Introduced by Shastid      Seconded by Patton  
Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None                  Absent: Hughes, Mayor Johansen

August 19, 1963 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

SET HEARING FOR AMENDMENT TO SECTION 17 OF THE ZONING MAP TO REZONE  
PARCEL FROM P-D (14) TO R-1 (FILLES DE JESUS PROPERTY ) 6-58

Planning Commission Resolution No. 958, adopted July 16, 1963, recommends that the property be rezoned from P-D(14) to R-1.

RESOLUTION NO. 63-366

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 17 OF THE ZONING MAP (P-D 14)

Introduced by Shastid      Seconded by Mitchell  
Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None                  Absent: Hughes, Mayor Johansen

August 19, 1963 at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

SET HEARING FOR AMENDMENT TO SECTION 19 OF THE ZONING MAP REQUESTED BY W. S. LAWSON 6-60

Planning Commission Resolution No. 962 adopted July 16, 1963 recommends an amendment to Section 19 of the zoning map to rezone property on the south side of East Morris Avenue between McHenry Avenue and Johnson Street from R-1 to R-2.

RESOLUTION NO. 63-367

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 28 OF THE ZONING MAP (WARREN S. LAWSON)

Introduced by Tabbert      Seconded by Shastid  
 Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
 Noes: None      Absent: Hughes, Mayor Johansen

August 12, 1963 at 8:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

SET HEARING FOR AMENDMENT TO SECTION 7 OF THE ZONING MAP AS REQUESTED BY REX HIGBEE AND JOE TROMBETTA 6-70

Planning Commission Resolution No. 956 adopted July 16, 1963 recommends the rezoning from R-1 to R-2, Lots 1 to 5, inclusive in Block 13201 located on the west side of Tully Road north of Rumble Road in Glen Aulen Subdivision.

RESOLUTION NO. 63-368

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 7 OF THE ZONING MAP (HIGBEE AND TROMBETTA)

Introduced by Shastid      Seconded by Patton  
 Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
 Noes: None      Absent: Hughes, Mayor Johansen

August 26, 1963 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

SET HEARING FOR REQUESTED AMENDMENT TO SECTION 17 OF THE ZONING MAP AS REQUESTED BY ALEXANDER, BRIGGS AND CHAPMAN 6-80

Planning Commission Resolution No. 960, adopted July 16, 1963 recommends the rezoning of a 21.5 acre parcel on the west side of McHenry Avenue between Briggsmore and Bowen Avenues, from R-1 to C-2.

RESOLUTION NO. 63-369

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 17 OF THE ZONING MAP (ALEXANDER, BRIGGS AND CHAPMAN)

Introduced by Mitchell      Seconded by Tabbert  
 Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
 Noes: None      Absent: Hughes, Mayor Johansen

August 26, 1963 at 8:15 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMENDATION AGAINST TRAFFIC DIVERTER AT GLENWOOD DRIVE AND KEARNEY AVENUE 6-88

Planning Commission Resolution No. 961 adopted July 16, 1963 recommends that a traffic diverter not be installed at the intersection of Glenwood Drive and Kearney Avenue.

A letter from the Secretary of the Planning Commission, dated July 18, 1963 relative to installation of a traffic diverter on Glenwood Drive, was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The Assistant Director of Public Works was directed to check the curb to curb width of Glenwood Drive at its intersection with Kearney Avenue.

The hazardous traffic situation at the intersection of Glenwood Drive and Lynwood Avenue was discussed.

## MOTION

That the action of the Planning Commission recommending against the installation of traffic diverter at Glenwood Drive and Kearney Avenue be approved

Moved by Shastid                      Seconded by VanderWall                      Unanimously carried

## MOTION

That the matter be referred to the staff for study of possible means to control traffic on Glenwood Drive, whether by buttons, traffic signs, or other effective means, with report back to the Council

Moved by Shastid                      Seconded by Tabbert                      Unanimously carried

APPROPRIATION TRANSFERS - NoneMATTERS FOR THE GOOD OF THE COMMUNITY 7-25Request that Council reconsider Resolution 63-328

Bill Bair, downtown businessman, asked that the Council reconsider action taken by Resolution No. 63-328, "A Resolution Allocating Parking Meter Revenues Designating Funds Therefor, and Prescribing the Purposes for Which They May be Used," by deleting the following from the third paragraph of Section 1: ". . . and such other purposes as are substantially connected with the problem of traffic regulation and control."

Mr. Bair discussed downtown parking problems.

Lloyd Loe, 1109 Amhurst, spoke briefly in support of Mr. Bair's request.

No action was taken by the Council.

REQUEST BY DR. J. BERCHEM FOR ADDITIONAL 30-FOOT DRIVEWAY ON PROPERTY LOCATED AT 2304 McHENRY AVENUE (Barham, York, Randy properties)

Dr. J. W. Berchem, 2304 McHenry Avenue, requested permission to install an additional 30-foot driveway at business property located at 2304 McHenry Avenue. He said that at the time the property was rezoned, permission was granted by the Planning Commission to install three

thirty-foot driveways into the area, which now appear to be insufficient to provide adequate access to all of the properties.

The City Manager stated that Dr. Berchem's request had been reviewed by the Planning and Public Works Departments.

Richard Barham, one of the property owners involved, said that he was in favor of the proposed additional driveway.

Assistant Director of Public Works Campbell recommended that the additional 30-foot driveway requested be approved on a revocable basis in the event the driveway at some future date contributes to undue traffic hazards and congestion, and that the driveway be centered on the property line between the properties of Mr. Barham and Dr. Berchem.

#### RESOLUTION NO. 63-370

A RESOLUTION GRANTING A REVOCABLE PERMIT FOR INSTALLATION OF AN ADDITIONAL 30-FOOT DRIVEWAY AT PROPERTY LOCATED AT 2304 McHENRY (subject to the condition that the request for the additional driveway on a revocable basis be presented to the Council in writing, and signed by all property owners involved)

Introduced by Shastid      Seconded by Tabbert  
Ayes: Mitchell, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None      Absent: Hughes, Mayor Johansen

Request for sewer service by James Capehart for sewer service to property located at 403 Spruce Street - Unanimous Consent Item

#### MOTION

That the request of James Capehart for sewer service to property located at 430 Spruce Street be approved

Moved by Tabbert      Seconded by Patton      Unanimously carried

Absence of Councilman Mitchell from Next Three Council Meetings

#### MOTION

That the absence of Councilman Mitchell from the next three Council meetings be approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

RECOMMENDATION OF PUBLIC RELATIONS COMMITTEE THAT CITY RETAIN ITS PRESENT SEAL WITH NO CHANGE

#### MOTION

That the recommendation of the Public Relations Committee that the city seal not be changed be approved

Moved by Mitchell      Seconded by Tabbert      Unanimously carried

REPORT ON APPRAISAL REVIEW OF HOLTHAM-TUCKER PROPERTY FOR PARKING LOT EXPANSION

Copies of a letter from the City Attorney dated July 23, 1963, subject, "Legal Status of the Acquisition of the Tucker-Holtham Property Parking Lot," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The reasonableness of the cost to the City was discussed.

The City Manager stated that a report of reappraisal of the property would be furnished the Council at an early date.

MOTION

That notice be given the sellers of the Holtham-Tucker property that the City's tentative action directing the staff to prepare documents to accept the offer, will be withdrawn if the contract is not signed and in the hands of the City within fifteen days from the present date (July 22, 1963)

Moved by Shastid                      Seconded by Mitchell                      Unanimously carried

REPORT ON POSSIBLE MEANS OF FINANCING OF URBAN RENEWAL PROJECTS

Copies of a memorandum from the City Manager dated July 17, 1963, subject, "Financing an Urban Renewal Project," were distributed to the Council, a copy of which is on file with the record of the minutes.

The report was ordered filed.

REQUEST BY CITY CLERK AND CITY ATTORNEY FOR ANNUAL VACATION

MOTION

That the request of the City Clerk for annual vacation during the period August 5 to 9, 1963 inclusive, the last week of August and first week of September, 1963 be approved; that the vacation request of the City Attorney for the last two weeks of August, 1963 be approved

Moved by Mitchell                      Seconded by Shastid                      Unanimously carried

REPORT OF QUARTERLY DINNER MEETING

Vice Mayor VanderWall announced that the quarterly dinner meeting of the Central Valley Division, League of California Cities, would be held at Castle Air Force Base, Atwater, on July 25, 1963.

QUARTERLY MEETING OF COUNCIL AND BOARD OF SUPERVISORS

City Manager Keefe announced that the quarterly meeting of the Council and Board of Supervisors would be held Tuesday, July 30, 1963 at noon at the Sun Dial restaurant. The General Plan will be a topic of discussion.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Mitchell                      Seconded by Patton                      Unanimously carried

The meeting adjourned at 9:56 P.M.

ATTEST:   
Rex E. Gailfus, City Clerk

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The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Shastid, Tabbert, VanderWall,  
Mayor Johansen  
Councilman Patton arrived at 4:56 P.M.

Absent: Councilmen: Mitchell

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

Reverend Donald G. Weston gave the invocation.

#### APPROVAL OF MINUTES

The minutes of the regular meetings of July 15 and 22, 1963, and adjourned regular meetings of May 14, 16, 21, 23, 28, June 4 and 6, 1963, were approved.

#### LETTER FROM FRED BREWSTER, 143 SEVERIN AVENUE, REGARDING CURB AND GUTTER...

A letter from Fred Brewster, 143 Severin Avenue, no date, requesting that installation of a curb and gutter be required on the west side of Severin Avenue between Yosemite Boulevard and Miller Avenue, and asking that the gutter next to Yosemite Boulevard be cleaned, was summarized by the Acting City Clerk.

The City Manager reported that the curb and gutter has been installed and the gutter cleaned.

The letter was ordered filed.

#### LETTER FROM LEWIS N. HAWKINS, ATTORNEY, REQUESTING CHANGE IN HEARING DATE OF PROPOSED REZONING OF PROPERTY ON McHENRY AVENUE NORTH OF BRIGGSMORE (Briggs, Chapman and Alexander)

A letter from Lewis N. Hawkins, attorney representing H. Russell Briggs, Rose Chapman and Linn C. Alexander, requesting that the hearing date of requested rezoning of property be changed from August 26, 1963, at 8:15 to August 19, 1963, was summarized by the Acting City Clerk.

With the unanimous consent of the Council, and with the approval of Mr. Hawkins, a decision was made to hold the hearing on August 26, 1963, at 8:15 as originally set.

#### LETTER FROM CAL PURVIANCE, 1ST LT., EXECUTIVE OFFICER, MODESTO SQUADRON 50, CIVIL AIR PATROL, REQUESTING USE OF DEL WEBB FIELD FOR CIRCUS ON SEPTEMBER 16, 1963, (summarized by Acting City Clerk)

#### RESOLUTION NO. 63-371

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 63-338 ENTITLED "A RESOLUTION RELATING TO THE GRANTING OF SPECIAL PERMITS TO USE DEL WEBB FIELD" (approving request)

Introduced by Shastid      Seconded by Tabbert

Ayes: Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Mitchell, Patton

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LETTER FROM FIRE CHIEF TO CITY MANAGER REGARDING RETIREMENT EFFECTIVE AUGUST 31, 1963

A letter from Fire Chief Wemyss to the City Manager dated July 30, 1963, submitting his resignation effective August 31, 1963, was summarized by the Acting City Clerk.

The letter was ordered filed.

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER LINES-NORTHWOOD ESTATES SUBDIVISION 1-79 (no bids received)

RESOLUTION NO. 63-372

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER LINES IN NORTHWOOD ESTATES SUBDIVISION

Introduced by Tabbert      Seconded by VanderWall

Ayes: Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Mitchell, Patton

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR TULLY-ORANGEBURG TRAFFIC SIGNALS

RESOLUTION NO. 63-373

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF TRAFFIC SIGNALS AT TULLY ROAD AND ORANGEBURG AVENUE

Introduced by Tabbert      Seconded by Shastid

Ayes: Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Mitchell, Patton

September 4, 1963, at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ORDINANCE AMENDING SECTION MAP 21 OF THE FIRE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (McHenry Avenue Frontage)

ORDINANCE NO. 597-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE FIRE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"

was introduced and ordered published as required by the Charter.

Moved by Shastid      Seconded by VanderWall

Ayes: Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Mitchell, Patton

RESOLUTION APPROVING AGREEMENT BETWEEN CITY AND NATTINGER & LOWRY PROVIDING FOR AN AUDIT OF THE BOOKS AND ACCOUNTS OF THE CITY FOR A PERIOD OF THREE FISCAL YEARS

RESOLUTION NO. 63-374

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NATTINGER & LOWRY FOR AUDIT OF THE BOOKS AND ACCOUNTS OF THE CITY FOR A PERIOD OF THREE FISCAL YEARS (Beginning July 1, 1963, and ending June 30, 1966)

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Introduced by Shastid      Seconded by VanderWall

Ayes: Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Mitchell, Patton

ACCEPT AS COMPLETE HARRY O. KLINE'S CONTRACT FOR CONSTRUCTION OF  
 SPRINKLER SYSTEM, KEWIN PARK SITE

RESOLUTION NO. 63-375

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SPRINKLER SYSTEM AT KEWIN  
 PARK BY HARRY O. KLINE

Introduced by VanderWall      Seconded by Shastid

Ayes: Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Mitchell, Patton

REPORT BY PUBLIC PROJECTS COMMITTEE RELATIVE TO REQUEST OF HARRY  
 KULLIJIAN FOR CREATION OF AN IMPROVEMENT DISTRICT FOR PROPOSED  
 SUBDIVISION      2-4

This matter was referred to the Public Projects Committee by the Council on July 2, 1963. Councilman Tabbert, member of the Committee, reported the Public Projects Committee recommends that the request for proposed improvement district for the subdivision not be approved.

MOTION

That the recommendation of the Public Projects Committee be approved.

Moved by Vanderwall      Seconded by Mayor Johansen      Unanimously carried

CONSIDER RELEASE OF SUBDIVISION BOND IN THE AMOUNT OF \$22,300 FOR SCOTT  
 MANOR SUBDIVISION AND ACCEPTANCE OF A CASH BOND IN THE AMOUNT OF \$100  
 TO COVER REMAINING IMPROVEMENTS      2-20

RESOLUTION NO. 63-376

A RESOLUTION APPROVING REDUCTION OF THE SUBDIVISION BOND FILED BY  
 GEORGE KLEMM, MOLLIE KLEMM AND DANIEL E. SODERLUND TO GUARANTEE  
 IMPROVEMENTS IN SCOTT MANOR SUBDIVISION

Introduced by Shastid      Seconded by VanderWall

Ayes: Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Mitchell, Patton

ACCEPT IMPROVEMENTS IN NORTHLAND ESTATES NO. 1 SUBDIVISION AS COMPLETE  
 AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND  
 2-25

RESOLUTION NO. 63-377

A RESOLUTION AUTHORIZING THE RELEASE OF THE PACIFIC EMPLOYERS INSURANCE  
 COMPANY CONTRACT BOND FILED TO GUARANTEE IMPROVEMENTS IN NORTHLAND  
 ESTATES NO. 1 SUBDIVISION

Introduced by VanderWall      Seconded by Shastid

Ayes: Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Mitchell, Patton

ACCEPT IMPROVEMENTS IN JONI MANOR SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION BOND

RESOLUTION NO. 63-378

A RESOLUTION AUTHORIZING THE RELEASE OF THE FIREMAN'S FUND INSURANCE COMPANY SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN JONI MANOR SUBDIVISION

Introduced by Hughes      Seconded by Tabbert

Ayes: Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: Mitchell, Patton

ACCEPT IMPROVEMENTS IN JONI MANOR NO. 2 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND

RESOLUTION NO. 63-379

A RESOLUTION AUTHORIZING THE RELEASE OF THE FIDELITY AND DEPOSIT COMPANY CONTRACT BOND FILED TO GUARANTEE IMPROVEMENTS IN JONI MANOR NO. 2 SUBDIVISION

Introduced by Shastid      Seconded by Tabbert

Ayes: Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: Mitchell, Patton

RESOLUTION ACCEPTING GRANT OFFER OF THE HOUSING AND HOME FINANCE AGENCY FOR CONSTRUCTION OF THE CALIFORNIA-FRANKLIN PARK

RESOLUTION NO. 63-380

A RESOLUTION ACCEPTING GRANT OFFER, Project Number APW-Calif-160G (For improvement of California-Franklin Park)

Introduced by Shastid      Seconded by VanderWall

Ayes: Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: Mitchell, Patton

RESOLUTION NO. 63-381

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$27,200 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, GENERAL RESERVE TO PARK DEVELOPMENT-CALIFORNIA-FRANKLIN PARK

Introduced by VanderWall      Seconded by Shastid

Ayes: Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: Mitchell, Patton

RESOLUTION APPROVING AGREEMENT BETWEEN CITY AS PURCHASER AND COLLINS ELECTRICAL COMPANY, INC., FOR PURCHASE OF PROPERTY AT 125 TUOLUMNE BOULEVARD FOR 7TH & TUOLUMNE REALIGNMENT (PROJECT 62-17)

RESOLUTION NO. 63-382

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COLLINS ELECTRICAL COMPANY, INC. FOR PURCHASE BY THE CITY OF PROPERTY AT 125 TUOLUMNE BOULEVARD FOR 7TH AND TUOLUMNE REALIGNMENT

(Project 62-17) (.086 acres, cost, \$7,000)

Introduced by Hughes      Seconded by Shastid

Ayes:    Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes:    None      Absent:    Mitchell, Patton

CONSIDER POSSIBLE DESIRABILITY OF AMENDMENT TO CODE REQUIREMENTS  
 RELATING TO CONSTRUCTION OF PATIO COVERS

Copies of a memorandum from the Director of Parking and Traffic dated July 12, 1963, subject, "Patio Covers," and a memorandum from the City Manager dated August 1, 1963, subject, "Patio covers -- see attached copy of memo from Director of Parking and Traffic dated July 12, 1963," were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes.

MOTION

That a possible amendment to code requirements relating to construction of patio covers be referred to the Planning Commission for study

Moved by Shastid      Seconded by VanderWall      Unanimously carried

CONSIDER LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND WOLVERINE  
 BUILDING SERVICE, ET AL, RELATING TO PERIMETER STREET LIGHTS CONSTRUCTED  
 AS A PART OF LORENZEN PARK NO. 1 SUBDIVISION

MOTION

That letter agreement between the City of Modesto and Wolverine Building Service, et al, relating to perimeter street lights constructed as a part of Lorenzen Park No. 1 Subdivision be approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

RESOLUTION NO. 63-384

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$527 FROM SPECIAL FUND FOR CAPITAL OUTLAYS, GENERAL RESERVE, TO PERIMETER STREET LIGHTS

Introduced by VanderWall      Seconded by Shastid

Ayes:    Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes:    None      Absent:    Mitchell, Patton

CONSIDER RESOLUTION NOTIFYING STATE DIVISION OF HOUSING THAT THE CITY  
 OF MODESTO HAS AND IS ENFORCING LOCAL BUILDING ORDINANCES, PRESCRIBING  
 IN GENERAL, STANDARDS EQUAL TO OR GREATER THAN THE STATE HOUSING LAW  
 WHICH BECOMES EFFECTIVE AUGUST 8, 1963    2-110

RESOLUTION NO. 63-385

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO NOTIFYING THE STATE DIVISION OF HOUSING OF THE STATE OF CALIFORNIA THAT THE CITY HAS AND IS ENFORCING LOCAL BUILDING ORDINANCES PRESCRIBING IN GENERAL, STANDARDS EQUAL TO OR GREATER THAN THE STATE HOUSING LAW WHICH BECOMES EFFECTIVE AUGUST 8, 1963

Introduced by Tabbert      Seconded by VanderWall

Ayes:    Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes:    None      Absent:    Mitchell, Patton

**RESOLUTION ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO MUNCY SCHOOL 2-115**

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At the request of the Director of Public Works, and with the unanimous consent of the Council, this matter was held over for one week

**RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO**

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**RESOLUTION NO. 63-386**

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 6903, LOT 10 AND PORTION LOT 11, NORTH SIDE OF RIBIER AVENUE)

Introduced by Shastid      Seconded by Tabbert

Ayes: Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Mitchell, Patton

August 19, 1963, at 4:50 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

**RESOLUTION REFERRING TO THE PLANNING COMMISSION PROPOSAL FOR ANNEXATION OF McHENRY VILLAGE CENTER ADDITION**

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**RESOLUTION NO. 63-383**

A RESOLUTION REFERRING TO THE MODESTO CITY PLANNING COMMISSION A PETITION FOR ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS McHENRY VILLAGE CENTER ADDITION

Introduced by Shastid      Seconded by Tabbert

Ayes: Hughes, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Mitchell, Patton

**MATTERS FOR THE GOOD OF THE COMMUNITY**

**REQUEST BY JOE MINENI, 1030 YALE AVENUE, FOR VARIANCE TO ALLOW INSTALLATION OF BLACKTOP SIDEWALK AT RED BARN, HANEY AVENUE 3-80**

**MOTION**

That the matter be held over for one week

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

**LEGAL OPINION RELATING TO POLITICAL ACTIVITIES OF CITY EMPLOYEES IN CONNECTION WITH REFERENDUM ELECTION ON URBAN RENEWAL**

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Opinion No. 63-2 by the City Attorney dated August 2, 1963, subject, "Officers and Employees: Political Activities: Application of City Charter and Municipal Code Provisions Relating to Political Activities to Pending Referendum Election on Urban Renewal," were furnished the Council prior to the meeting. The City Attorney ruled that no city officer or employee is muzzled by the law from taking an active part in the pending municipal referendum election of urban renewal; that the Council does not have the legal authority under present law to prohibit any city officer or employee from taking an active part in the pending referendum election, or from taking a public stand on the pros and cons of urban renewal.

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Councilman Patton arrived at 4:56 P.M.

REPORT ON POSSIBLE RENEWAL PROJECT AREA

The following matters were discussed: The decrease in assessed valuation of property in certain blocks in the downtown area; the boundaries of an area proposed several years ago for a civic center; street patterns.

MOTION

That the Council tentatively indicates the following to be the urban renewal project area: from 9th Street to the alley between 10th and 11th Streets, from G to I Street

Moved by Mayor Johansen      Seconded by Tabbert      Unanimously carried

SCHEDULING OF QUESTION AND ANSWER MEETINGS BETWEEN STAFF AND INTERESTED CITIZENS ON URBAN RENEWAL

The Council approved the City Manager's suggestion that question and answer meetings be scheduled on Friday afternoons at 4:00 P.M. in the Council Chambers to give interested citizens an opportunity to ask the staff questions pertaining to urban renewal, beginning Friday, August 10, 1963, at 4:00 P.M., the meetings to continue if sufficient public interest is shown.

QUARTERLY REPORT (APRIL, MAY, JUNE, 1963) OF THE GREATER MODESTO CHAMBER OF COMMERCE

The quarterly report of the Greater Modesto Chamber of Commerce for the period ending June 30, 1963, was submitted to the Council and ordered filed.

FREEWAY CONSTRUCTION PROGRESS REPORT

Copies of a memorandum from Director of Parking and Traffic Carmody dated July 30, 1963, subject, "Freeway Construction Progress Report," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

REPORT TO COUNCIL BY MAYOR OF ACTION TAKEN BY THE MODESTO BOARD OF REALTORS REGARDING INVITATION FOR THE BUILD AMERICA BETTER TEAM TO VISIT MODESTO 5-80

Mayor Johansen reported that the Board of Directors of the Modesto Board of Realtors has invited the Build America Better team to make a study of Modesto with the team expected to arrive in Modesto in February 1964. All expenses connected with the visit will be paid by the Modesto Board of Realtors. Mayor Johansen stated that he countersigned the letter inviting the team to visit Modesto.

The scope of the work performed by the team was discussed.

The City Manager was instructed to write a letter to the Modesto Board of Realtors for signature of both the City Manager and Mayor, offering city cooperation.

VERBAL REPORT BY DIRECTOR OF PUBLIC WORKS CONCERNING WELL NO. 3 AT CORPORATION YARD

Director of Public Works Campbell stated that due to the accident occurring at Well No. 3, it has been necessary to deepen the well approximately 50 feet; that attempts are being made to develop it at this point, with the result still unknown.

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CONSIDER SETTLEMENT OF LITIGATION - CITY OF MODESTO VS. ALBERT  
LANDINI, ET AL, NO. 82153, SUPERIOR COURT, ACQUISITION OF PARK PROPERTY  
FOR ROSE AVENUE PARK

---

At the request of the City Attorney, and with the consent of the Council, this matter was held over for one week.

ADJOURNMENT

MOTION

That the meeting now in session adjourn to executive session to discuss personnel matters relating to the Fire Department

Moved by VanderWall    Seconded by Tabbert    Unanimously carried

The meeting adjourned at 5:18 P.M.

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

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Vice Mayor VanderWall presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall

Absent: Councilmen: Mitchell, Mayor Johansen

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

Reverend Dale Sherwood gave the invocation.

#### APPROVAL OF MINUTES

The minutes of the adjourned regular meetings of June 11, 13, 18, 20, 24 and 27, 1963, were approved.

#### LETTERS FROM FRANK RUSSO, PRESIDENT, MODESTO BASEBALL FOR BOYS, AND MODESTO CABALLERO ATHLETIC CLUB, REQUESTING USE DEL WEBB FIELD ON DIFFERENT DATES FOR BASEBALL GAMES 1-11

A letter from Frank Russo, President, Modesto Baseball for Boys, dated August 6, 1963, requesting use of Del Webb Field for championship baseball games on August 17 and 18, 1963, and a letter from Modesto Caballero Athletic Club, dated August 7, 1963, requesting use of Del Webb Field on August 25, 1963, for a baseball game, were reviewed by the City Clerk. The requests were granted.

#### RESOLUTION NO. 63-387

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 63-338 ENTITLED "A RESOLUTION RELATING TO THE GRANTING OF SPECIAL PERMITS TO USE DEL WEBB FIELD," AND RESCINDING RESOLUTION NO. 63-371 (granting permits)

Introduced by Shastid      Seconded by Hughes

Ayes: Hughes, Patton, Shastid, Tabbert, Vice May VanderWall  
Noes: None      Absent: Mitchell, Mayor Johansen

#### COMMUNICATION REPORTING RESIGNATION OF PARKS AND RECREATION DIRECTOR, EFFECTIVE SEPTEMBER 6, 1963 1-29

Copies of a memorandum of resignation from the Director of Parks and Recreation, dated August 5, 1963, were distributed to the Council prior to the meeting.

#### COMMUNICATION FROM SHERWOOD FOREST HOMEOWNERS' ASSOCIATION RE: ZONING OF MC HENRY AVENUE 1-35

A communication from the Sherwood Forest Homeowners' Association, dated July 31, 1963, addressed to the Chairman of the Board, Stanislaus County Board of Supervisors, requesting that the County, in conjunction with the City and the State, immediately institute a complete and comprehensive long range policy regarding the widening of McHenry Avenue to four lanes, including provisions for frontage, streets and the development of both the commercial and residential property in this area, was summarized by the City Clerk.

## RESOLUTION NO. 63-388

A RESOLUTION EXPRESSING APPRECIATION TO THE SHERWOOD FOREST HOMEOWNERS' ASSOCIATION FOR ITS INTEREST IN THE COMMUNITY

Introduced by Shastid      Seconded by Patton

Ayes:    Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
 Noes:    None      Absent:    Mitchell, Mayor Johansen

COMMUNICATION FROM LEAGUE OF CALIFORNIA CITIES CONCERNING ADVERTISEMENTS  
 IN WESTERN CITY MAGAZINE 1-50

A letter from Noel Porter, President, League of California Cities, dated July 29, 1963, inviting the City to make a reservation in the special September issue of Western City Magazine, was summarized by the City Clerk.

By order of the Chair, the City Clerk was directed to write a letter declining the offer.

CONSIDER AWARD OF BID FOR PIPE, VALVES AND FITTINGS 1-66

## RESOLUTION NO. 63-389

A RESOLUTION ACCEPTING THE BID OF UNITED STATES PIPE AND FOUNDRY COMPANY IN THE AMOUNT OF \$39,522.50 FOR CAST IRON PIPE (ITEMS 1 AND 2)

Introduced by Shastid      Seconded by Tabbert

Ayes:    Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
 Noes:    None      Absent:    Mitchell, Mayor Johansen

## RESOLUTION NO. 63-390

A RESOLUTION ACCEPTING THE BID OF PIPELINE SUPPLY COMPANY, INC., IN THE AMOUNT OF \$40,553.45 FOR CEMENT ASBESTOS PIPE (ITEMS 3a AND 4a) AND MISCELLANEOUS FITTINGS (ITEMS 11 THROUGH 20)

Introduced by Shastid      Seconded by Tabbert

Ayes:    Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
 Noes:    None      Absent:    Mitchell, Mayor Johansen

## RESOLUTION NO. 63-391

A RESOLUTION ACCEPTING THE BID OF M & H VALVE AND FITTINGS COMPANY IN THE AMOUNT OF \$8,608.60 FOR GATE VALVES (ITEMS 6 THROUGH 10)

Introduced by VanderWall      Seconded by Shastid

Ayes:    Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
 Noes:    None      Absent:    Mitchell, Mayor Johansen

CONSIDER AWARD OF BID FOR WATER MAINS IN ROBIN HOOD ESTATES SUBDIVISION 1-121  
 (no bids received)

With unanimous consent of the Council, this matter was held over for consideration by a full Council.

CONSIDER AWARD OF BID FOR WATER MAINS IN WALTER HEIGHTS SUBDIVISION 2-55  
(no bids received)

RESOLUTION NO. 63-392

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS IN WALTER HEIGHTS SUBDIVISION

Introduced by Shastid      Seconded by Patton

Ayes:    Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes:    None      Absent:    Mitchell, Mayor Johansen

CONSIDER AN ORDINANCE ADOPTING A HEATING AND COMFORT COOLING CODE FOR THE CITY OF MODESTO    2-61

MOTION

That an informal hearing be set for September 9, 1963, at 8:00 P.M. to consider ordinance adopting a heating and comfort cooling code

Moved by Shastid      Seconded by Patton      Unanimously carried

HEARING ON PROPOSED ANNEXATION OF THE MC BRIDE ADDITION    3-44

Notice of the proposed annexation was published on July 11 and July 18, 1963, and notices posted and delivered in the area on July 18, 1963. No written protests to the proposed annexation were filed with the City Clerk.

ORDINANCE NO. 598-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS MC BRIDE ADDITION TO THE CITY OF MODESTO"

was introduced, adopted and ordered published as required by the Charter.

Moved by Shastid      Seconded by Hughes

Ayes:    Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes:    None      Absent:    Mitchell, Mayor Johansen

ACCEPT IMPROVEMENTS IN NORTHGATE ESTATES SUBDIVISION AS COMPLETE AND AUTHORIZE CITY CLERK TO RELEASE SUBDIVISION IMPROVEMENT BOND    3-56

RESOLUTION NO. 63-394

A RESOLUTION AUTHORIZING THE RELEASE OF THE HARTFORD ACCIDENT AND INDEMNITY COMPANY CONTRACT BOND FILED TO GUARANTEE IMPROVEMENTS IN NORTHGATE ESTATES SUBDIVISION

Introduced by Shastid      Seconded by Hughes

Ayes:    Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes:    None      Absent:    Mitchell, Mayor Johansen

ACCEPT IMPROVEMENTS IN BROOKDALE PARK NO. 4 SUBDIVISION AS COMPLETE AND AUTHORIZE CITY CLERK TO RELEASE SUBDIVISION IMPROVEMENT BOND    3-63

RESOLUTION NO. 63-395

A RESOLUTION AUTHORIZING THE RELEASE OF CASH DEPOSIT FILED TO GUARANTEE IMPROVEMENTS IN BROOKDALE PARK NO. 4 SUBDIVISION

Introduced by Hughes      Seconded by Shastid

Ayes:    Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes:    None      Absent:    Mitchell, Mayor Johansen

RESOLUTION NO. 63-396

A RESOLUTION OF THE CITY OF MODESTO ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICES TO THE MUNCY SCHOOL

Introduced by Hughes      Seconded by Shastid

Ayes:    Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes:    None      Absent:    Mitchell, Mayor Johansen

CONSIDER SALE OF ONE SHARE OF COMMON STOCK OWNED BY THE CITY 3-93

Copies of a memorandum from Director of Finance Bird, dated August 2, 1963, subject, " Disposal of One Share of Common Stock Owned by the City of Modesto," were distributed to the Council prior to the meeting.

RESOLUTION NO. 63-397

A RESOLUTION AUTHORIZING THE SALE OF ONE SHARE OF COMMON STOCK OWNED BY THE CITY OF MODESTO

Introduced by Shastid      Seconded by Hughes

Ayes:    Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes:    None      Absent:    Mitchell, Mayor Johansen

HEARING ON APPEAL BY GEORGE VALENTINE FROM DECISION OF THE BOARD OF ZONING ADJUSTMENT (requesting variance to off-street parking requirements at 518 Needham Avenue) 3-96

Vice Mayor VanderWall opened the hearing.

Notice was published, and notices posted and delivered in the area on July 25, 1963.

A letter from Jensen & Underwood, attorneys, dated August 8, 1963, representing Downtown Professional Building, Inc., Paul Triller, D.D.S., Walker Halliday, D.D.S. and Richard A. Gaard, D.D.S. opposing the requested variance, was read by the City Clerk.

Director of Planning Fey outlined the request for variance, stating that the Board of Zoning Adjustment denied the request for the reasons set forth in Board of Zoning Adjustment Resolution No. 222, copies of which were distributed to the Council prior to the meeting.

Dr. Valentine spoke in favor of the variance request.

A discussion was held on the requirement of off-street parking spaces, and related matters.

No one else asked to be heard, and Vice Mayor VanderWall closed the hearing.

RESOLUTION NO. 63-393

A RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING THE APPLICATION OF GEORGE VALENTINE, D.D.S., FOR A VARIANCE TO THE OFF-STREET PARKING REQUIREMENT AT 518 NEEDHAM AVENUE

Introduced by Shastid      Seconded by Tabbert

Ayes:    Hughes, Shastid, Tabbert, Vice Mayor VanderWall  
Noes:    Patton      Absent:    Mitchell, Mayor Johansen

HEARING ON PROPOSED REZONING OF MAP 28 (W. S. LAWSON PROPERTY)

Vice Mayor VanderWall opened the hearing.

Notice was published, and notices posted and delivered in the area on August 1, 1963. No written protests to the proposed rezoning were filed with the City Clerk.

No one in the audience asked to be heard and Vice Mayor VanderWall closed the hearing.

Planning Commission Resolution No. 962 recommends the proposed rezoning.

## ORDINANCE NO. 599-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (W.S. LAWSON)"

was introduced and ordered published as required by the Charter.

Moved by Hughes Seconded by Shastid

Ayes: Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None Absent: Mitchell, Mayor Johansen

PETITION FROM MRS. CIRAOLO - BEAUTY SHOP AS HOME OCCUPATION 7-29

A letter and signed petition dated June 23, 1963, from Mrs. Viola Ciruolo, requesting permission to have a beauty operation home occupation in her residence at 223 Lucerne Avenue, was read by the City Clerk.

The Deputy City Manager stated that a land use permit could not be granted for beauty home occupation, and that either a zone change or variance would be required in this instance.

Mrs. Ciruolo spoke briefly in favor of the request.

## MOTION

That Mrs. Ciruolo's request for a home beauty occupation in her residence at 223 Lucerne Avenue be denied, and the City Manager directed to write a letter explaining the Council's inability to grant Mrs. Ciruolo's request under the present circumstances

Moved by Shastid Seconded by Hughes Unanimously carried

RECOMMENDATION FOR ANNEXATION - MC HENRY VILLAGE CENTER ADDITION 8-33

Planning Commission Resolution No. 966 recommends the commencement of annexation proceedings and the granting of Interim General Commercial Zoning to said territory.

## RESOLUTION NO. 63-398

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION TO THE CITY OF MODESTO OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESCRIBED AS MC HENRY VILLAGE CENTER ADDITION AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Shastid Seconded by Hughes

Ayes: Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None Absent: Mitchell, Mayor Johansen

September 23, 1963, at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMEND EXTENSION OF TIME FOR P-D(7) - NEIGHBORHOOD CHURCH 8-36

Planning Commission Resolution No. 967 recommends an extension of the limits imposed by the development schedule approved as part of P-D(7) - Modesto's Neighborhood Church, located south of Woodrow Avenue, east of Tully Road.

## RESOLUTION NO. 63-399

A RESOLUTION EXTENDING THE LIMITS IMPOSED BY THE DEVELOPMENT SCHEDULE APPROVED AS PART OF PLANNED DEVELOPMENT ZONE, P-D(7). (MODESTO'S NEIGHBORHOOD CHURCH)

Introduced by Shastid      Seconded by Tabbert

Ayes: Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None      Absent: Mitchell, Mayor Johansen

RECOMMEND EXTENSION OF TIME FOR P-D(9) - CAUSEY 8-45

Planning Commission Resolution No. 965 recommends an extension of the limits imposed by the development schedule as a part of P-D(9) - Causey, on Tully Road.

## RESOLUTION NO. 63-400

A RESOLUTION EXTENDING THE LIMITS IMPOSED BY THE DEVELOPMENT SCHEDULE APPROVED AS PART OF PLANNED DEVELOPMENT ZONE, P-D(9) (Causey)

Introduced by Tabbert      Seconded by Shastid

Ayes: Hughes, Patton, Shastid, Tabbert, Vice Mayor VanderWall  
Noes: None      Absent: Mitchell, Mayor Johansen

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY 8-121Unanimous Consent ItemsRerouting of the Southern Pacific Owl Night Train

Deputy City Manager Ray reported on the proposed rerouting of the Southern Pacific Owl Night Train from the west side of the valley to an eastern track, which would provide better mail and passenger service through Modesto. The Southern Pacific Company has requested an expression from the Council on the proposed change.

No action was taken.

Operation of Swimming Pools on Sundays

A memorandum from the City Manager, dated August 9, 1963, subject, "Sunday Operation of Swimming Pools," was distributed to the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memo reported that the Downey High School Swimming Pool has been closed to Sunday operation, while the Modesto Junior College Pool remains open, in an effort to make the swimming program self-supporting.

## MOTION

That the swimming pool operation as set forth in City Manager's memo, dated August 9, 1963, subject, "Sunday Operation of Swimming Pools," be approved

Moved by Shastid      Seconded by Hughes      Unanimously carried

TELEPHONE CALL - COUNCILMAN MITCHELL

Deputy City Manager Ray stated that a telephone call was received from Councilman Mitchell, this date, from Yellowstone National Park, sending his regards.

REPORT ON REQUEST OF JOE MINENI FOR VARIANCE TO ALLOW INSTALLATION OF BLACKTOP SIDEWALK RED BARN, HANEY AVENUE 9-50

A memorandum from the Deputy City Manager, dated August 8, 1963, subject, "Request for variance from sidewalk requirements - Haney Avenue," was distributed to the Council prior to the meeting, a copy of which is on file with the record of the minutes.

## MOTION

That the request of Joe Mineni for a variance to allow installation of blacktop sidewalk at the Red Barn on Haney Avenue be denied

Moved by Shastid      Seconded by Hughes      Unanimously carried

ADJOURNMENT

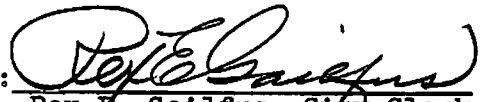
## MOTION

That the meeting now in session be adjourned

Moved by Hughes      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 9:41 P.M.

ATTEST:

  
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-4.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Shastid, Patton, Tabbert, VanderWall,  
Mayor Johansen  
Councilman Hughes arrived at 4:05 P.M.

Absent: Councilmen: Mitchell

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

A moment of silent prayer was observed.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of August 5, 1963, and the same being available for public inspection, and there being no objections, the minutes were approved.

COMMUNICATION FROM MODESTO IRRIGATION DISTRICT REGARDING FENCING OF CANALS 1-10

A letter from C. E. Plummer, Chief Engineer, Modesto Irrigation District, dated August 12, 1963, requesting the City's attitude toward fencing of irrigation canals on street rights of way, where necessary, was read by the City Clerk.

MOTION

That the Council declares its intent to cooperate with the M.I.D. in connection with the proposed fencing of canals

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

CONSIDER AWARD OF BID FOR WATER MAINS IN ROBIN HOOD ESTATES SUBDIVISION 1-25

By unanimous consent of the Council, this matter was held over to the August 26, 1963, meeting.

ADOPTION OF ORDINANCE NO. 597-C.S. AMENDING FIRE ZONING MAP 21 (DRAKE ADDITION)

ORDINANCE NO. 597-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 21 OF THE FIRE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON"

introduced on August 5, 1963, and having been published as required by the Charter, was moved and adopted

Moved by Shastid      Seconded by VanderWall

Ayes: Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes, Mitchell  
Councilman Hughes arrived at 4:05 P.M.

CONSIDER REMOVAL OF TIDEWATER SOUTHERN TRACKS FROM 9TH STREET

Copies of a memorandum from the Director of Parking and Traffic dated August 12, 1963, subject, "Removal of Tidewater Southern Railway tracks from 9th Street," listing alternate methods and costs for such removal, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The following were discussed: Methods of financing the project, degree of relief of traffic on 9th Street upon completion of the freeway; the work involved in removal of the tracks.

## MOTION

That the staff be authorized to proceed with further negotiations for the removal of the tracks from 9th Street, in accordance with the memorandum from the Director of Parking and Traffic

Moved by VanderWall      Seconded by Shastid

The motion carried, Councilman Hughes dissenting.

The staff was directed to check on the cost of franchises in other cities.

CONSIDER APPROVAL FOR PARK DEVELOPMENT BY RESIDENTS LIVING NEAR MORAN ESTATES PARK SITE

The City Manager reported that residents living near the Moran Estates Park site have offered to contribute their time and labor if the City will provide materials, equipment, technical assistance and some labor cost for the development of the park site.

## MOTION

That the matter be referred to the Planning Commission for report and recommendation

Moved by Shastid      Seconded by VanderWall      Unanimously carried

CONSIDER ALLOWING MODESTO PLYMOUTH TO OCCUPY FUTURE CITY PARKING AREA

Copies of a memorandum from the Director of Parking and Traffic dated August 14, 1963, subject, "Occupancy Time - Future City Parking Lot - 9th between J and K," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Attached were letters from the Modesto Plymouth Company and the B. P. Oliver Company, asking the Council to permit Modesto Plymouth to remain in the future parking lot until September 30, 1963, and to October 31, 1963, if necessary.

## MOTION

That the request of Modesto Plymouth to remain in the City's future parking lot until September 30, 1963, or to October 31, 1963, if necessary, be approved.

Moved by Shastid      Seconded by Tabbert      Unanimously carried

ACCEPT IMPROVEMENTS IN CRESTWOOD TERRACE NO. 2 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND

## RESOLUTION NO. 63-401

A RESOLUTION AUTHORIZING THE RELEASE OF CASH DEPOSIT FILED TO GUARANTEE IMPROVEMENTS IN CRESTWOOD TERRACE NO. 2 SUBDIVISION

Introduced by Tabbert      Seconded by VanderWall

Ayes:      Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes:      None      Absent:      Mitchell

RESOLUTION AUTHORIZING AGREEMENT BETWEEN CITY AND TUCKER ESTATE HEIRS FOR  
 PURCHASE OF TUCKER-HOLTHAM PROPERTY AT 1016 AND 1018 EYE STREET ADJACENT  
 TO CITY HALL PARKING LOT 2-67

RESOLUTION NO. 63-402

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE TUCKER  
 ESTATE HEIRS FOR PURCHASE OF THE TUCKER-HOLTHAM PROPERTY AT 1016 AND 1018 EYE  
 STREET, ADJACENT TO CITY HALL PARKING LOT

Introduced by VanderWall      Seconded by Tabbert

Ayes:      Tabbert, VanderWall, Mayor Johansen  
 Noes:      Hughes, Patton, Shastid  
 Absent:      Mitchell

The resolution failed to carry.

By order of the Chair, the staff was directed to place the item on next  
 week's agenda.

ACCEPT AS COMPLETE M. J. RUDDY & SON'S CONTRACT FOR IMPROVEMENT OF ROSEBURG  
 AVENUE FROM CARVER TO MILLS

RESOLUTION NO. 63-403

A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENT OF ROSEBURG AVENUE  
 FROM CARVER ROAD TO MILLS AVENUE BY M. J. RUDDY & SON

Introduced by Shastid      Seconded by Tabbert

Ayes:      Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes:      None      Absent:      Mitchell

ACCEPT AS COMPLETE M. J. RUDDY & SON'S CONTRACT FOR IMPROVEMENT OF BRIGGSMORE  
 BETWEEN CARVER AND PARK MANOR 3B SUBDIVISION 2-92

RESOLUTION NO. 63-404

A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENT OF BRIGGSMORE AVENUE  
 BETWEEN CARVER ROAD AND PARK MANOR 3B SUBDIVISION BY M. J. RUDDY & SON

Introduced by VanderWall      Seconded by Shastid

Ayes:      Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes:      None      Absent:      Mitchell

ACCEPT AS COMPLETE SAM A. JONES' CONTRACT FOR THE CONSTRUCTION OF MAINTENANCE  
 BUILDING AT THE SEWAGE TREATMENT PLANT

RESOLUTION NO. 63-405

A RESOLUTION ACCEPTING THE CONSTRUCTION OF MAINTENANCE BUILDING AT SEWAGE  
 TREATMENT PLANT BY SAM A. JONES

Introduced by Shastid      Seconded by Tabbert

Ayes:      Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes:      None      Absent:      Mitchell

ACCEPT IMPROVEMENTS IN SARATOGA MANOR NO. 5 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND 2-102

RESOLUTION NO. 63-406

A RESOLUTION AUTHORIZING THE RELEASE OF THE HARTFORD ACCIDENT AND INDEMNITY COMPANY CONTRACT BOND FILED TO GUARANTEE IMPROVEMENTS IN SARATOGA MANOR NO. 5 SUBDIVISION

Introduced by Tabbert                      Seconded by VanderWall

Ayes: Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None                      Absent: Mitchell

HEARING ON PROPOSED REZONING OF AREA IN SECTION MAP 19 (NUNES PROPERTY) 2-107

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the rezoning of the Nunes property located northwest of the intersection of Carver Road and Roseburg Avenue from R-1 to R-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on August 1, 1963, and notices distributed and posted in the area on August 8, 1963. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 955 recommends that the rezoning be granted.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 600-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (NUNES)"

was introduced and ordered published as required by the Charter.

Moved by VanderWall                      Seconded by Shastid

Ayes: Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None                      Absent: Mitchell

CONSIDER MAKING 14TH STREET ONE-WAY, SOUTHBOUND FROM NEEDHAM TO L STREET 2-120

Copies of a memorandum from the Director of Parking and Traffic dated August 2, 1963, subject, "Suggested Improvements in Traffic Flow and Parking at 14th Street and Park Avenue," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

A letter from J. Wilmar Jensen, attorney, representing Downtown Professional Building, Incorporated, and Paul Triller, D.D.S., objecting to the proposal, was read by the City Clerk.

MOTION

That the matter be referred to the Planning Commission for report and recommendation

Moved by Hughes                      Seconded by Shastid                      Unanimously carried

HEARING ON PROPOSED REZONING OF AREA IN SECTION MAP 17 FROM P-D 14 TO R-1  
(Filles de Jesus property)

Mayor Johansen announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the reclassification of property located between Granger Avenue and Modesto Irrigation District Lateral No. 3, between the Tidewater Southern Railroad tracks and Our Lady of Fatima Church property, from Planned Development Zone, P-D 14, to One-Family Residential Zone, R-1, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on August 1, 1963, and notices distributed and posted in the area on August 8, 1963. No written protests to the proposed rezoning were filed with the City Clerk.

Planning Commission Resolution No. 958 recommends that the property be reclassified to One-Family Residential Zone, R-1.

ORDINANCE NO. 601-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (P-D 14)"

was introduced and ordered published as required by the Charter.

Moved by VanderWall      Seconded by Shastid

Ayes:            Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:            None      Absent:      Mitchell

Simplification of procedure in handling rezonings of this type was discussed.

The staff was directed to furnish the Council a copy of the City Attorney's Opinion relating to automatic reversion of P-D zoning to the prior zoning in the event the applicant fails to meet the conditions imposed in connection with the approved planned development.

By order of the Chair, the staff was directed to consider recommendations whereby the City would be compensated for costs involved in the event of reversion of zoning in future cases comparable to the one under consideration.

APPLICATION FOR PUBLIC WORKS ACCELERATION ACT FUNDS FOR FIRE STATION AT  
NORTHERN BOULEVARD AND TIMOTHY AVENUE 3-100

RESOLUTION NO. 63-407

RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE HOUSING AND HOME FINANCE AGENCY, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE TERMS OF PUBLIC LAW 345, 84TH CONGRESS, AS AMENDED BY THE PUBLIC WORKS ACCELERATION ACT

Introduced by Shastid      Seconded by VanderWall

Ayes:            Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:            None      Absent:      Mitchell

RESOLUTION NO. 63-408

RESOLUTION PROVIDING FOR INCREASE IN PLANNED TOTAL EXPENDITURE FOR CAPITAL IMPROVEMENT PROJECTS

Introduced by VanderWall      Seconded by Shastid

Ayes:            Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:            None      Absent:      Mitchell

CONSIDER RECOMMENDATIONS BY THE DIRECTOR OF PUBLIC WORKS FOR A CHANGE IN THE PUBLIC WORKS ORGANIZATIONAL STRUCTURE 4-5

Copies of a memorandum from the Director of Public Works, dated August 9, 1963, subject, "Recommendation for Change in Public Works Organization," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The City Manager stated that the recommendations outlined in the above memorandum were approved by the Personnel Commission at its August 13, 1963, meeting.

MOTION

That the recommendation for change in Public Works organization outlined in the memorandum from the Director of Public Works dated August 9, 1963, be approved

Moved by Hughes      Seconded by Shastid      Unanimously carried

HEARING ON SIDEWALK REQUIREMENT IN BLOCK 6903, LOT 10, PORTION OF LOT 11 (RIBIER AVENUE) 4-37

Mayor Johansen announced that the hour of 4:50 P.M. had arrived, the time set for consideration of sidewalk requirement in Block 6903, Lot 10 and portion of Lot 11, and opened the hearing.

The City Clerk reported that notice of the hearing was mailed to Mr. Orval V. Brewer, 301 Ribier Avenue, owner, on August 5, 1963, and notices posted in the area as required.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 63-409

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO (BLOCK 6903, LOT 10 AND PORTION OF LOT 11, NORTH SIDE OF RIBIER AVENUE)

Introduced by Shastid      Seconded by VanderWall

Ayes:      Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:      None      Absent:      Mitchell

CONSIDER APPROVAL OF LETTER AGREEMENT WITH FRED JOHNSON, CONSULTING CIVIL ENGINEER, FOR ENGINEERING SERVICES, CALIFORNIA-FRANKLIN PARK SITE DEVELOPMENT (Maximum estimated cost, \$600)

MOTION

That the agreement between the City and Fred Johnson for engineering services connected with the California-Franklin Park site development be approved

Moved by Shastid      Seconded by Tabbert      Unanimously carried

CONSIDER MAKING 5TH AND 6TH STREETS ONE-WAY ON OR ABOUT OCTOBER 15, 1963 4-55

Copies of a memorandum from the Director of Parking and Traffic dated August 15, 1963, subject, "One-Way Streets - 5th and 6th Streets," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Mr. Carmody recommended that the State's request for one-way operation of 5th and 6th Streets in mid-October, 1963, be approved.

## MOTION

That the City Attorney be directed to prepare a resolution making 5th and 6th Streets one-way, effective on or about October 15, 1963

Moved by Tabbert      Seconded by VanderWall      Unanimously carried

Director of Parking and Traffic Carmody stated that approval of diagonal parking on 6th Street, between F and G Streets (northeast side) was granted on an indefinite time basis until such time as the freeway project made it necessary to discontinue the diagonal parking.

Mr. Carmody was directed to inform the Central Assembly of God Church of the Council's action.

APPROPRIATION TRANSFERS - None

UNANIMOUS CONSENT ITEM

REQUEST OF JOE MINENI FOR VARIANCE TO ALLOW INSTALLATION OF BLACKTOP SIDEWALK - RED BARN, HANEY AVENUE

Gene Thompson stated that the owners of the Red Barn on Haney Avenue are willing to post a \$1,400 bond guaranteeing the installation of concrete sidewalks when requested to do so by the City.

## MOTION

That the City Attorney be directed to prepare the necessary documents granting Joe Mineni a variance to allow installation of blacktop sidewalk at the Red Barn on Haney Avenue, subject to the furnishing of a \$1,400 bond, cash, or savings and loan certificate, with the permit revocable upon demand of the City

Moved by VanderWall      Seconded by Patton      Unanimously carried

REQUEST OF GEORGE VALENTINE FOR DEFINITION OF "PERMANENT"

Dr. George Valentine referred to his appeal from the decision of the Board of Zoning Adjustment which was heard by the Council at its August 12, 1963, meeting, at which time the Council, by resolution, affirmed the decision of the Board of Zoning Adjustment in denying Dr. Valentine's application for a variance to the off-street parking requirement at 518 Needham Avenue. Dr. Valentine stated that four parking spaces were presently available on a leased basis, with the City Attorney requiring a 99-year lease to classify the parking spaces as permanent. He said that he did not believe the 99-year lease requirement was reasonable. He asked for a definition of the word "permanent."

By order of the Chair, the staff was directed to place this item on the agenda of the August 26, 1963, meeting.

MATTERS FOR THE GOOD OF THE COMMUNITYINVITATION TO COUNCIL AND PUBLIC

In behalf of Rabbi Judah L. Fish, Deputy Manager Ray issued an invitation to the Council and public to attend an open house Sunday, September 8, 1963, at 5:00 P.M., at the new Jewish structure at Sherwood and Gayle Avenues.

REPORT ON WATER LINE INSTALLATION IN BEL AIR SUBDIVISION NO. 3

The City Manager reported on the cost of installation of water lines in Bel Air Subdivision No. 3 by city forces. The total cost was \$1,202.61.

REPORT BY MAYOR OF ATTENDANCE AT A.M.A. CONFERENCE IN HOUSTON, TEXAS 5-120

Brief oral reports of the meeting were made by Mayor Johansen and City Manager Keefe. Mayor Johansen recommended that the A.M.A. conferences be more widely attended so that more sessions, some of which are scheduled concurrently, can be covered and that more funds be budgeted to cover a larger attendance. He thanked the Council for having been given the opportunity to attend.

Next year's meeting will be held in Miami Beach, Florida.

REPORT BY CITY MANAGER RELATIVE TO FURNISHING OF POLICE-COMMUNICATIONS BUILDING

Copies of a memorandum from the Chief of Police to the City Manager dated July 24, 1963, subject, "Furnishing Police-Communications Building," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The three methods listed by which the building can be furnished were discussed.

By order of the Chair, the matter was referred to the Public Projects Committee for report and recommendation.

ADJOURNMENT

## MOTION

That the meeting now in session be adjourned to executive session to discuss personnel matters

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 5:30 P.M.

ATTEST:

*Pauline P. Stanley*  
 PAULINE P. STANLEY  
 Acting City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The Acting City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Absent: Councilmen: None

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

Reverend Jack Becker gave the invocation.

APPROVAL OF MINUTES

The minutes of the regular meeting of August 12, 1963, were approved.

LETTER FROM RED BARN SAVINGS CENTER, E. D. THOMPSON, EXECUTIVE VICE PRESIDENT, RE: INSTALLATION OF COOLERS 1-13

A letter from E. D. Thompson, Executive Vice President, Red Barn Savings Center, dated August 14, 1963, requesting that coolers which have been installed in a new shopping center on 99 Highway and Haney Road which protrude into the public right of way be allowed to remain, was summarized by the Acting City Clerk.

The City Manager recommended that the variance be granted, subject to removal upon demand of the City.

RESOLUTION NO. 63-410

A RESOLUTION GRANTING RED BARN SAVINGS CENTER A PERMIT TO ENCROACH ON THE RIGHT OF WAY

Introduced by Mitchell                      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None                      Absent: None

LETTER FROM GEORGE J. PUTNICKI, ACTING CHIEF, CONSTRUCTION GRANTS, WATER SUPPLY AND POLLUTION CONTROL, RE: AUDIT ON SEWAGE PLANT CONSTRUCTION 1-22

A letter from George J. Putnicki, Acting Chief, Construction Grants, Water Supply and Pollution Control, Department of Health, Education and Welfare, dated August 14, 1963, reporting that the final audit of the City's accounts and records relating to the construction of the Sewage Treatment Plant enlargement has been completed and the final payment of Federal funds certified, was summarized by the Acting City Clerk.

The letter was ordered filed.

COMMUNICATION FROM SOUTHERN PACIFIC RE: RE-ROUTING OF OWL TRAIN 1-25

A letter from Carl Olsen, Public Relations Manager, Southern Pacific Company, dated August 15, 1963, requesting the Council's favorable consideration in sponsoring a resolution addressed to the Public Utilities Commission, urging them to favorably consider the Southern Pacific's request to change the schedule and routing of the Owl from the west side to the east side of San Joaquin Valley effective September 1, 1963, was summarized by the Acting City Clerk.

No action was taken by the Council.

The City Manager was directed to notify Southern Pacific of the Council's position.

PETITION FROM PROPERTY OWNERS ON LEONARD AVENUE REQUESTING APPROVAL OF THE DRIVE-OVER TYPE CURB 1-53

A petition bearing 15 signatures and dated August 15, 1963, requesting drive-over type curbs on Leonard Avenue from Tully Road to Kearney Avenue, was read by the Acting City Clerk.

By order of the Chair, the matter was referred to the Public Works Department for study and further report to the Council.

REPORT ON BIDS RECEIVED FOR TWO NEW FIRE PUMPERS 1-59

Copies of a memorandum from the Director of Finance, dated August 26, 1963, subject, "Fire Engine Bids," were distributed to the Council prior to the meeting, a copy of which is on file with the record of the minutes. Mr. Bird indicated in the memorandum that neither bid was acceptable to the City due to technicalities. He recommended that all bids be rejected.

The legality of waiving the technicalities was discussed. The City Attorney ruled the proposed waiver illegal.

RESOLUTION NO. 63-411

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR TWO FIRE PUMPERS

Introduced by Shastid      Seconded by Hughes

Ayes:    Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
         Johansen

Noes:    None      Absent:    None

MOTION

That the City Manager be authorized to secure informal bids for Item 2A (Fire pumps) and award bid at his discretion if low informal bid is equal to or lower than low formal bid received, or bring the matter back to the Council.

Moved by Shastid      Seconded by Patton

The motion carried, Councilmen Hughes and Tabbert dissenting.

CONSIDER AWARD OF BID FOR INSTALLATION OF WATER MAINS IN ROBIN HOOD ESTATES SUBDIVISION 2-71  
(no bids received)

RESOLUTION NO. 63-412

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR INSTALLATION OF WATER MAINS IN ROBIN HOOD ESTATES SUBDIVISION

Introduced by Hughes      Seconded by VanderWall

Ayes:    Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen

Noes:    Shastid      Absent:    None

ADOPTION OF ORDINANCE NO. 599-C.S. RECLASSIFYING THE W.S. LAWSON PROPERTY, SECTION MAP 28 2-79

ORDINANCE NO. 599-C.S. entitled  
 "AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF  
 MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (W.S. LAWSON)"

introduced on August 12, 1963, and having been published as required by  
 the Charter, was adopted. (effective September 25, 1963)

Moved by VanderWall Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None Absent: None

REPORT ON 1963-64 CITY ASSESSED VALUES AND TAX RATES 2-84

A memorandum from Mayor Peter W. Johansen dated August 20, 1963,  
 subject, "City of Modesto Tax Rate -- 1963-64 Fiscal Year," and a  
 memorandum from Director of Finance Bird dated August 16, 1963, subject,  
 "1963-64 Assessed Values and Tax Rates," were furnished the Council  
 prior to the meeting, copies of which are on file with the record of the  
 minutes.

City Manager Keefe reported word has been received that the City's  
 application for federal funds to construct a sewer in North Modesto was  
 under consideration, and additional information relating to the project  
 requested. He stated that the proposed sewer will require a great deal  
 of preliminary survey work; also the acquisition of a great number of  
 easements; that the 8¢ property tax increase recommended by Mayor  
 Johansen would enable the City to take advantage of the federal grant  
 if approved.

The proposed tax increase earmarking funds for parks development and  
 development of needed City facilities was discussed.

ADOPTION OF ORDINANCE SETTING THE TAX RATE FOR FISCAL YEAR 1963-64

ORDINANCE NO. 602-C.S. entitled

"AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO  
 FOR FISCAL YEAR 1963-64"

was introduced and adopted and ordered published as required by the  
 Charter (effective immediately)

Moved by VanderWall Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
 Johansen

Noes: None Absent: None

INTRODUCTION OF MARTA RESTREPO, MISS COLOMBIA, AND MARY LOU CISI, MISS  
 MODESTO INDUSTRY 3-105

Former Mayor Don Hammond introduced Miss Colombia, who is visiting  
 in Modesto, and Miss Modesto Industry.

ORDINANCE AMENDING CODE TO CREATE PARK DEVELOPMENT FUND 4-2

ORDINANCE NO. 603-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 5 TO CHAPTER 1 OF TITLE VIII OF THE MODESTO  
 MUNICIPAL CODE RELATING TO ESTABLISHMENT OF A SPECIAL FUND FOR PARK PUR-  
 POSES" (Creation of "Park Fund" earmarked for acquisition, development and  
 maintenance of parks within City of Modesto)

Introduced by VanderWall Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
 Johansen

Noes: None Absent: None

STUDY ON NORTH MODESTO SEWER PROJECT

By Order of the Chair, the Public Projects Committee was directed to make a study of the North Modesto Sewer Project on possibility of receipt of federal funds.

HEARING ON PROPOSED REZONING OF THE HIGBEE AND TROMBETTA PROPERTY, ZONING MAP 7 4-11

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed rezoning of the Trombetta and Higbee properties located on the west side of Tully Road, and opened the hearing.

The City Clerk reported that notice of the hearing was published in The Modesto Tribune on August 1, 1963, and notices posted and distributed in the area on August 15, 1963. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 956 adopted July 16, 1963, recommends rezoning of the five contiguous parcels owned by Joe Trombetta, and denial of the request for rezoning of the two corner parcels owned by Rex Higbee located on the corner of Tully Road and Morada Avenue (Lot 26 in Block 13201 and Lot 22 in Block 13220), on the basis that the Higbee property was of such small area that the rezoning would carry many of the characteristics of a spot zone.

Rex Higbee, 3133 Tully Road, spoke briefly in behalf of his request for rezoning, and asked for a definition of "spot zoning."

The basis for the Planning Commission's denial of Mr. Higbee's application for rezoning was outlined by Director of Planning Fey.

Dr. J. W. Berchem, 3101 Tully Road, owner of property lying between the parcels owned by Mr. Higbee and Mr. Trombetta, spoke briefly on the rezoning of his property.

No one else in the audience asked to be heard and Mayor Johansen declared the hearing closed.

## ORDINANCE NO. 604-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 7 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (HIGBEE AND TROMBETTA)" (rezoning five Trombetta lots)

was introduced and ordered published as required by the Charter.

Moved by Hughes      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

## RESOLUTION NO. 63-413

A RESOLUTION REFERRING BACK TO THE PLANNING COMMISSION THE APPLICATION OF REX HIGBEE TO RECLASSIFY FROM SINGLE-FAMILY ZONE, R-1, TO R-2, TWO-FAMILY RESIDENTIAL, PROPERTY LOCATED ON THE WEST SIDE OF TULLY ROAD (TULLY AND MORADA DRIVE, LOT 26 IN BLOCK 13201, AND LOT 22 IN BLOCK 13220)



Paul Birmingham, Modesto, stated that there was no conflict with the McHenry Avenue Report and the proposed development of the Briggs property; that the developers have agreed to dedicate whatever additional width is required on McHenry Avenue. He spoke briefly against planned development.

Bill Bair, 316 King Richard Lane, stated that thought should be given to winning the election for the establishment of an Urban Renewal Agency rather than rezoning the property.

Joe Shimmon, 3301 McHenry Avenue, spoke briefly on McHenry Avenue traffic problems.

Albert Lund and Charles Jeffers spoke briefly.

A plot plan of the proposed development was shown the Council by Mr. Alexander.

Mr. Alexander was questioned by the Council in connection with a contractual agreement pertaining to a buffer between the proposed project and adjacent residential area, street dedication, traffic problems.

No one else in the audience asked to be heard and Mayor Johansen declared the hearing closed.

The McHenry Avenue Report was discussed.

#### MOTION

That the matter be postponed to the Council meeting of September 23, 1963.

Moved by Shastid      Seconded by Mayor Johansen

The motion carried, Councilman Patton dissenting.

The meeting was recessed at 11:08 P.M. and reconvened at 11:15 P.M.

#### CONSIDER AGREEMENTS TO ESTABLISH PAY STATIONS FOR WATER AND SEWER BILLS

Copies of a memorandum from the Director of Finance dated August 19, 1963, subject, "Establishing Pay Stations for City Water and Sewer Bills" were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

#### MOTION

That agreements with Paradise Rexall Drugs, Paul's Rexall Drugs at 130 North Santa Cruz and 1021 West Orangeburg, and Village Drug Store be approved, with no insurance coverage for burglary or robbery, and subject to review at the end of six months.

Moved by VanderWall      Seconded by Shastid      Unanimously carried

#### RESOLUTION NO. 63-414

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1430 FROM GENERAL FUND, GENERAL RESERVE, TO FINANCE, SERVICES, PROFESSIONAL AND OTHER (for water and sewer bill pay stations)

Introduced by Shastid      Seconded by Tabbert

**Ayes:** Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen  
**Noes:** None      **Absent:** None

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN CITY AND TUCKER ESTATE HEIRS  
FOR PURCHASE OF TUCKER-HOLTHAM PROPERTY AT 1016 AND 1018 EYE STREET  
ADJACENT TO CITY HALL PARKING LOT**

**MOTION**

That the matter be held over pending receipt of a firm appraisal on the bare land value of the property, and the Director of Parking and Traffic directed to furnish the Council a report on the extent of use of the City Hall parking lot

Moved by VanderWall      Seconded by Hughes      Unanimously carried

**CONSIDER REQUEST BY GEORGE VALENTINE TO PROVIDE OFF-STREET PARKING BY  
LEASE IN PLACE OF PERMANENT PARKING AS SPECIFIED IN ORDINANCE**

As directed by the Council at a previous Council meeting, the City Attorney rendered an Opinion that off-street parking by lease in lieu of permanent parking as specified in the City Code should be for a lease period of not less than 99 years.

Dr. George Valentine spoke briefly against the City Attorney's decision, and questioned the City Attorney's authority for the opinion. He suggested that the Code be amended that the parking requirement be made effective for the life of the building.

**CONSIDER SETTLEMENT OF LITIGATION BETWEEN CITY AND ALBERT LANDINI -  
ACQUISITION OF PARK PROPERTY FOR ROSE AVENUE PARK**

This item was considered as the last item of the agenda.

**RESOLUTION APPROVING VARIANCE FOR THE RED BARN SAVINGS CENTER TO BLACKTOP  
SIDEWALK AREA 16-115**

**RESOLUTION NO. 63-415**

**A RESOLUTION GRANTING A VARIANCE TO RED BARN SAVINGS CENTER TO CONSTRUCT  
A TEMPORARY BLACKTOP SIDEWALK ON THE HANEY AND PRINCETON AVENUE FRONTAGES  
OF THE RED BARN SAVINGS CENTER**

Introduced by Shastid      Seconded by Patton

**Ayes:** Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen  
**Noes:** None      **Absent:** None

**RESOLUTION DESIGNATING PRECINCTS AND POLLING PLACES AND APPOINTING MEM-  
BERS OF THE PRECINCT BOARDS FOR SPECIAL MUNICIPAL ELECTION OCTOBER 8, 1963**

**RESOLUTION NO. 63-416  
A RESOLUTION AND ORDER OF THE COUNCIL OF THE CITY OF MODESTO DESIGNATING  
PRECINCTS AND POLLING PLACES AND APPOINTING MEMBERS OF PRECINCT BOARDS  
FOR THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, OCTOBER 8, 1963**

Introduced by Shastid      Seconded by VanderWall

**Ayes:** Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen  
**Noes:** None      **Absent:** None

CONSIDER WIDENING OF COLLEGE AVENUE SOUTH OF COLDWELL AVENUE

By order of the Chair, this matter was held over to the meeting of September 9, 1963.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 2036-38 GLENDALE AVENUE

## MOTION

That the request for sewer service to property located at 2036-38 Glendale Avenue, be approved

Moved by VanderWall      Seconded by Shastid      Unanimously carried

RECOMMEND EXTENSION OF TIME FOR STARTING DATE OF CONSTRUCTION IN P-D (12) (Spencer Addition) 17-7

Planning Commission Resolution No. 971 recommends extension of construction date for P-D (12), Spencer Addition, from September 1, 1963, to January 10, 1964.

## RESOLUTION NO. 63-417

A RESOLUTION EXTENDING THE LIMITS IMPOSED BY THE DEVELOPMENT SCHEDULE APPROVED AS PART OF PLANNED DEVELOPMENT ZONE, P-D (12) (SPENCER ADDITION)

Introduced by Shastid      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: VanderWall      Absent: None

RECOMMENDATION FOR MANDATORY CONNECTION TO CITY SEWER SYSTEM

Planning Commission Resolution No. 968 recommends that legislation be enacted requiring mandatory connection to the City sewer system where a sewer is available.

## MOTION

That an informal public hearing be set for 5:00 P.M. September 16, 1963, for mandatory connection to the City sewer system where sewer is available

Moved by Shastid      Seconded by VanderWall      Unanimously carried

LETTER FROM COMMISSION REGARDING ACQUISITION OF DRYDEN PROPERTY

## MOTION

That the staff be advised that the City cannot acquire the Dryden property for park purposes at this time because of other fund commitments

Moved by Shastid      Seconded by VanderWall      Unanimously carried

APPROPRIATION TRANSFER - STEEL GATES, LIBRARY 17-64

## RESOLUTION NO. 63-418

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$35 FROM MC HENRY LIBRARY CAPITAL OUTLAY FUND, GENERAL RESERVE, TO BARRED GATES

Introduced by Mitchell      Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

MATTERS FOR THE GOOD OF THE COMMUNITY 17-69REROUTING OF OWL - PHIL HUMPHREYS

Phil Humphreys stated that a suggestion might be made to the Southern Pacific Company that mail carried to the west side by fast freight might possibly lessen west side opposition to rerouting of the train.

UNANIMOUS CONSENT ITEM - APPROVAL OF REQUEST FOR SEWER SERVICE TO PROPERTY OWNED BY MEL MORRIS AT 1637 Locke Road

## MOTION

That the request for sewer service at 1637 Locke Road be approved

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

RESIGNATION OF BERNICE MITCHEL, PERSONNEL OFFICER

City Manager Keefe announced the resignation of Personnel Officer Bernice Mitchel. The resignation was accepted.

ACCEPT IMPROVEMENTS AND AUTHORIZE RELEASE OF IMPROVEMENT BOND FOR QUARESMA HOMES NO. 4 SUBDIVISION - UNANIMOUS CONSENT ITEM 17-91

## RESOLUTION NO. 63-419

A RESOLUTION AUTHORIZING THE RELEASE OF THE GENERAL INSURANCE COMPANY OF AMERICA SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS IN QUARESMA HOMES UNIT NO. 4 SUBDIVISION

Introduced by Shastid      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

APPROVE RENEWAL OF AGREEMENT BETWEEN CITY AND ORVILLE OKERSON - GASOLINE CONCESSION AND SERVICES AT MODESTO CITY-COUNTY AIRPORT - UNANIMOUS CONSENT ITEM

## RESOLUTION NO. 63-420

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ORVILLE OKERSON (GASOLINE CONCESSION, AIRPORT AND SERVICES)

Introduced by Hughes      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen  
Noes: None Absent: None

REQUEST OF MODESTO RETAIL BASEBALL ASSOCIATION FOR USE OF DEL WEBB FIELD  
9-1-63

RESOLUTION NO. 63-421

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 63-338 ENTITLED "A RESOLUTION RELATING TO THE GRANTING OF SPECIAL PERMITS TO USE DEL WEBB FIELD," AND RESCINDING RESOLUTION NO. 63-387 (approving above request)

Introduced by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen  
Noes: None Absent: None

CHANGE IN POLICY RELATING TO USE OF DEL WEBB FIELD - UNANIMOUS CONSENT  
ITEM

MOTION

That the City's policy relating to the use of Del Webb Field be changed to permit the City Manager at his discretion to approve use of Del Webb Field by any non-profit organization deemed by him to be proper and that the staff prepare and bring back necessary documents to accomplish this

Moved by Shastid      Seconded by VanderWall

The motion carried, Councilman Tabbert dissenting.

REPORT ON CASUALTY TO ONE OF THE 100 H.P. RECIRCULATION PUMPS AT SEWAGE  
TREATMENT PLANT

Assistant Director of Public Works Reynolds reported that on August 20, 1963, a short circuit developed in the motor of one of the 100 H.P. pumps of the deck aerators at the Sewage Treatment Plant and, because of the emergency, informal bids were solicited the following day. That the low informal bid of Andrews Electric Company in an amount not to exceed \$950 was accepted to repair the motor.

REPORT ON COST OF RESURFACING 2.17 MILES OF CITY STREETS

Assistant Director of Public Works Reynolds reported that the City recently completed resurfacing 2.17 miles of City streets with a one-inch plant mix overlay primarily in the northern part of the City. The total cost of the work done was \$15,876.98, with labor constituting \$4,387.77. Cost per square foot was 4.3 cents, which Mr. Reynolds said compared favorably with expectations, that attempts would be made to cut this cost in the future and, if not possible to do so, that it might be considered by contract.

PRESENTATION OF ANNUAL INVENTORY OF CITY OF MODESTO FIXED ASSETS

The annual inventory of City of Modesto fixed assets was presented to the Council and ordered filed.

SUBMISSION OF ANNUAL SUMMARY REPORTS OF ACTIVITIES OF ALL CITY DEPARTMENTS FOR FISCAL YEAR 1962-63

## MOTION

That the annual summary reports of activities of all city departments for fiscal year 1962-63 be accepted as the Manager's annual report on administrative activities of the City as required by the Charter

Moved by Shastid      Seconded by VanderWall      Unanimously carried

CONSIDER ATTENDANCE OF CITY ATTORNEY AT ANNUAL MEETING OF NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICERS, DALLAS, TEXAS, OCTOBER 6 THROUGH 9, 1963      18-38

## MOTION

That the attendance of the City Attorney at the annual meeting of the National Institute of Municipal Law Officers, Dallas, Texas, October 6 through 9, 1963, be approved

Moved by Hughes      Seconded by Mitchell      Unanimously carried

BUSINESS - EDUCATION DAY

City Manager Keefe announced that Business-Education Day would be held Wednesday, September 4, 1963; that a luncheon would be held at the City Hall; and that a schedule of activities for the day would be furnished the Council.

CONSIDER ADJOURNING MEETING OF SEPTEMBER 3, 1963, TO MONDAY, SEPTEMBER 9, 1963      18-50

The City Clerk was directed to adjourn the meeting of September 3, 1963, to September 9, 1963, in the event of a lack of a quorum.

ADJOURNMENT

## MOTION

That the meeting now in session be adjourned to executive session to consider Item 15

Moved by Shastid      Seconded by Hughes      Unanimously carried

The meeting adjourned at 12:05 A.M.

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

Due to the lack of a quorum, the regular meeting of September 3, 1963, at 4:00 P.M. was adjourned by the Acting City Clerk to September 9, 1963, at 7:30 P.M., as provided by Section 2-1.07 of the Modesto Municipal Code.

ATTEST: Pauline P. Stanley  
Acting City Clerk

The Council of the City of Modesto met in regular adjourned session on September 9, 1963 at 7:30 P.M. in the Council Chambers at 801 11th Street, Modesto, California, to consider the agenda of the regular meeting of September 3, 1963, adjourned to this date due to the lack of a quorum, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Tabbert,  
Mayor Johansen  
Absent: Councilmen: VanderWall

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

Reverend J. Paul Miller gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the regular meeting of August 19, 1963 were approved.

#### LETTER FROM NORTHERN CALIFORNIA-YOSEMITE HIGHWAY ASSOCIATION, INC., RE: PROGRESS OF ITS PROJECT

A letter from Harry Kullijian, President, Northern California-Yosemite Highway Association, Incorporated, dated August 21, 1963, giving the Council the latest information on progress of its project to improve the road from Coulterville to Yosemite National Park, was read by the City Clerk.

Mr. Kullijian distributed reprints of a newspaper article written by Joe Collins entitled "Old Toll Road Gives Hint of History, Promise of Future," and a brochure entitled "You, Yosemite and Highway 132."

Mr. Kullijian asked the Council to study the project and offer any suggestions it might have to further the project, stating that along with ideas, moral support and funds were needed.

Mayor Johansen commended the Association for its fine work.

The letter was ordered filed.

#### LETTER FROM DEPARTMENT OF PUBLIC WORKS, STATE OF CALIFORNIA, RE: ALLOCATIONS TO CITY OF MODESTO IN ACCORDANCE WITH COLLIER-UNRUH TRANSPORTATION DEVELOP- MENT ACT 1-58

A letter from J. C. Womack, State Highway Engineer, California Department of Public Works, dated August 21, 1963 relating to the \$0.0104 per gallon tax for apportionment among counties and cities for exclusive use for county road and city street purposes, was briefed by the City Manager. The letter requested that the City adopt a resolution stating that it approves the imposition of the additional highway users taxes and fees and desires such apportionments to be made to it.

## RESOLUTION NO. 63-422

A RESOLUTION ACCEPTING THE IMPOSITION OF ADDITIONAL HIGHWAY USERS TAXES AND FEES PURSUANT TO CHAPTER 1652, STATUTES OF 1963

Introduced by Shastid      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

NOTICE OF HEARING BY PUBLIC UTILITIES COMMISSION RE: APPLICATION OF STATE OF CALIFORNIA FOR AN ORDER AUTHORIZING CONSTRUCTION, ALTERATION AND ABANDONMENT OF VARIOUS CROSSINGS, ETC., IN STANISLAUS COUNTY IN CONNECTION WITH THE IMPROVEMENT OF STATE HIGHWAY X-STA-4-B MOD

A memorandum from the Director of Parking and Traffic dated September 3, 1963, subject, "P.U.C. Hearing in Connection with Modesto Freeway," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum indicated that the entire area concerned is located outside the City.

No action was taken by the Council.

LETTER FROM MODESTO JUNIOR CHAMBER OF COMMERCE, WITH RESOLUTION, ENDORSING PROPOSED ORDINANCE FOR ESTABLISHMENT OF AN URBAN RENEWAL PROGRAM FOR MODESTO 1-75

Copies of a letter from Thomas Lacey, Resolutions Chairman, Modesto Junior Chamber of Commerce, dated August 27, 1963, enclosing a resolution passed by the members of the Modesto Junior Chamber of Commerce endorsing the plans for urban renewal, were furnished the Council prior to the meeting, copies of which are filed with the record of the minutes.

The City Clerk was directed to acknowledge receipt of the letter and resolution.

LETTER FROM SHERWOOD S. DAILY, RE: REZONING OF McHENRY AVENUE 1-82

A letter from Sherwood S. Daily dated August 28, 1963 stating that he was in favor of the proposed rezoning of the Briggs property on McHenry Avenue for a shopping center, was summarized by the City Clerk.

The City Clerk was directed to file the letter for further consideration at the time of the continued hearing of the Briggs rezoning matter.

ADOPTION OF ORDINANCE NO. 600-C.S., REZONING MAP 19 (NUNES PROPERTY)

ORDINANCE NO. 600-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (NUNES)"

introduced on August 19, 1963 and having been published as required, was moved and adopted. (Effective October 9, 1963)

Moved by Mitchell      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

ADOPTION OF ORDINANCE NO. 601-C.S., REZONING MAP 17 (P-D 14)  
CHURCH PROPERTY

ORDINANCE NO. 601-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (P-D 14)"

introduced on August 19, 1963 and having been published as required, was moved and adopted. (Effective October 9, 1963)

Moved by Hughes      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

ADOPTION OF ORDINANCE NO. 603-C.S. ESTABLISHING A SPECIAL FUND FOR PARK PURPOSES

ORDINANCE NO. 603-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 5 TO CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO ESTABLISHMENT OF A SPECIAL FUND FOR PARK PURPOSES"

introduced on August 26, 1963 and having been published as required by the Charter, was moved and adopted. (Effective October 9, 1963)

Moved by Shastid      Seconded by Mayor Johansen

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

ORDINANCE AMENDING SECTION 7-3.215 OF ARTICLE 2 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 7-3.202.1 THERETO; AMENDING SECTION 7-3.306 OF ARTICLE 3 OF CHAPTER 3 OF TITLE VII; ADDING SECTION 7-3.113 TO ARTICLE 1 OF CHAPTER 3 OF TITLE VII; AND ADDING SECTION 7-3.401.1 TO ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE, RELATING TO THE MODESTO CITY-COUNTY AIRPORT

By Order of the Chair, this matter was held over for one week for further study.

RESOLUTION AMENDING SECTION 2 OF RESOLUTION NO. 63-185 ENTITLED, "A RESOLUTION ESTABLISHING CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT, AND RESCINDING RESOLUTION NO. 60-395

RESOLUTION NO. 63-423

A RESOLUTION AMENDING SECTION 2 OF RESOLUTION NO. 63-185 ENTITLED "A RESOLUTION ESTABLISHING CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT, AND RESCINDING RESOLUTION NO. 60-395

Introduced by Shastid      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

ORDINANCE REPEALING SECTION 4-7.108 OF ARTICLE 1 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO ADVERTISING MATTER (HANDBILLS)

ORDINANCE NO. 605-C.S. entitled

"AN ORDINANCE REPEALING SECTION 4-7.108 OF ARTICLE 1 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO ADVERTISING MATTER"

was introduced and ordered published as required by the Charter.

Moved by Shastid      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

CONSIDER WORDING FOR MAINTENANCE AGREEMENT COVERING RAILROAD CROSSING PROTECTION AT U. S. HIGHWAY 99 AND TULLY ROAD 2-49

Copies of a memorandum from the Director of Parking and Traffic dated August 28, 1963, subject, "Agreement for Maintenance of Railroad Crossing Protection at Tully and North Ninth Street," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum indicated that the proposed maintenance agreement calls for the Public Utilities Commission to arbitrate the allocation of maintenance expenses for each crossing.

A copy of a letter from the Southern Pacific Company listing the suggested wording for the maintenance agreement was attached.

MOTION

That the suggested wording for the maintenance agreement be approved as recommended by the Director of Parking and Traffic

Moved by Mitchell      Seconded by Patton      Unanimously carried

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-PARADISE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (McBRIDE ADDITION)

RESOLUTION NO. 63-424

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE BURBANK-PARADISE COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (McBRIDE ADDITION)

Introduced by Shastid      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 604 BRIGGS AVENUE

The City Manager stated that the property is not contiguous to the City; that the line will be constructed and paid for by the applicant.

MOTION

That sewer service to property located at 604 Briggs Avenue be approved  
Moved by Shastid      Seconded by Tabbert      Unanimously carried

CONSIDER MODIFICATION IN TRAFFIC FLOW AT 5TH AND L STREETS

Copies of a memorandum from the Director of Parking and Traffic dated August 28, 1963, subject, "L, Maze, 5th and Washington Streets - Intersection Design," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. A plan showing two ways in which this intersection can be constructed in order to tie in with the new Modesto freeway was attached to the memorandum. Mr. Carmody indicated in his memo that the upper sketch entitled "Proposed Intersection Redesign" was the most economical plan and offered the safest and most desirable movement of traffic.

MOTION

That the sketch titled "Proposed Intersection Redesign" be approved as recommended by the Director of Parking and Traffic

Moved by Shastid      Seconded by Patton      Unanimously carried

CONSIDER AGREEMENT BETWEEN CITY OF MODESTO AND MERLE HEFFNER FOR LEASING THE WEST ONE-HALF OF HANGAR NO. 1, LOCATED AT MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 63-425

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MERLE HEFFNER FOR LEASE OF ONE-HALF OF AIR PORT HANGAR

Introduced by Shastid      Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen

Noes: None      Absent: VanderWall

CONSIDER AGREEMENT BETWEEN CITY OF MODESTO AND DONALD MONTGOMERY FOR LEASING OF THE EAST ONE-HALF OF HANGAR NO. 1, LOCATED AT THE MODESTO CITY-COUNTY AIRPORT

RESOLUTION NO. 63-426

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD MONTGOMERY FOR LEASE OF ONE-HALF OF AIRPORT HANGAR

Introduced by Mitchell      Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen

Noes: None      Absent: VanderWall

CONSIDER AGREEMENT BETWEEN CITY OF MODESTO AND NATHAN J. PROVINCE FOR THE LEASING OF HANGAR NO. 3 LOCATED AT MODESTO CITY-COUNTY AIRPORT

## RESOLUTION NO. 63-427

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND NATHAN J. PROVINCE FOR LEASE OF AIRPORT HANGAR

Introduced by Hughes      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

CONSIDER AGREEMENT BETWEEN CITY OF MODESTO AND WALTER FOUNTAIN, DBA HAWKE DUSTERS, FOR LEASING OF HANGAR NO. 2 LOCATED AT MODESTO CITY-COUNTY AIRPORT

## RESOLUTION NO. 63-428

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WALTER FOUNTAIN FOR LEASE OF AIRPORT HANGAR

Introduced by Hughes      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

CONSIDER AGREEMENT BETWEEN CITY OF MODESTO AND DARRELL OLSON FOR LEASING OF THE WEST ONE-HALF OF HANGAR NO. 5 LOCATED AT MODESTO CITY-COUNTY AIRPORT

At the request of the City Attorney, and with the consent of the Council, this matter was held over for one week.

CONSIDER AGREEMENT BETWEEN CITY OF MODESTO AND DONALD P. LA TOURETTE FOR THE LEASING OF A PORTION OF HANGAR NO. 5 LOCATED AT THE MODESTO CITY-COUNTY AIRPORT

## RESOLUTION NO. 63-429

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD P. LA TOURETTE FOR LEASE OF PORTION OF AIRPORT HANGAR

Introduced by Shastid      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

APPROPRIATION TRANSFERS - None

REPORT ON USAGE OF CITY HALL PARKING AREAS

Copies of a memorandum from Director of Parking and Traffic Carmody dated August 29, 1963, subject, "Usage of Existing City Hall Parking Garage," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The report was ordered filed.

REPORT BY CHIEF OF POLICE RELATIVE TO THURSDAY NIGHT TRAFFIC ENFORCEMENT

Copies of a memorandum from Chief of Police Bowers dated August 22, 1963 subject, "Thursday Night Traffic Enforcement" were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The report was ordered filed.

ADJOURNMENT

## MOTION

That the meeting now in session be adjourned

Moved by Shastid      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 8:00 P.M.

ATTEST:

  
REX E. GAILFUS, City Clerk

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The Council of the City of Modesto met in regular session this date at 8:00 P.M. as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen

Absent: Councilmen: VanderWall

INFORMAL HEARING - ORDINANCE INTRODUCING HEATING AND COMFORT COOLING CODE

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for an informal hearing of a proposed ordinance establishing a heating and comfort cooling code, and opened the hearing.

Director of Public Works Campbell reported that a committee established to make a study unanimously agreed that regulations were needed; that the Committee selected the Western Plumbing Officials Uniform Heating and Comfort Cooling Code, 1962 Edition, for application to the needs of the City. He briefly reviewed the proposed ordinance.

Members of the committee in the audience were introduced by Mr. Campbell.

Monte Lukov, Executive Vice-President, Home Builders Association, asked for further consideration of the following provisions of the proposed ordinance: the requirement of a certificate of competency; clarification of a possible double fee charge to electricians and plumbers in connection with the installation of heating units; the fact that a private citizen who might own more than one piece of property would be ineligible to work on any property he might own other than the one in which he was actually residing.

Don Erickson, licensed heating contractor, objected to the requirement of a certificate of competency.

George Kelly, Kelly Air Conditioners, spoke in favor of the certificate of competency.

By order of the Chair, the matter was continued to the September 23rd meeting to give the Committee and staff an opportunity to review the objections to the proposed ordinance outlined by Mr. Lukov.

APPLICATION OF PACIFIC TELEPHONE AND TELEGRAPH COMPANY TO PUBLIC UTILITIES COMMISSION FOR SPECIFIC RATE INCREASE AUTHORITY, SUPPLEMENTING APPLICANT'S SHOWING IN CASE NO. 7409

No action was taken by the Council.

CONSIDER AWARD OF BIDS FOR CONSTRUCTION OF TRAFFIC SIGNALS, TULLY AND ORANGEBURG

RESOLUTION NO. 63-430

A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL ELECTRICAL CO. FOR THE INSTALLATION OF TRAFFIC SIGNALS AT TULLY ROAD AND ORANGEBURG AVENUE (\$7,574)

Introduced by Shastid      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

ADOPTION OF ORDINANCE 604-C.S.

ORDINANCE NO. 604-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 7 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HIGBEE AND TROMBETTA)"

introduced on September 26, 1963, and having been published as required by the Charter, was moved and adopted.

Moved by Hughes      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

CONSIDER WIDENING OF COLLEGE AVENUE, SOUTH OF COLDWELL 3-50

A memorandum from the Deputy City Manager dated August 19, 1963, subject, "Widening of College Avenue, Stoddard to Coldwell -- Street Tree Problem," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The City Manager reported that the widening of College Avenue from Needham to Stoddard Avenue was scheduled for this fiscal year, and that if determination was made by the Council to widen College Avenue from Stoddard to Coldwell in the near future, the people in the area should be so informed, and preparation made for the planting of new trees in sufficient advance of the actual tree removal to enable the young trees to get a year's growth.

College Avenue traffic problems were discussed.

By order of the Chair, the matter was referred to the Planning Commission for its determination as to when the improvement of College Avenue between Stoddard and Coldwell should be scheduled under the Capital Improvement Program.

MORAN ESTATES PARK 4-49

City Manager Keefe reported that the Planning Commission considered the offer of residents in the Moran Estates Park Site area to donate labor to expedite development of the park at its September 3rd meeting, the five members present unanimously approving that authorization be given for development of the park site with utilization of donated labor (planting of lawn and installation of a sprinkling system).

A letter from Russell Fey, Secretary, Planning Commission, dated September 4, 1963, which indicated that it was the Planning Commission's opinion that priority should be given to park development in those areas where the residents are willing to undertake part of the responsibility themselves, either through an improvement district or by other means, was read by the City Manager. Further recommendation was made that \$5,300 be appropriated from the General Reserve of the Special Fund for Capital Outlay for development of the Moran Estates Park this year.

Bill King, resident of the Moran Estates area, stated that the residents of this area at this time wanted only grass, trees, shrubs; that playground equipment could be provided at a later time when funds were available.

## MOTION

That the staff be directed to proceed with the development of Moran Estates Park site as outlined

Moved by Shastid      Seconded by Hughes      Unanimously carried

## RESOLUTION NO. 63-431

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR DEVELOPMENT OF MORAN ESTATES PARK SITE (\$5,300 from Special Fund for Capital Outlays General Reserve (321-6000))

Introduced by Tabbert      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

14TH STREET - CONC-PAV

At the request of the City Manager, and with the consent of the Council, this matter was held over for one week.

JOINT CITY-COUNTY PLANNING COMMISSION MEETING

The City Manager reported that the City and County Planning Commissions will hold a joint meeting Wednesday, September 18, 1963, at 7:30 P.M. in the Council Chambers, City Hall, to discuss the McHenry Avenue Report.

**CONSIDER RESOLUTION AUTHORIZING AN AUCTION SALE OF PROPERTY WHICH IS SURPLUS TO CITY OF MODESTO AND UNCLAIMED PERSONAL PROPERTY HELD BY POLICE DEPARTMENT 5-30**

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**RESOLUTION NO. 63-432**

**A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS AND UNCLAIMED PERSONAL PROPERTY (Scheduled date of auction, September 21, 1963)**

Introduced by Hughes      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

**REPORT FROM PUBLIC PROJECTS COMMITTEE RE PROPOSED SIGN REGULATIONS**

The City Manager reported that the Public Projects Committee is holding a public meeting at 7:30 P.M. Thursday, September 12, 1963, in the Council Chambers, City Hall, with the sign people to discuss and review proposed sign regulations. All members of the City Council and the public are invited.

**REPORT ON PETITION FROM PROPERTY OWNERS ON LEONARD AVENUE REQUESTING APPROVAL OF DRIVE-OVER TYPE CURB**

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Copies of a memorandum from the Director of Public Works dated September 5, 1963, subject, "Petition for Drive-over Type Curb - Leonard Avenue," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. It was the recommendation of the Public Works Department that the request for drive-over curbs on Leonard Avenue be denied.

Don Colquhoun, owner of property at 1406 Leonard Avenue, stated that the residents of Leonard Avenue preferred drive-over type curbs, since this would eliminate the problem of cutting the curb for driveways when properties are developed; that there were no drainage problems on Leonard Avenue.

The Director of Public Works was questioned by the Council.

Elton Overholzer, owner of property at the corner of Leonard and Kearney, spoke briefly in support of drive-over type curbs.

**MOTION**

That the request of property owners on Leonard Avenue for drive-over type curbs be approved

Moved by Mitchell      Seconded by Shastid      Unanimously carried

**REPORT ON "AWARD OF MERIT" PRESENTED BY THE AMERICAN WATER WORKS ASSOCIATION TO THE MANAGEMENT AND EMPLOYEES OF THE CITY OF MODESTO WATER DEPARTMENT IN RECOGNITION OF AN EXCELLENT SAFETY RECORD IN THE WATER-WORKS INDUSTRY 6-82**

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Director of Public Works Campbell reported that the Public Works Department employees have received the "Award of Merit" from the American Water Works Association.

Mayor Johansen commended the staff for the achievement.

**REPORT OF CITY-COUNTY COOPERATION COMMITTEE**

Councilman Mitchell gave a brief report of two meetings held by the joint City-County Cooperation Committee, stating that the Committee was established by the Mayor to improve City-County relations, and relations with other governmental agencies.

Councilman Mitchell said that the Committee unanimously agreed that adoption of the General Plan was a field where there should be City-County cooperation, and unanimously agreed that recommendation be made to their legislative bodies that the respective staffs meet to work out a list of amendments to the General Plan by October 31, 1963; for submission to the Board of Supervisors and Council.

**MOTION**

That the staff be directed to carry out the recommendation of the City-County Cooperation Committee to work with the County staff in preparing a list of amendments to the General Plan by October 31, 1963, and report to the Council

Moved by Mitchell      Seconded by Shastid      Unanimously carried

**MATTERS FOR THE GOOD OF THE COMMUNITY**

**LETTER FROM FRANK RUSSO COMMENDING JAMES COWIE**

A letter from Frank Russo, President, Modesto Baseball for Boys Program, dated August 27, 1963, commending James Cowie, former Director of Parks and Recreation who resigned September 5, 1963, was read by the City Clerk. The letter was ordered filed.

**POST CARD FROM COUNCILMAN VANDERWALL**

Mayor Johansen read a card from Councilman VanderWall postmarked Grand Rapids, Michigan.

NORTH MODESTO SANITARY SEWER PROJECT - UNANIMOUS CONSENT ITEM

The City Manager read a letter from Paul Emmert, Regional Director, Community Facilities, H.H.F.A., dated September 5, 1963, subject, "Project APW-Calif-206G," a copy of which is on file with the record of the minutes. The letter requested additional data pertaining to the City's application for federal funds for the construction of the North Modesto sanitary sewer.

Plans, financing, and acquisition of easements were discussed.

Councilman Mitchell reported that the Public Projects Committee met with the Home Builders' Association, engineers, subdividers, real estate representatives, and presented the problems -- engineering, acquisition of easements, and the City's lack of funds for this purpose at the present time. He said that the group agreed to obtain the sentiments of the property owners involved.

Mayor Johansen listed the alternatives available for financing the project.

Monte Lukov, Executive Vice-President, Home Builders' Association, stated that a meeting was scheduled for September 10 at 4:00 P.M. in the Multi-Purpose Room, City Hall, with members of the Chamber of Commerce, Taxpayer's Association, Home Builders' Association, Board of Realtors, and the farm group residing in the area. He said that at the meeting held with the Public Projects Committee, it was felt that the fastest and probably the simplest method of financing the project would be by means of an improvement district encompassing 3,400 acres in the northern area of the City.

Mayor Johansen stated that since farmers in the northern area would have to pay most of the costs in the event of an improvement district, the Council should give consideration to other feasible methods of financing the project.

The City Attorney reported that he had been advised by Eugene Sturgis, special counsel for the City on improvement district procedures, that it was Mr. Sturgis' opinion that improvement district proceedings could not validly be brought under the terms and circumstances of serving the area as outlined for the reason that the Phase I part of the project contemplates sewer service to 3,400 acres, of which only 1,000 acres could be served upon completion of the trunk due to the capacity of the lines. As a result, a district cannot validly be formed to include the 3,400 acres unless all of the acreage can be served.

Other methods of financing were discussed.

Pete Barton asked that the Council pass no opportunity to obtain funds for the proposed sewer project and that the City consider financial participation in the program finally chosen, with the owners bonding themselves for the difference. It was his opinion that this type of program would have more chance of success due to preponderance of farm land in the area.

By order of the Chair, the staff was directed to research methods for financing the project.

RESOLUTION NO. 63-433

RESOLUTION PROVIDING AN INCREASE IN PLANNED TOTAL EXPENDITURE FOR CAPITAL IMPROVEMENT PROJECTS

Introduced by Shastid      Seconded by Patton

Ayes: Hughes, Patton, Mitchell, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

APPROVE ACCEPTANCE OF INVITATION EXTENDED TO COUNCILMAN MITCHELL BY LEAGUE OF CALIFORNIA CITIES TO SERVE ON INTERNATIONAL MUNICIPAL COOPERATION COMMITTEE, BEGINNING OCTOBER 19, 1963

Acceptance of the invitation by Councilman Mitchell was unanimously approved by the Council.

ANNOUNCEMENT - Mayor Johansen announced that the League of Women Voters was sponsoring a presentation of the pros and cons of urban renewal at the M.I.D. Auditorium on Wednesday, September 11, 1963, at 8:00 P.M.; that the proponents would be represented by Councilman Mitchell, City Manager Keefe and George Gagos, Chamber of Commerce.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Tabbert      Seconded by Patton      Unanimously carried

The meeting adjourned at 10:22 P.M.

ATTEST:   
REX E. GAILFUS, City Clerk

Modesto City Council  
September 16, 1963

The Council of the City of Modesto met in regular session this date at 4:00 P.M. as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Patton, Tabbert, VanderWall, Mayor  
Johansen  
Councilman Shastid arrived at 4:13 P.M.  
Councilman Mitchell arrived at 4:51 P.M.

Absent: Councilmen: None

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

Reverend Luverne Sands gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meetings of August 26 and September 3, 1963, and the same being available for public inspection, and there being no objections, the minutes were approved.

#### PRESENTATION OF SPECIAL CITATION AWARD TO CITY OF MODESTO BY CHARLES WHERRY

Charles Wherry, Director of the State Automobile Association, presented an award of special citation to the City for its pedestrian program activities. Modesto was one of six cities in the United States receiving the citation.

Mayor Hammond commended Chief of Police Bowers and Parking and Traffic Director Carmody for their efforts in making the award possible.

#### LETTER FROM LOUISE MILLER CLARK, DIRECTOR, CENTRAL CALIFORNIA ART LEAGUE RE: ART EXHIBIT ON MC HENRY LIBRARY GROUNDS

A letter from Louise Miller Clark dated September 10, 1963, requesting permission to use the grounds of McHenry Library for an art show on October 5, 1963, was read by the City Clerk.

#### MOTION

That the request for the use of McHenry Library grounds for an art show on October 5, 1963, be approved

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

Councilman Shastid arrived at 4:13 P.M.

#### ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE RELATING TO THE MODESTO CITY-COUNTY AIRPORT 1-50

ORDINANCE NO. 606-C.S. entitled

"AN ORDINANCE AMENDING SECTION 7-3.215 OF ARTICLE 2 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 7-3.202.1 THEREFO; AMENDING SECTION 7-3.306 OF ARTICLE 3 OF CHAPTER 3 OF TITLE VII; ADDING SECTION 7-3.113 TO ARTICLE 1 OF CHAPTER 3 OF TITLE VII; AND ADDING SECTION 7-3.401.1 TO ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE, RELATING TO THE MODESTO CITY-COUNTY AIRPORT"

was introduced and ordered published as required by the Charter.

Moved by Hughes      Seconded by Patton

Ayes:    Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:    None      Absent:    Mitchell

ADOPTION OF ORDINANCE NO. 605-C.S. RELATING TO ADVERTISING MATTER (REPEAL-  
ING SECTION 4-7.108)

ORDINANCE NO. 605-C.S. entitled

"AN ORDINANCE REPEALING SECTION 4-7.108 OF ARTICLE 1 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO ADVERTISING MATTER"

introduced on September 9, 1963, and having been published as required by the Charter, was moved and adopted

Moved by Shastid      Seconded by VanderWall

Ayes:    Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:    None      Absent:    Mitchell

ORDINANCE REPEALING SECTION 4-2.01 OF CHAPTER 2 OF TITLE IV OF THE MODESTO  
MUNICIPAL CODE RELATING TO INTOXICATION    2-15

ORDINANCE NO. 607-C.S. entitled

"AN ORDINANCE REPEALING SECTION 4-2.09 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO INTOXICATION"

was introduced and ordered published as required by the Charter.

Moved by Shastid      Seconded by VanderWall

Ayes:    Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:    None      Absent:    Mitchell

RESOLUTION RELATING TO THE GRANTING OF SPECIAL PERMITS TO USE DEL WEBB  
FIELD, AND RESCINDING RESOLUTION NO. 63-338, RESOLUTION NO. 63-371,  
RESOLUTION NO. 63-387, AND RESOLUTION NO. 63-421

The City Attorney stated that the proposed resolution was prepared at the direction of the Council to permit the Director of Parks and Recreation to grant permits to persons and organizations for the use of Del Webb Field, subject to specified conditions.

## RESOLUTION NO. 63-434

A RESOLUTION RELATING TO THE GRANTING OF SPECIAL PERMITS TO USE DEL WEBB FIELD, AND RESCINDING RESOLUTION NO. 63-338, RESOLUTION NO. 63-371, RESOLUTION NO. 63-387, AND RESOLUTION NO. 63-421

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: Mitchell

RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO

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## RESOLUTION NO. 63-435

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (1316 ROSEBURG AVENUE)

Introduced by VanderWall      Seconded by Shastid

Ayes: Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: Mitchell

October 7, 1963, at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER RESOLUTION INCREASING THE 1963-64 REVENUE ESTIMATES FOR PROPERTY TAX 2-39

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Director of Finance Bird stated that because an increase in the tax rate was approved by the Council after the adoption of the 1963-64 budget, it was necessary to adjust appropriations; that the proposed resolution increases the 1963-64 revenue estimates for secured property taxes and appropriates and allocates \$48,164 in the Engineering reserve and \$30,102 in the newly established Park Fund.

## RESOLUTION NO. 63-436

A RESOLUTION INCREASING THE 1963-64 REVENUE ESTIMATES FOR SECURED PROPERTY TAXES AND APPROPRIATING AND ALLOCATING THE FUNDS IN THE ENGINEERING RESERVE IN THE GENERAL FUND AND IN THE GENERAL RESERVE IN THE PARK FUND

Introduced by Hughes      Seconded by Shastid

Ayes: Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: Mitchell

RESOLUTION AUTHORIZING THE CITY MANAGER OR DEPUTY CITY MANAGER OF THE CITY OF MODESTO TO SIGN FOR AND ACCEPT SURPLUS FEDERAL PROPERTY, AND RESCINDING RESOLUTION NOS. 58-82 AND 61-292

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## RESOLUTION NO. 63-437

A RESOLUTION AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER OF THE CITY OF MODESTO TO SIGN FOR AND ACCEPT SURPLUS FEDERAL PROPERTY AND RESCINDING RESOLUTION NO. 58-82 AND 61-292

Introduced by VanderWall      Seconded by Hughes

Ayes: Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: Mitchell

CONSIDER AGREEMENT BETWEEN CITY OF MODESTO AND DARRELL OLSON FOR THE LEASING OF THE WEST ONE-HALF OF HANGAR NO. 5 LOCATED AT THE MODESTO CITY-COUNTY AIRPORT 3-60

At the request of the City Attorney, and with the consent of the Council, this item was ordered removed from the agenda.

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 1120 BETTY LANE

The City Manager stated that this property is contiguous to the city limits and a line exists to serve the property.

MOTION

That the request for sewer service to property located at 1120 Betty Lane be approved

Moved by Shastid      Seconded by Tabbert      Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 1016 NORTH 99 HIGHWAY

The City Manager reported that the property is contiguous to the city limits and a line must be constructed to serve the property; that estimated cost to the City is \$400 in the form of an advance which will be reimbursed to the City when adjacent parcels are connected to the line.

MOTION

That the request for sewer service to property located 1016 North 99 Highway be approved

Moved by Tabbert      Seconded by Hughes      Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 1409 HARRIS AVENUE

The City Manager reported that this property is not contiguous to the city limits and a line must be constructed to serve the property. Costs of construction will be borne by the applicant.

MOTION

That the request for sewer service to property located at 1409 Harris Avenue be approved

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

APPROVAL OF ABSENCE OF COUNCILMAN TABBERT FROM COUNTRY 2-15

MOTION

That the absence of Councilman Tabbert from the country for a period of three weeks be approved

Moved by VanderWall      Seconded by Shastid      Unanimously carried

PETITION PROTESTING USE OF BIG C MARKET PARKING LOT FOR SPORTS CAR RACING TRIALS 2-112

A petition bearing the signatures of Robert A. Marshall, William Poe, Mr. & Mrs. Richard Ingle, Joseph Bellizzi and Loraine Picke, Roseburg Avenue residents, protesting the use of the Big C Market parking lot for sports car racing trials, was read by Councilman Shastid. The petition indicated that this use of the parking lot violated the F-D zoning of the property, and requested that action be taken to correct the violation.

By order of the Chair, the matter was referred to the staff for review and report. The City Manager was directed to inform the petitioners of the Council's action.

REPORT BY COUNCILMAN VANDERWALL OF TRIP TO KALAMAZOO AND GRAND RAPIDS, MICHIGAN

Councilman VanderWall reported briefly on his visits with city officials of Grand Rapids and Kalamazoo, Michigan, relative to their successful experience with urban redevelopment. He said that the City of Kalamazoo experienced a 15% increase in business as a result of the first phase of development; that the assessed valuation of two blocks in Kalamazoo before redevelopment was \$4.7 million; after development and with new construction continuing, \$6 million, plus.

FREEWAY PROGRESS REPORT

A memorandum from Director of Parking and Traffic Carmody dated September 12, 1963, subject, "Freeway Progress Report," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The report was read by the City Manager and ordered filed.

REPORT ON PROGRESS OF NORTH MODESTO SANITARY SEWER PROJECT 3-44

Fred Johnson, a member of the Citizens' Committee established to promote a method of financing the construction of Phase I of the North Modesto Sanitary Sewer Project, stated that the citizens' group met last Thursday evening; that it was the group's recommendation that the Council take the necessary steps to establish a Municipal Sewer District, to be financed by general obligation bonds within the district area, for the construction of Phase I of the project. Mr. Johnson outlined the steps necessary to establish such a district.

The City Manager reported that he had received word from the H.H.F.A. that the City's application for federal funds for the project was in order, that before the application could be processed further, definite information must be furnished as to how the City will finance its share of the costs.

Monte Lukov, Home Builders' Association, spoke on the sampling of opinion of principal landowners living in the proposed district, stating that interest was high in the areas planned for subdivision in the near future, but of lesser degree in the outlying farm areas.

The timing of the election in relation to the receipt of federal funds was discussed.

Paul Birmingham, Engineer, spoke briefly on the allocation of Accelerated Public Works Funds.

MOTION

That the City Attorney be directed to prepare as rapidly as possible the necessary documents for the formation of a Municipal Sewer District in a prescribed area in North Modesto

Moved by Hughes      Seconded by Tabbert      Unanimously carried

SET INFORMAL PUBLIC HEARING ON NORTH MODESTO SANITARY SEWER PROJECT

## MOTION

That an informal public hearing on the North Modesto Sanitary Sewer Project be set for September 30, 1963, at 8:30 P.M.

Moved by Mayor Johansen      Seconded by Shastid      Unanimously carried

Councilman Mitchell arrived at 4:51 P.M.

INFORMAL HEARING - MANDATORY CONNECTION TO CITY SEWER SYSTEM 6-60

Mayor Johansen announced that the hour of 5:00 P.M. had arrived, the time set for an informal hearing on mandatory connection to the city sewer system, where a sewer system is available, and opened the hearing.

The City Manager reported that Planning Commission Resolution No. 968, adopted August 20, 1963, recommends that the Council enact legislation requiring mandatory connection to the city sewer system where a sewer is available, and that the required connection be made within a period of five years from the effective date of the adoption of such legislation; on territory annexed to the City after the adoption of such legislation, that the connection be made within a period of five years after the effective date of the annexation.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

## MOTION

That the City Attorney be directed to prepare the necessary documents requiring mandatory connection to the city sewer system where a sewer is available, in accordance with recommendations contained in Planning Commission Resolution No. 968.

Moved by Hughes      Seconded by Patton      Unanimously carried

CONSIDER 14TH STREET ONE-WAY

The City Manager reported that the Planning Commission, at its September 3, 1963, meeting, recommended that 14th Street be made one-way south from Needham to L Street on a temporary basis, as outlined in sketch attached to a memorandum from the Director of Parking and Traffic to the City Manager dated August 2, 1963, a copy of which is on file with the record of the minutes.

A letter from J. Wilmar Jensen, Attorney, dated August 19, 1963, representing Paul Triller, D.D.S., and Walker Halliday, D.D.S., protesting the proposed change was reviewed by the City Manager.

## RESOLUTION NO. 63-438

A RESOLUTION ADDING SECTION 1 (a) TO RESOLUTION NO. 62-29 ENTITLED "A RESOLUTION ESTABLISHING ONE-WAY STREETS AND ALLEYS AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 59-191, ENTITLED 'A RESOLUTION ESTABLISHING PARKING METER ZONES, ONE-WAY STREETS AND ALLEYS AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING ALL PRIOR RESOLUTIONS AND REGULATIONS RELATING THERETO,' AND RESCINDING ALL SUBSEQUENT RESOLUTIONS AND REGULATIONS RELATING THERETO," AND RESCINDING RESOLUTION NO. 62-147

Introduced by Mayor Johansen      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
Johansen

Noes: None      Absent: None

REMINDER OF LEAGUE OF CALIFORNIA CITIES MEETING IN LOS BANOS, THURSDAY,  
SEPTEMBER 26, 1963, (A) TOUR OF SAN LUIS PROJECT, 2:00 P.M.; (B) DINNER  
MEETING, 6:30 P.M.

Announcement of the above meeting was made by Mayor Johansen.

REMINDER OF MEETING ON MC HENRY AVENUE REPORT

Mayor Johansen announced that a meeting to discuss the McHenry Avenue Report would be held in the Council Chambers, City Hall, on September 18, 1963, at 7:30 P.M.

REPORT ON REPAIRS TO CITY HALL - UNANIMOUS CONSENT ITEM

Deputy City Manager Ray reported that a section of the coping and flashing on the elevator tower was removed on August 29, 1963, by an expert from the Bay Area, accompanied by Milton Pflueger, City Hall architect. The removal showed that the flashing is obviously too short and the major source of the intrusion of water into the brick work at the top of the building and flowing down between the brick and the reinforced concrete wall of the building.

Mr. Ray stated that Bob Long, Fresno, the contractor who constructed the City Hall, has agreed to install additional counter-flashing which will project up under the existing flashing, at no cost to the City; that it was felt that this would take care of the intrusion of water at the roof line from this source; that Mr. Long's offer has been accepted, with the concurrence of the architect. A. P. Fisher Co., Modesto, subcontractors for the metal work of the City Hall, has been instructed by Mr. Long to proceed with the work.

Mr. Ray said that in further consultation with the architect and his consulting engineers, it was agreed that it would be best to postpone the sealing and cleaning of bricks until next summer so that the results of winter storms can be seen. He further stated that the \$12,000 budgeted for the repair would not be spent this fiscal year, but about one-half this amount would be needed for the cleaning and sealing of the bricks next summer.

ADJOURNMENT

MOTION

That the meeting now in session adjourn to executive session to consider litigation matters

Moved by Shastid      Seconded by Mitchell      Unanimously carried

The meeting adjourned at 5:45 P.M.

ATTEST:

  
REX E. GAILFUS, City Clerk

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The Council of the City of Modesto met in regular session this date at 7:30 P.M. as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, VanderWall,  
Mayor Johansen  
Absent: Councilmen: Tabbert

The pledge of allegiance to the Flag was given.

Chaplain R. E. Patterson gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of September 9, 1963, and the same being available for public inspection, and there being no objections, the minutes were approved.

#### LETTER FROM BILL BAIR, PRESIDENT, DOWNTOWN MODESTO ASSOCIATION OF MERCHANTS RE USE OF SIDEWALKS FOR FALL SALE

A letter from Bill Bair dated September 16, 1963, requesting permission for downtown merchants to sell from sidewalks during a three-day period October 3 through October 5, 1963, as a part of the fall "Sidewalk Sale," was read by the City Clerk.

#### RESOLUTION NO. 63-439

#### A RESOLUTION APPROVING REQUEST OF DOWNTOWN MODESTO ASSOCIATION TO SELL FROM SIDEWALKS DURING FALL "SIDEWALK SALE" PROMOTION

Introduced by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

#### LETTER FROM MRS. HAZEL GOTSHALL, SUPERVISOR OF INSTRUCTION, THOMAS DOWNEY HIGH SCHOOL RE BUSINESS-EDUCATION DAY 1-26

A letter from Mrs. Hazel Gotshall dated September 10, 1963, thanking the Council and staff for a successful Business-Education Day visit to city offices was read by the City Clerk. The letter was ordered filed.

#### ACTION ON HEARING OF PROPOSED REZONING OF BRIGGS PROPERTY ON MC HENRY AVENUE 2-32

A hearing on the proposed rezoning of the Briggs property located west of McHenry Avenue between Briggsmore and Bowen Avenues, was heard on August 26, 1963, the hearing closed, and Council action postponed by motion of the Council to the present meeting.

Copies of a memorandum from the Planning Director dated September 23, 1963, subject, "Briggs Parcel at Briggsmore-Northern and McHenry," were furnished the Council prior to the meeting. The memorandum listed conditions recommended by the Planning staff with notations indicating areas of agreement and disagreement between the staff and the applicant.

Lewis Hawkins, attorney representing Linn Alexander, developer of the proposed project, and Russell Briggs, owner of the property, reviewed the recommended conditions and indicated the areas of agreement and disagreement by the developer.

City interference with negotiations between his client and Montgomery Ward was questioned by Mr. Hawkins. The extent of the City's contact with Montgomery Ward was explained by Mayor Johansen. A letter from Linn C. Alexander to Mr. Hawkins relative to this matter was read by Mr. Hawkins.

Lee Condit, 904 Yale Avenue, stated that Montgomery Ward is presently negotiating a lease for more floor space than originally requested.

Director of Planning Fey briefly reviewed the conclusions reached at a meeting between the City and County Planning Commissions to discuss the McHenry Avenue report.

**MOTION**

That the right of way for McHenry Avenue be dedicated on the basis that McHenry Avenue will be established as a 128-foot street; and from a 128-foot width at the centerline of the intersection of Bowen and McHenry, it will taper to a 100-foot width at the centerline of the intersection of McHenry and Briggsmore Avenues

Moved by Shastid      Seconded by VanderWall      Unanimously carried

On Item 5b, Landscaping, the City Attorney was directed to draft this portion of the agreement to permit the developer to submit a variation to the proposed landscape plan which, if acceptable to the City, could be substituted for the landscaped strip.

**MOTION**

That the building setback line on McHenry Avenue be established 50 feet from the future property line after the width of McHenry Avenue has been officially established

Moved by Shastid      Seconded by VanderWall      Unanimously carried

**MOTION**

That sidewalks be required as recommended

Moved by Hughes      Seconded by Shastid      Unanimously carried

The City Attorney was directed to draft the agreement to permit modification of the street tree plan acceptable to the City.

**MOTION**

That a cash deposit, savings and loan certificate, forfeiture bond, or corporate surety bond in an amount to be determined by the City Engineer be required

Moved by Shastid      Seconded by Hughes      Unanimously carried

## MOTION

That since mutually agreed upon, Item 12 of the memorandum "Evidence of Development," be scratched voluntarily

Moved by Hughes      Seconded by Patton

Ayes: Hughes, Patton

Noes: Mitchell, Shastid, VanderWall, Mayor Johansen      Absent: Tabbert

The motion failed to carry.

Paul Birmingham and Richard Giddings spoke in favor of both ingress and egress being provided on Briggsmore Avenue.

## MOTION

That both ingress and egress to the proposed development be provided on Briggsmore Avenue

Moved by Patton      Seconded by Hughes      Unanimously carried

By order of the Chair, the City Attorney was directed to include a provision in the agreement permitting the developer to apply for variances.

The 50-foot setback requirement on McHenry Avenue was discussed. Mr. Giddings stated that he had no objection to a 50-foot setback as a part of this development if it met with the approval of the developer, but felt the Council ill-advised to take this action and such an important step which involved all McHenry Avenue property which will ultimately come under the jurisdiction of the City. It was his opinion that a setback 100 feet from the centerline of the street, even a 128-foot street, would be highly adequate.

## MOTION

That the City Attorney be directed to prepare the agreement in accordance with the above actions; with respect to the remaining conditions as agreed upon, as recommended in memorandum prepared by Director of Planning Fey dated September 23, 1963

Moved by Hughes      Seconded by Mitchell      Unanimously carried

## ORDINANCE NO. 608-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATE THEREON (ALEXANDER, BRIGGS AND CHAPMAN)" (with adoption subject to approval of agreement)

was introduced and ordered published as required by the Charter

Moved by Hughes      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen

Noes: None      Absent: Tabbert

The meeting recessed at 10:11 P.M. and reconvened at 10:21 P.M.

HEARING ON PROPOSED ANNEXATION OF McHENRY VILLAGE CENTER ADDITION 5-102

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed annexation of McHenry Village Center Addition, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and Turlock Daily Journal on August 22 and 29, 1963, respectively, and notices mailed to all property owners in the area and other interested parties on August 23, 1963. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 966 recommends commencement of proceedings for annexation of the McHenry Village Center Addition and the granting of interim general commercial zoning.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

## ORDINANCE NO. 609-C.S. entitled

"AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE McHENRY VILLAGE CENTER ADDITION TO THE CITY OF MODESTO"

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

Moved by Hughes      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

CONTINUATION OF HEARING ON PROPOSED HEATING AND COMFORT COOLING ORDINANCE

By order of the Chair, this matter was held over to the October 7, 1963, meeting.

REPORT ON PROPOSED NORTH MODESTO SANITARY SEWER DISTRICTCONSIDER EMPLOYMENT OF BOND COUNSEL IN CONNECTION WITH THE FORMATION OF A MUNICIPAL SEWER DISTRICT

A memorandum from the City Attorney dated September 19, 1963, subject, "Employment of Bond Counsel in Connection with Formation of a Municipal Sewer District," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The City Attorney recommended that the City employ the firm of Orrick, Dahlquist, Herrington and Sutcliffe as bond counsel to handle the entire proceedings for the municipal sewer district. For handling the entire proceedings, including the rendering of an opinion as to the validity of the bonds, the fee will be \$3,000; if the bonds do not carry, the fee will be \$1,000; if the proceedings are terminated prior to going to an election, the fee will not exceed a maximum of \$750.

Mayor Johansen stated that he did not believe definite action should be taken until the matter has been considered by the County.

The City Manager stated that the following information has been requested by the H.H.F.A. in order to keep the application alive: Date of formation of the District; date of the bond election; date of the bond sale.

That the offer of Orrick, Dahlquist, Herrington and Sutcliffe be accepted, when, as and if the Council Public Relations Committee decides

Moved by Shastid      Seconded by VanderWall      Unanimously carried

FINANCIAL CONSULTANTS, SALE OF BONDS

MOTION

That the Public Projects Committee check into the hiring of financial consultants in connection with the sale of bonds and submit a recommendation to the Council

Moved by VanderWall      Seconded by Patton      Unanimously carried

Mayor Johansen directed the Council members of the special Council-Supervisor Committee to advise the two Supervisor members of the Committee of the Council's action and to request that the matter be placed on the agenda of the next Board of Supervisors' meeting.

ADOPTION OF ORDINANCE NO. 606-C.S. RELATING TO REGULATIONS, CITY-COUNTY AIRPORT

ORDINANCE NO. 606-C.S. entitled

"AN ORDINANCE AMENDING SECTION 7-3.215 OF ARTICLE 2 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 7-3.202.1 THERETO; AMENDING SECTION 7-3.306 OF ARTICLE 3 OF CHAPTER 3 OF TITLE VII; ADDING SECTION 7-3.113 TO ARTICLE 1 OF CHAPTER 3 OF TITLE VII; AND ADDING SECTION 7-3.401.1 TO ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE, RELATING TO THE MODESTO CITY-COUNTY AIRPORT"

introduced on September 16, 1963, and having been published as required by the Charter, was moved and adopted.

Moved by Shastid      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

ADOPTION OF ORDINANCE NO. 607-C.S. RELATING TO INTOXICATION

ORDINANCE NO. 607-C.S. entitled

"AN ORDINANCE REPEALING SECTION 4-2.09 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO INTOXICATION"

introduced on September 16, 1963, and having been published as required by the Charter, was moved and adopted.

Moved by VanderWall      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

ORDINANCE ADDING CHAPTER 7 TO TITLE II OF THE MODESTO MUNICIPAL CODE,  
RELATING TO DISPOSAL OF UNCLAIMED PROPERTY IN THE POSSESSION OF THE POLICE  
DEPARTMENT

ORDINANCE NO. 610-C.S. entitled

"AN ORDINANCE ADDING CHAPTER 7 TO TITLE II OF THE MODESTO MUNICIPAL CODE,  
RELATING TO DISPOSAL OF UNCLAIMED PROPERTY IN THE POSSESSION OF THE POLICE  
DEPARTMENT"

was introduced and ordered published as required by the Charter.

Moved by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

ORDINANCE ADDING SECTION 7-3.113 TO ARTICLE 1 OF CHAPTER 3 OF TITLE VII  
OF THE MODESTO MUNICIPAL CODE, RELATING TO USE OF FIREARMS AND HUNTING AT  
THE MODESTO CITY-COUNTY AIRPORT

ORDINANCE NO. 611-C.S. entitled

"AN ORDINANCE ADDING SECTION 7-3.113 TO ARTICLE 1 OF CHAPTER 3 OF TITLE VII  
OF THE MODESTO MUNICIPAL CODE RELATING TO USE OF FIREARMS AND HUNTING AT  
THE MODESTO CITY-COUNTY AIRPORT"

was introduced and ordered published as required by the Charter

Moved by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

CONSIDER OFFER OF SHOOB'S STUDIO TO PROVIDE PICTURES OF MAYORS AND  
COUNCILMEN      13-1

The City Manager stated that a letter offer dated March 14, 1963, from Shoob's Studio offering to provide pictures of mayors and councilmen for display in the City Hall was referred to the Council Public Relations Committee and staff for review.

Copies of a memorandum from the Deputy City Manager dated September 11, 1963, subject, "Offer of Shoob's to Photograph Mayors and Councilmen" were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Councilman VanderWall, Chairman of the Committee, said that because of ultimate lack of display area, the Committee recommended that only group pictures be taken every two years.

MOTION

That the offer of Shoob's Studio to photograph mayors and councilmen be accepted as outlined in the memorandum from the Deputy City Manager, dated September 11, 1963, except that instead of individual pictures, group pictures be taken of the Council members every two years

Moved by Shastid      Seconded by Patton      Unanimously carried

The staff was directed to notify Shoob's Studios of the above action.

ACCEPT AS COMPLETE VALLEY WATER WELL DRILLING AND PUMP CO.'S CONTRACT FOR THE DRILLING, CASING, TESTING AND DEVELOPMENT OF DEEP WELL NO. 27-13-45

RESOLUTION NO. 63-440

A RESOLUTION ACCEPTING THE CONSTRUCTION OF DRILLING, CASING, TESTING AND DEVELOPMENT OF DEEP WELL NO. 27

Introduced by Shastid      Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF BUILDINGS LOCATED AT 526 16TH STREET IN THE CITY OF MODESTO AND SETTING THE TIME AND PLACE OF HEARING

RESOLUTION NO. 63-441

A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF THE BUILDINGS LOCATED AT 526 - 16TH STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203 (a) OF THE UNIFORM BUILDING CODE AND FIXING THE TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

October 7, 1963, at 4:35 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER REQUEST OF ARCHIE NEY TO HARVEST WALNUTS ON CITY OWNED PROPERTY (1963 CROP)

MOTION

That the City Attorney be directed to prepare the necessary documents approving the request of Archie Ney to harvest the 1963 walnut crop on city owned property on the terms and conditions imposed last year

Moved by Mitchell      Seconded by Shastid      Unanimously carried

RECOMMEND EXTENSION OF TIME FOR FILING FINAL MAP OF BROOKDALE PARK NO. 3 13-62

Planning Commission Resolution No. 976 recommends extension of time to October 2, 1964

RESOLUTION NO. 63-442

A RESOLUTION RECOMMENDING EXTENSION OF TIME FOR FILING THE FINAL MAP OF BROOKDALE PARK NO. 3 SUBDIVISION

Introduced by VanderWall      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

RECOMMEND AMENDMENT TO SECTION 7 OF THE ZONING MAP AS REQUESTED BY REX HIGBEE

## RESOLUTION NO. 63-443

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 7 OF THE ZONING MAP (HIGBEE) (rezoning from R-1 to R-2, Lot 26 in Block 13201 and Lot 22 in Block 13220)

Introduced by Mitchell      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

October 14, 1963, at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY      13-70

ASPHALT SIDEWALKS - NEW FREEWAY

Councilman Patton stated that he had received a phone call relative to the construction of asphalt sidewalks from the street to the new bridges in connection with the freeway.

Deputy Manager Ray stated that the asphalt sidewalks were temporary installations until the final construction phase of each portion is completed.

The staff was directed to furnish the Council with a written report concerning the matter.

REPORT FROM THE SALVATION ARMY FOR SERVICES RENDERED FOR FIRST SIX MONTHS OF 1963

## MOTION

That the report of the Salvation Army for first six months of 1963 be accepted

Moved by Shastid      Seconded by VanderWall      Unanimously carried

## MOTION

That this matter not be placed on future agendas, and that the Salvation Army report be submitted to the City Manager rather than the Council

Moved by Shastid      Seconded by Patton      Unanimously carried

REPORT ON COST OF WATER LINE INSTALLATIONS

Copies of a memorandum dated September 19, 1963, subject, "Cost of Installation of Water Lines in Skylane Park No. 3 (W.O. A-5445)" were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The City Manager briefly reviewed the cost of the following water line installations: Skylane Park No. 3 Subdivision; Brentwood Estates No. 1 Subdivision; Kearney Ave. at College Gardens Subdivision; Lorenzen Park No. 2 Subdivision.

REQUEST OF CITY ATTORNEY TO ATTEND STATE BAR SESSION IN SAN FRANCISCO  
UNANIMOUS CONSENT ITEM

There were no objections by the Council to the City Attorney's request to attend a session of the State Bar Association meeting in San Francisco on Thursday, September 26, 1963.

ADJOURNMENT


MOTION

That the meeting now in session be adjourned to September 30, 1963, at 7:30 P.M.

Moved by Shastid      Seconded by VanderWall      Unanimously carried

The meeting adjourned at 11:00 P.M.

ATTEST:

  
\_\_\_\_\_  
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Patton, Shastid, VanderWall, Mayor  
Johansen  
Councilman Hughes arrived at 7:31 P.M.  
Absent: Councilmen: Tabbert

LETTER FROM MODESTO CITY EMPLOYEES' ASSOCIATION REGARDING NEED FOR A  
CENTRAL LOCATION

A letter from Doris Clifford, President, Modesto City Employees' Association, dated September 12, 1963, requesting that a special area be designated an employee association office, was read by the City Clerk.

MOTION

That the request of the Modesto City Employees' Association for temporary use of the outer office off the lobby of the City Hall be approved until the Police-Communications building is completed

Moved by VanderWall      Seconded by Shastid      Unanimously carried

REQUEST OF R. ELDON DuBOIS FOR SEWER SERVICE TO 1112-1118 SOUTH AVENUE

MOTION

That the request of R. Eldon DuBois for sewer service to 1112-1118 South Avenue be approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

REPORT ON FREEWAY FOUNTAIN REST STOPS

Copies of a letter from J. G. Meyer, District Engineer, Division of Highways, State Department of Public Works, dated September 18, 1963, subject, location of local roadside rest stops, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The letter was ordered filed.

ADOPTION OF ORDINANCE NO. 610-C.S. RELATING TO THE SALE OF UNCLAIMED  
PROPERTY - POLICE DEPARTMENT

ORDINANCE NO. 610-C.S. entitled

AN ORDINANCE ADDING CHAPTER 7 TO TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO DISPOSAL OF UNCLAIMED PROPERTY IN THE POSSESSION OF THE POLICE DEPARTMENT

introduced on September 23, 1963, and having been published as required, was moved and adopted.

Moved by VanderWall      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

ADOPTION OF ORDINANCE NO. 611-C.S. RELATING TO REGULATION OF HUNTING ON CITY-COUNTY AIRPORT

ORDINANCE NO. 611-C.S. entitled

"AN ORDINANCE ADDING SECTION 7-3.113 TO ARTICLE 1 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE, RELATING TO USE OF FIREARMS AND HUNTING AT THE MODESTO CITY-COUNTY AIRPORT"

introduced on September 23, 1963, and having been published as required by the Charter, was moved and adopted.

Moved by Shastid      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

CONSIDER VARIANCE FOR DRIVEWAYS TO NEW CITY 9TH STREET PARKING LOT (FORMERLY MODESTO PLYMOUTH)

Copies of a memorandum from Director of Parking and Traffic Carmody dated September 24, 1963, requesting a variance to construct two curb cuts 32 feet and 15.5 feet wide on the 9th Street side of the city parking lot located on the east side of 9th Street between J and K Streets, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

RESOLUTION NO. 63-444

A RESOLUTION GRANTING DRIVEWAY VARIANCES ON CITY LEASED PROPERTY (Located on the east side of 9th Street between J and K Streets)

Introduced by VanderWall      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR DEMOLITION OF MODESTO PLYMOUTH BUILDING AND CONSTRUCTION OF A 39-SPACE PARKING LOT 1-40

RESOLUTION NO. 63-445

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR DEMOLITION OF MODESTO PLYMOUTH BUILDING AND CONSTRUCTION OF PARKING LOT

Introduced by VanderWall      Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

October 18, 1963, at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

The City Manager reported that an appropriation transfer of about \$2,500 for this project would be needed at a later date.

CONSIDER RAISING PARKING FEE ON 13TH STREET LOT

Copies of a memorandum from the Director of Parking and Traffic dated September 24, 1963, subject, "13th and 14th Street Parking Lots - Suggested Rate and Enforcement Changes," recommending an increase of parking fee on the 13th St. lot to 10¢ per hour were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

## ORDINANCE NO. 612-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO PARKING METERS"

was introduced and ordered published as required by the Charter.

Moved by Hughes      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

CONSIDER APPROVAL OF RIGHT-OF-WAY CONTRACT FOR ACQUISITION OF RIGHT OF WAY FROM HOYT R. GANT AND ROSELLE D. GANT FOR WIDENING OF ORANGEBURG AVENUE

## RESOLUTION NO. 63-446

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND HOYT R. AND ROSELLE E. GANT (with payment of \$2,098 for damages to remaining property and relocation of fences, etc.)

Introduced by Shastid      Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

RECOMMEND UNCLASSIFIED USE PERMIT TO DOCTORS' HOSPITAL (REVISED PLAN)

The City Manager reported that at its September 19, 1963, meeting, the Planning Commission recommended that an unclassified use permit be granted to Doctors Hospital for the expansion of facilities.

## RESOLUTION NO. 63-447

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON AN UNCLASSIFIED USE PERMIT TO DOCTORS' HOSPITAL FOR EXPANSION OF HOSPITAL FACILITIES

Introduced by VanderWall      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Tabbert

October 14, 1963, at 8:10 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

MATTERS FOR THE GOOD OF THE COMMUNITYIntroduction of Farion Grimes

The City Attorney introduced his daughter, Farion, in the audience for the purpose of studying the City Council for a school project.

REPORT ON URBAN RENEWAL CAMPAIGN BY "MODESTANS FOR PROGRESS" CHAIRMAN, DON HAMMOND

Mr. Don Hammond, Chairman of "Modestans for Progress," stated that the members of this organization have joined together to urge the voters of the community to vote "Yes" for the activation of an urban renewal agency at the October 8, 1963, election. Mr. Hammond spoke briefly on the importance of taking immediate steps to revitalize the downtown area. He asked the Council to express its concern by urging the registered voters of the City to vote "Yes" for the activation of an urban renewal agency at the October 8, 1963, election.

Frank Helm, 800 Carmel Drive, member of the Committee opposed to activation of an urban renewal agency, stated that he considered it an ill-advised action on the part of the Council to adopt a resolution urging the voters to vote "Yes" at the October 8 election. Mr. Helm also voiced his belief that the Council was attempting to influence the vote of city employees and objected.

## RESOLUTION NO. 63-448

A RESOLUTION URGING THE REGISTERED VOTERS OF THE CITY OF MODESTO TO VOTE "YES" ON TUESDAY, OCTOBER 8, 1963, FOR ACTIVATION OF AN URBAN RENEWAL AGENCY

Ayes: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None Absent: Tabbert

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF IMPROVEMENTS FOR CALIFORNIA-FRANKLIN PARK

At the request of the City Manager, and with the consent of the Council, this matter was held over pending approval of the plans and specification by the H.H.F.A.

FURTHER CONSIDERATION OF LITIGATION - CITY OF MODESTO VS ALBERT LANDINI, ET AL - ACQUISITION OF PROPERTY FOR ROSE AVENUE PARK SITE 3-60

## MOTION

That the Council meet in executive session to discuss litigation between the City of Modesto vs Landini et al

Moved by Shastid      Seconded by VanderWall      Unanimously carried

The Council adjourned to executive session at 8:07 P.M., reconvening at 8:30 P.M.

INFORMAL PUBLIC HEARING ON PROPOSED SANITARY SEWER SYSTEM - NORTH MODESTO AREA 3-90

Mayor Johansen announced that the hour of 8:30 P.M. had arrived, the time set for an informal public hearing relative to the formation of a sanitary sewer district in the North Modesto area, and opened the hearing.

Deputy City Manager Ray gave a general explanation of the proposed project, indicating on a map the 4,200 acre area proposed for the district. He said that Public Works Acceleration Act Funds may be available for Phase 1 of the construction of the trunk sewer lines and pumping stations in the amount of about \$718,000, leaving approximately \$735,000 to be raised by the district through a bond issue or some other means of financing; that if approved, the federal grant would be available on short notice, thus making it necessary for everyone involved to proceed rapidly.

Director of Finance Bird illustrated on a chart the estimated income, cost, and a general financial plan to be followed.

Director of Public Works Campbell outlined the costs involved in providing the area with a lateral system and the connection of individual properties to the trunk system.

Monte Lukov, Executive Vice-President, Home Builders Association, member of the committee established to determine the most feasible method of financing the proposed sanitary sewer project, reported that it was the consensus of the committee that the most feasible way of financing the project was through establishment of a municipal sewer district.

The following spoke in opposition to the proposed sanitary sewer district: Harry Green, 2150 Whitcombe Way; Mr. H. R. Beachamp, 3205 Growdon Road; Lee Lemings, 3421 Fremont.

The following property owners not inside the proposed area asked if it would be possible to be included in the district: Peter Cipponieri, 2445 Sylvan Road; Bob Bowen, Ribier Drive; S. E. Courtney, Old Oakdale Road. All those interested in sewer service whose properties in the proposed district were asked to contact the city engineering staff to discuss the matter.

Donald Drake, 102 Buena Vista, questioned the cost to owners of farm lands in the area; Lee Lemings, 3421 Fremont, Mrs. William McCallum, 3108 Nottingham Drive, and Noel Wood, 421 Emerson Avenue, asked for clarification of the method of payment for construction of laterals and connection charges.

Roy Frederickson, Engineer, 930 15th Street, spoke in behalf of the developers of the following subdivisions who favor the proposed sanitary sewer district: Northwood Estates; Tully Manor; Northland Estates, the proposed Colonial Heights subdivision on Woodrow Avenue; subdivisions totalling 80 acres being developed by George Klemm; approximately 80 acres to be subdivided by Lance Ellis; Morada Estates, subdivided by Rex Higbee; Bel Air Subdivisions Nos. 3 and 4.

Mr. E. Staib, 2609 Whitcombe Way, questioned whether or not the area indicated on the map as representing the proposed district included Highway Village.

John Staberakakis, 4945 Sisk Road, Salida, told of his experience with the Salida Sanitary District.

Walter Witz, 1304 Lori Lane, Coffee Village, experienced in working with sanitary districts in Southern California, spoke briefly on district problems. He expressed the opinion that the proposed sanitary sewer construction would benefit the City as a whole.

Upon questioning by Pat Buckley, Buckingham Court, the City Attorney stated that the formation of the municipal sewer district in the proposed area will require the consent of the Board of Supervisors to get underway; but once formed, the lines, service, and service charges will be under the jurisdiction of the City.

Homer Couchman, 1321 Floyd Avenue, owner of 50 acres of farm land, spoke in favor of the proposed sanitary sewer district.

Roy Frederickson, Engineer, stated that it would be desirable if the boundary lines of the proposed sanitary sewer district could be made flexible to permit adjacent property owners to have a voice in the formation of a district.

No one else in the audience asked to be heard and Mayor Johansen declared the hearing closed.

EMPLOYMENT OF BOND COUNSEL

MOTION

That bond Counsel be employed on the basis of cost of services rendered as previously discussed

Moved by Shastid      Seconded by Patton      Unanimously carried

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Patton      Seconded by Hughes      Unanimously carried

The meeting adjourned at 10:45 P.M.

ATTEST:

  
REX E. GAILFUS, City Clerk

Modesto City Council  
October 7, 1963

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers at 801 11th Street, Modesto, California. Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Shastid, VanderWall, Mayor Johansen  
Councilman Patton arrived at 4:07 P.M.

Absent: Councilmen: Hughes, Tabbert

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

Reverend George F. Telle gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meetings of September 16 and 23, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM NATTINGER AND LOWRY, CERTIFIED PUBLIC ACCOUNTANTS, RE ANNUAL AUDIT

A letter from Nattinger & Lowry dated September 20, 1963 enclosing fourteen copies of the company's audit for the fiscal year ending June 30, 1963 and a statement for services for \$1,650 was summarized by the City Clerk.

MOTION

That the audit report be accepted and payment of \$1,650 for services authorized

Moved by VanderWall      Seconded by Shastid      Unanimously carried

LETTER FROM WILLIAM L. FIELDMAN, EXECUTIVE VICE-PRESIDENT, J.B. HANAUER AND CO., RE: LEASEBACK FINANCING

A letter from William L. Fieldman dated September 20, 1963 offering the services of J. B. Hanauer & Co. on leaseback financing for public buildings, was summarized by the City Clerk.

The letter was ordered filed.

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR CONSTRUCTION OF IMPROVEMENTS FOR CALIFORNIA-FRANKLIN PARK (Approved by HHFA 10/7/63)

RESOLUTION NO. 63-449

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF IMPROVEMENTS IN CALIFORNIA-FRANKLIN PARK

Introduced by VanderWall      Seconded by Shastid

Ayes: Mitchell, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes, Patton, Tabbert

October 29, 1963 at 2:00 P.M. in the City Clerk's Office was set as the time and place for opening of bids.

Councilman Patton arrived at 4:07 P.M.

**CONTINUATION OF HEARING ON PROPOSED HEATING AND COMFORT COOLING  
ORDINANCE 1-38**

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The City Manager stated that this matter was held over from the September 9, 1963 meeting for review of the following objections to the proposed heating and comfort ordinance presented by Monte Lukov, Executive Vice-President, Home Builders' Association: Owner's permit; interpretation of the fee schedule; certificate of competency requirement.

Director of Public Works Campbell stated that at a meeting of the Code Committee, four individuals representing the industry, and members of the staff, the above items were reviewed and recommendation made by the group that no change be made in the sections pertaining to the owner's permit and fee schedule. Mr. Campbell said that at the end of the meeting, basic differences still remained in connection with the certificate of competency requirement and it was decided that the individuals concerned should present their views to the Council for consideration.

The City Manager introduced the following documents into the record: A letter from Home Builders' Association dated October 3, 1963 objecting to the certificate of competency requirement; a memorandum from Director of Public Works Campbell and Chief Building Official Tom Hermida dated October 3, 1963 listing questions and answers describing why the Public Works Department favors the certificate of competency; letters favoring the certificate of competency requirement from Kelley Air Conditioning Engineering dated October 1, 1963; Metal Fabricators, dated September 24, 1963; Fred L. Hill, dated September 20, 1963; Peterson Plumbing, Inc., dated October 1, 1963; Sheet Metal Contractors Association, Inc. dated September 27, 1963; Tenney A. Norquist dated September 23, 1963; Hansens' Inc., dated October 7, 1963.

A motion introduced by Councilman Mitchell, seconded by Councilman Shastid, that the proposed heating and comfort cooling ordinance be adopted as recommended by the Director of Public Works, was, after discussion, amended to eliminate Article 2, Board of Examiners, from the proposed ordinance, the eliminated portion to be placed on the agenda in two weeks for further Council consideration.

Monte Lukov stated that the Homebuilders' Association objected to the requirement of a certificate of competency because it would require men to carry five different licenses; that in a majority of cases, air conditioning and heating companies within the Association used men trained in special fields of installation, one man seldom performing all phases of installation.

The staff was directed to check the certificate of competency requirements of other cities in connection with heating and comfort cooling, electrical and plumbing codes.

## ORDINANCE NO. 613-C.S. entitled

"AN ORDINANCE ADDING CHAPTER 7 TO TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE UNIFORM HEATING AND COMFORT COOLING CODE" (with Article 2, Board of Examiners, deleted)

was introduced and ordered published as required by the Charter.

Moved by Mitchell Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None Absent: Hughes, Tabbert

Councilman Patton was excused from the meeting.

HEARING ON REQUIREMENT OF CURB AND GUTTER AT 1316 ROSEBURG AVENUE,  
BLOCK 935, LOT 5 3-13

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of curb and gutter requirement at 1316 Roseburg Avenue and opened the hearing.

The City Clerk reported that notice of the requirement was posted on the property and delivered to Keith M. Barker, Owner, on September 17, 1963.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 63-450

A RESOLUTION ORDERING THE ~~WORK ON~~ CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO (1316 Roseburg Avenue)

Introduced by VanderWall Seconded by Shastid

Ayes: Mitchell, Shastid, VanderWall, Mayor Johansen  
Noes: None Absent: Hughes, Patton, Tabbert

HEARING ON PROPOSED DEMOLITION OF BUILDINGS AT 526 - 16TH STREET

Mayor Johansen announced that the hour of 4:35 P.M. had arrived, the time set for consideration of the proposed demolition of buildings at 526 - 16th Street, and opened the hearing.

The City Clerk reported that a copy of Resolution No. 63-441 giving notice of the proposed demolition and fixing the time and place of hearing was sent the owner, Mrs. Jottie M. Albritton, by registered mail on September 25, 1963.

Pictures of the buildings proposed to be demolished were shown the Council.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

## RESOLUTION NO. 63-451

A RESOLUTION ORDERING THE BUILDING OFFICIAL OF THE CITY OF MODESTO TO DEMOLISH THE BUILDING(S) LOCATED AT 526 - 16TH STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203 (a) OF THE UNIFORM BUILDING CODE

Introduced by Mitchell      Seconded by VanderWall  
Ayes: Mitchell, Shastid, VanderWall, Mayor Johansen

Noes: None      Absent: Hughes, Tabbert, Patton

ADOPTION OF ORDINANCE NO. 612-C.S. RELATING TO PARKING METER FEES

ORDINANCE NO. 612-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO PARKING METERS"

introduced on September 30, 1963 and having been published as required by the Charter, was moved and adopted. (effective November 6, 1963)

Councilman Patton returned to the meeting at 4:42 P.M.

APPROVE AGREEMENT WITH SOUTHERN PACIFIC COMPANY FOR INSTALLATION AND MAINTENANCE OF FLASHING LIGHTS AT TULLY & 99 HIGHWAY 3-55

A memorandum from Director of Parking and Traffic Carmody dated October 2, 1963 subject, "Tully - 99 Railroad Signals," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The proposed agreement with the Southern Pacific Company covers installation and maintenance of railroad flashing lights at Tully and 99 Highway, to be coordinated with proposed traffic signals. The City's share of maintenance expense will be determined by the P.U.C.

## RESOLUTION NO. 63-452

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC COMPANY FOR INSTALLATION AND MAINTENANCE OF FLASHING LIGHTS AT TULLY AND 99 HIGHWAY

Introduced by VanderWall      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen

Noes: None      Absent: Hughes, Tabbert

CONSIDER REROOFING OF CITY PROPERTY KNOWN AS THE PHOENIX AVENUE FIRE STATION, 131 PHOENIX AVENUE

The City Manager reported that the Phoenix Avenue Fire Station is now leased on a temporary basis to the Civil Air Patrol; that the roof is badly in need of repair at an estimated cost of \$285. The Civil Air Patrol has agreed to provide about \$60 for materials plus labor in removing the present roof, leaving a cost to the City of about \$225.

## MOTION

That the staff be directed to proceed with the reroofing as recommended by the Chief Building Official

Moved by Shastid      Seconded by VanderWall      Unanimously carried

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RESOLUTION NO. 63-453

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$225 TO REPAIR PHOENIX AVENUE FIRE STATION BUILDING

Introduced by Shastid      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen

Noes: None      Absent: Hughes, Tabbert

ACCEPT IMPROVEMENTS IN LORENZEN PARK NO. 2 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND

The City Manager read a memorandum from the Assistant Director of Public Works dated October 4, 1963 which indicated that all work in Lorenzen Park No. 2 Subdivision has been completed to the satisfaction of the Department of Public Works with the exception of certain improvements which can better be accomplished at the time that the adjacent area to the south develops, and that it would be in order to release the balance of the cash deposit filed by the developers in the amount of \$3,000, the subdividers to file a performance bond in the amount of \$100 with the City of Modesto to cover the remaining work to be done.

RESOLUTION NO. 63-454

A RESOLUTION APPROVING REDUCTION OF THE PERFORMANCE BOND FILED BY WOLVERINE BUILDING SERVICE, INC. AND ARTHUR AND FLORENCE WYLIE TO GUARANTEE IMPROVEMENTS IN LORENZEN PARK NO. 2 SUBDIVISION (and requiring the posting of a \$100 performance bond to cover remaining work to be done)

Introduced by VanderWall      Seconded by Mayor Johansen

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen

Noes: None      Absent: Tabbert, Hughes

ACCEPT AS COMPETE OSCAR P. OLSON'S CONTRACT FOR THE CONSTRUCTION OF A PUMP HOUSE AT STATION NO. 27      3-105

RESOLUTION NO. 63-455

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP HOUSE AT STATION NO. 27 (authorizing City Clerk to file notice of completion)

Introduced by Shastid      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen

Noes: None      Absent: Hughes, Tabbert

ACCEPT IMPROVEMENTS IN BEL AIR NO. 3 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND      3-108

RESOLUTION NO. 63-456

A RESOLUTION RELEASING CASH DEPOSIT IN THE AMOUNT OF \$25,000 FILED BY FRANK DENNY, DEVELOPER OF BEL AIR SUBDIVISION NO. 3

Introduced by Shastid      Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen

Noes: None      Absent: Hughes, Tabbert

**RESOLUTION DETERMINING THE GENERAL PREVAILING RATE OF PER DIEM WAGES,  
AS REQUIRED BY SECTION 1773.3 OF THE LABOR CODE OF THE STATE OF CALIFORNIA**

The City Manager stated that an annual report on prevailing rate of per diem wages in the locality of the City of Modesto must be filed with the Director of Industrial Relations, State of California.

**RESOLUTION NO. 63-457**

**A RESOLUTION DETERMINING THE GENERAL PREVAILING RATES OF PER DIEM WAGES**

Introduced by VanderWall      Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes, Tabbert

**RESOLUTION ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO SHERWOOD SCHOOL**

**RESOLUTION NO. 63-458**

**A RESOLUTION OF THE CITY OF MODESTO ESTABLISHING FLAT-RATE CHARGES FOR WATER SERVICE TO THE SHERWOOD SCHOOL**

Introduced by Shastid      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes, Tabbert

**RESOLUTION INCREASING THE 1963-64 REVENUE ESTIMATES FOR APPORTIONMENTS AND GRANTS AND APPROPRIATING THE FUNDS IN THE SPECIAL FUND FOR CAPITAL OUTLAYS (California-Franklin park development grant)**

**RESOLUTION NO. 63-459**

**A RESOLUTION INCREASING THE 1963-64 REVENUE ESTIMATES FOR APPORTIONMENTS AND GRANTS AND APPROPRIATING THE FUNDS IN THE SPECIAL FUND FOR CAPITAL OUTLAYS**

(incorporating into the current budget the grant for California-Franklin Park as estimated revenue)

Introduced by Shastid      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes, Tabbert

**CONSIDER AGREEMENT FOR WATER SERVICE TO STRATHMORE NO. 2 SUBDIVISION**

The City Manager reported that the subdivider of Strathmore No. 2 Subdivision plans to install improvements in the subdivision prior to filing the final map; that the proposed agreement provides that the subdivider post a cash deposit in the amount of \$8,800 (estimated total cost of labor and materials), the cash deposit to be released when the final map is recorded if accomplished within nine months from the date of the agreement.

## RESOLUTION NO. 63-460

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES V. JEFFERS AND MARGUERITTE K. JEFFERS - STRATHMORE NO. 2 SUBDIVISION (for installation of water lines prior to filing the final map)

Introduced by VanderWall      Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes, Tabbert

FURTHER CONSIDERATION OF THE GRIFFENHAGEN-KROEGER PLANNING REPORT

A memorandum from Director of Planning Fey dated October 3, 1963, subject, "Quarterly Griffenhagen-Kroeger Report Analysis," was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

## MOTION

That this matter be placed on the agenda again in three months

Moved by Shastid      Seconded by VanderWall      Unanimously carried

RECOMMENDATION FOR ZONING TEXT AMENDMENTS

## RESOLUTION NO. 63-461

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON PROPOSED AMENDMENTS TO CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE (ZONING REGULATIONS)

Introduced by Mitchell      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes, Tabbert

October 28, 1963 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

RECOMMENDATION REGARDING WIDENING OF COLLEGE AVENUE 4-40

By order of the Chair, this matter was held over for one week.

RECOMMENDATION OF INTERIM C-2 ZONING FOR MC HENRY VILLAGE CENTER ADDITION

The City Clerk reported that the annexation of the McHenry Village Center Addition was filed in the office of the Secretary of State on September 25, 1963.

## ORDINANCE NO. 614-C.S. entitled

"AN ORDINANCE AMENDING SECTION 16 OF THE ZONING MAP OF THE CITY OF MODESTO TO ESTABLISH INTERIM ZONING FOR CERTAIN PROPERTY LOCATED THEREON NEWLY ANNEXED TO THE CITY (McHENRY VILLAGE CENTER ADDITION)"

was introduced and adopted and ordered published as required by the Charter. (effective immediately)

Moved by Mitchell      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes, Tabbert

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APPROPRIATION TRANSFER - NORTH MODESTO MUNICIPAL SEWER DISTRICT

The City Manager stated that the proposed appropriation transfer would provide \$3,000 to start the North Modesto Municipal Sewer District - \$750 for bond counsel and the remainder for costs which may be incurred at a later date, subject to Council approval.

## RESOLUTION NO. 63-462

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,000 FOR NORTH MODESTO MUNICIPAL SEWER DISTRICT

Introduced by Shastid                      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen

Noes: None                      Absent: Hughes, Tabbert

MATTERS FOR THE GOOD OF THE COMMUNITYLetter from Samuel Weinstein, Acting Regional Director, HHFA

The City Manager stated that he had received a letter from Samuel Weinstein, Acting Regional Director, HHFA, stating that the HHFA was suspending further action on the City's application for federal funds for construction of the North Modesto sanitary sewer district until additional funds are appropriated and the City's financial problems resolved; that at this time the City's application would be reactivated. The letter was ordered filed.

Letter from Joseph A. Tippetts, Director, F.A.A.

The City Manager said that a letter has been received from Joseph A. Tippetts, Director, F.A.A., stating that federal funds have been approved for the construction of an Airport traffic control tower and installation of electronic equipment at the Modesto City-County Airport, plus construction of a remote transmitter facility for use with the control tower. The letter stated that the F.A.A. will conduct surveys and take soil borings at the tower location previously selected with the concurrence of the Airport Manager, and at the same time select the site for a remote transmitter facility to be constructed as a part of the control tower program.

Mr. Sham explained the benefits of the proposed control tower.

Modesto Sanitary Sewer District - Report by Councilman Mitchell

Councilman Mitchell, member of the Council Public Projects Committee, reported briefly on a meeting with Lee Mitchell, representing the bond firm of Stone and Youngburg, relative to the bonding of the proposed North Modesto Sanitary Sewer Project. Mr. Mitchell stated that a letter was received today from Stone and Youngburg, and suggested that the report of the Public Projects Committee be continued to give the Council an opportunity to review the letter.

Lee Mitchell, present in the audience, said that he preferred that the matter be held over for further study, and that if notified in sufficient time, would be glad to appear again before the Council.

Letter from Roger Bowen, San Francisco Supervisor, United Nations Day Chairman

Mayor Johansen stated that Monte Lukov has agreed to be United Nations Day Chairman for the City of Modesto, and that all interested organizations wishing to coordinate programs for the day should contact Mr. Lukov.

PRESENTATION OF THE CALIFORNIA PUBLIC LIBRARY REPORT - CARL W. HAMILTON, LIBRARIAN

The California Public Library Report submitted by Librarian Carl Hamilton was presented to the Council and ordered filed.

PROCLAMATION BY MAYOR PROCLAIMING THE WEEK OF OCTOBER 28 THROUGH NOVEMBER 1 AS STANISLAUS ART FESTIVAL WEEK

**MOTION**

That Mayor Johansen be authorized to issue a proclamation designating the week of October 28 - November 1, 1963 as Stanislaus Art Festival Week.

Moved by Mitchell                      Seconded by Shastid                      Unanimously carried

MAYOR'S REPORT AND RECOMMENDATION CONCERNING HUMAN RIGHTS 5-80

Mayor Johansen gave a brief report of a recent meeting with a group representing the City, the State Legislature, the Schools, Bar Association, churches and other citizens concerning Modesto's position on human rights. He said it was the consensus of the group that a Human Rights Committee of twenty-one members, more or less, be established to evaluate Modesto's situation; that the group has agreed to present names of individuals willing to serve on the Committee by October 15, 1963.

The City Clerk was directed to place this matter on the agenda of the October 21, 1963 Council meeting.

PRESENTATION OF FINANCIAL STATEMENT FOR MONTH OF SEPTEMBER, 1963

The financial statement for the month of September, 1963 was presented to the Council and ordered filed.

INVITATION TO COUNCIL FROM BAR ASSOCIATION

Mayor Johansen announced that Attorney William Lundgren has invited the Council to attend a luncheon meeting at the Hotel Covell, Monday, November 4, 1963 to hear Sherrill D. Luke.

The City Clerk was directed to remind the Council of the invitation shortly before November 4.

ELECTION REMINDER - The Council was informed that returns of the referendum election would be tabulated in the County Clerk's Office Tuesday evening, October 8, 1963 at 7:00 P.M.

ADJOURNMENT

**MOTION**

That the meeting now in session be adjourned

Moved by VanderWall                      Seconded by Shastid                      Unanimously carried

The meeting adjourned at 5:25 P.M.

ATTEST: Ref. E. Gailfus  
 REX E. GAILFUS, City Clerk  
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The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Patton, VanderWall, Mayor Johansen  
Councilman Shastid arrived at 7:39 P.M.  
Absent: Councilmen: Hughes, Tabbert

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

Reverend Luverne Sands gave the invocation.

#### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of September 30, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

#### REQUEST OF CITIZENS OF SOUTH MODESTO TO BE HEARD BY THE COUNCIL REGARDING OBNOXIOUS ODOR FROM SEWER PLANT 1-12

A letter from Mrs. Irene Lovett, 1502 Placer Street, Modesto, stating that the people of South Modesto wished to appear before the Council on October 14, 1963 to discuss the obnoxious odors emanating from the Sewage Treatment Plant, was read by the City Clerk.

Deputy City Manager Ray briefly reviewed the history of the Sewage Treatment Plant from the bond issue of 1953, and subsequent improvements made to eliminate odors at the plant.

Director of Public Works Campbell outlined the results of the recent improvements to the Sewage Treatment Plant, stating that it was hoped that the improvements would help the City meet its commitments in regard to the river, and also from an odor standpoint. He said that data was being gathered on this year's operation which would be evaluated with the City's consulting engineers; that it was hoped through evaluation of the data that modifications could be made in existing plant facilities to improve the odor problem; that the data would be available about November 1, and a recommendation from the staff should be ready by the end of November.

The following people spoke to the Council about the odor emanating from the Sewage Treatment Plant, asking that steps be taken to alleviate the problem: Mrs. Irene Lovett, 1502 Placer Street; Hobart Langford, 1910 Michel Street; Lorne C. Hiltz, 1906 Michel Street; Doug Singler, 709 Colorado Avenue. The more effective use of chemicals was questioned and discussed.

The City Manager suggested that a committee composed of area residents be selected to meet with the staff and the City's consulting engineer to discuss the odor problem and attempt to find a solution.

County Supervisor Al Brink, District No. 3, stated that the residents of the area of the Sewage Treatment Plant had a real problem, and asked if it would be possible to move the settling pond to another location, or to find more effective means to control the odor. He concurred with the City Manager's suggestion that a committee be established to investigate the problem; also, to check with eastern cities on their methods of odor control.

Councilman Shastid stated that the City of Fresno solved its problem by moving its sewage farm about ten or twelve miles from the inhabited areas. He suggested that this plan be discussed by the proposed committee, and that if a consultant was employed, consideration might be given to employing a consultant specializing in this type of work in order to approach the problem from a completely impartial viewpoint. A suggestion was also made that the staff request information from cities in the Midwest and East to see how they are handling this problem.

Operation of the ponds was discussed.

People in the audience wishing to be appointed members of the committee from South Modesto were asked to leave their names and addresses with the Deputy City Manager.

Supervisor Brink said that he would be willing to serve on the committee.

The Director of Public Works was directed to report on this matter at the November 4, 1963 meeting.

LETTER FROM THE GREATER MODESTO CHAMBER OF COMMERCE REQUESTING ANNUAL APPROPRIATION 4-81

A letter from Joseph M. Good, Manager, Greater Modesto Chamber of Commerce, dated October 4, 1963 requesting payment of \$11,000 budgeted for advertising and promotion, was read by the City Clerk.

MOTION

That payment of \$11,000 to Greater Modesto Chamber of Commerce be authorized

Moved by Mitchell      Seconded by VanderWall      Unanimously carried

LETTER FROM FRANK ANDREWS RE: REFUND OF \$56 FINE

A letter from Frank Andrews, 1111 F Street, dated October 7, 1963 requesting refund of a \$56 fine paid for his grandson, Frank J. Andrews, Turlock, for a traffic violation, was summarized by the City Clerk.

The City Manager stated that the City Attorney has advised that the matter is under the jurisdiction of the Municipal Court.

Mayor Johansen stated that he would so notify Mr. Andrews by letter.

The letter was ordered filed.

Councilman Patton was excused from consideration of the following item because of a conflict of interests.

LETTER FROM ATTORNEY FRANCIS HALLEY CONCERNING THE TUCKER ESTATE PROPERTY 4-102

A letter from Attorney Francis W. Halley dated October 10, 1963 representing the owners of the Tucker-Holtham property, requesting that the City reach a decision by October 16, 1963 as to whether or not it intends to proceed with the purchase of the property for \$50,000, was summarized by the City Clerk.

Upon questioning, Mr. Halley said he believed that his clients felt they had a negotiated transaction with the City and acted accordingly to have necessary documents and deeds prepared within the deadline set

by the City. Mr. Halley said he did not know what the future course of action of his clients would be.

**MOTION**

That the Council not proceed with the purchase of the Tucker-Holtham property

Moved by Shastid            Seconded by VanderWall            Unanimously carried

Councilman Patton returned to the meeting.

**HEARING ON PROPOSED ZONING OF HIGBEE PROPERTY**

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed rezoning of the Higbee property (Lot 26, Block 13201, and Lot 22 in Block 13220) and opened the hearing.

The City Clerk reported that notice of the proposed hearing was published in the Modesto Tribune on October 3, 1963 and notices posted and distributed in the area on the same date. No written protests to the proposed zone change were filed with the City Clerk.

Planning Commission Resolution No. 974 adopted September 17, 1963 recommends that the two lots be rezoned from R-1 to R-2.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

**ORDINANCE NO. 615-C.S. entitled**

**"AN ORDINANCE AMENDING SECTION MAP 7 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HIGBEE AND TROMBETTA)**

was introduced and ordered published as required by the Charter.

Moved by Shastid            Seconded by VanderWall  
Ayes: Mitchell, Patton, Shastid, Vander Wall, Mayor Johansen  
Noes: None            Absent: Hughes, Tabbert

**HEARING ON PROPOSED UNCLASSIFIED USE PERMIT - DOCTORS' HOSPITAL**

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of a proposed unclassified use permit to permit expansion of Doctors' Hospital, 333 West Orangeburg Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published on October 3, 1963 and notices posted and distributed in the area on the same date. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 977 adopted September 19, 1963 recommends that an unclassified use permit for expansion of the hospital be granted to the applicant, Modesto Medical Development Company, in accordance with plan entitled "Doctors' Hospital," dated August 30, 1963, sheets A-1 and L-1, as amended, on filed in the office of the Planning Director.

No one in the audience asked to be heard and Mayor Johansen declared the hearing closed.

## RESOLUTION NO. 63-463

A RESOLUTION GRANTING AN UNCLASSIFIED USE PERMIT TO MODESTO MEDICAL DEVELOPMENT COMPANY FOR EXPANSION OF DOCTORS' HOSPITAL, 333 WEST ORANGEBURG AVENUE

Introduced by Shastid      Seconded by VanderWall  
Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes, Tabbert

APPROVE PLANS AND SPECIFICATIONS AND CALL FOR BIDS FOR INSTALLATION OF WATER MAINS IN STRATHMORE NO. 2 SUBDIVISION

## RESOLUTION NO. 63-464

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF WATER MAINS IN STRATHMORE NO. 2 SUBDIVISION

Introduced by VanderWall      Seconded by Mitchell  
Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes, Tabbert

October 29, 1963 at 2:30 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 608-C.S. RECLASSIFYING PROPERTY ON McHENRY AVENUE - ALEXANDER, BRIGGS, CHAPMAN PROPERTY

## MOTION

That the matter be continued for two weeks, as requested by Linn Alexander (October 28, 1963)

Moved by VanderWall      Seconded by Shastid      Unanimously carried

ADOPTION OF ORDINANCE NO. 613-C.S. RELATING TO THE UNIFORM HEATING AND COMFORT COOLING CODE

## ORDINANCE NO. 613-C.S. entitled

"AN ORDINANCE ADDING CHAPTER 7 TO TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE UNIFORM HEATING AND COMFORT COOLING CODE"

introduced on October 7, 1963 and having been published as required, was moved and adopted.

Moved by Shastid      Seconded by Patton  
Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes, Tabbert

RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (McHENRY VILLAGE CENTER ADDITION)

## RESOLUTION NO. 63-465

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE McHENRY-DRY CREEK COUNTY FIRE PROTECTION DISTRICT BY REASON OF ITS ANNEXATION TO THE CITY OF MODESTO (McHENRY VILLAGE CENTER ADDITION)

Introduced by Shastid      Seconded by Patton  
Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes, Tabbert

CONSIDER ADOPTION OF RESOLUTION INITIATING PROCEEDINGS FOR FORMATION OF MUNICIPAL SEWER DISTRICT NO. 1 AND SETTING TIME AND PLACE FOR HEARING 6-2

The proposed resolution was reviewed by the City Attorney.

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## RESOLUTION NO. 63-466

RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT A MUNICIPAL SEWER DISTRICT BE ORGANIZED IN A PORTION OF THE CITY OF MODESTO AND IN CONTIGUOUS UNINCORPORATED TERRITORY; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA OF THE PROPOSED DISTRICT AND OF THE SEWER WORK PROPOSED TO BE DONE THEREIN AND A GENERAL ESTIMATE OF THE COSTS AND EXPENSES OF THE PROPOSED SEWER WORK; DIRECTING THAT A CERTIFIED COPY OF THIS RESOLUTION BE FILED WITH THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY AND REQUESTING THAT SAID BOARD CONSENT AND AGREE TO THE FORMATION OF SAID DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON FORMATION OF SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF

Introduced by Shastid      Seconded by Patton  
 Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
 Noes: None      Absent: Hughes, Tabbert

November 25, 1963 at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

## MOTION

That expenditure of \$400 by the City Clerk to mail notices of proposed hearing to all property owners in proposed sanitary sewer district be authorized

Moved by Mitchell      Seconded by VanderWall      Unanimously carried

The City Clerk stated that public notices would be posted at the Sylvan Club House, McHenry and Sylvan Avenues; the Chrysler School, 2818 Conant Avenue; Modesto State Hospital, Blue Gum Avenue.

REPORT OF CITY OF MODESTO INSURANCE COVERAGE(a) Automobile Insurance Coverage

Director of Finance Bird stated that in accordance with Council authorization, the City's automobile insurance coverage has been added to the liability insurance policy effective October 13, 1963, to expire on June 27, 1964. (Premium cost, \$4,535 for approximately 8½ months)

(b) Bill for Additional Premium

## RESOLUTION NO. 63-467

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$244 - CITY'S PUBLIC LIABILITY INSURANCE

Introduced by Shastid      Seconded by Patton  
 Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
 Noes: None      Absent: Hughes, Tabbert

(c) Deletion of Protection against Uninsured Motorists Coverage

Director of Finance Bird stated that under the California Insurance Code, the City is required to process a statement authorizing the deletion of protection against uninsured motorists coverage; that the City has not insured for damages done by uninsured motor vehicles in the past, and is not included in the present policy.

## MOTION

That the City Manager be authorized to sign the agreement to delete the protection against uninsured motorists coverage

Moved by VanderWall      Seconded by Shastid      Unanimously carried

CONSIDER FORMAT FOR 1964-65 BUDGET

Director of Finance Bird stated that at the budget hearings for the 1963-64 budget, the Council suggested that a column be added showing the original budget adopted by the Council. A sample page including the extra column was furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Establishing the entire budget procedure on IBM was discussed.

## MOTION

That the five-column format for the 1964-65 budget be approved as per sample submitted by the Director of Finance

Moved by Shastid      Seconded by VanderWall

RESOLUTION SETTING DATE FOR HEARING ON APPEAL OF MRS. GEORGE R. WILLS FROM THE DECISION OF THE BOARD OF ZONING ADJUSTMENT (BLOCK 568 - DOWNEY AVENUE) - DEDICATION REQUIREMENT

## RESOLUTION NO. 63-468

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON THE APPEAL OF MRS. GEORGE R. WILLS TO CONDITION NO. 2 OF CONDITIONAL USE PERMIT GRANTED BY BOARD OF ZONING ADJUSTMENT

Introduced by VanderWall      Seconded by Patton  
Ayes: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes, Tabbert

November 12, 1963 at 8:00 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

RECOMMENDATION REGARDING PROPOSED WIDENING OF COLLEGE AVENUE

The City Manager reported that at a previous meeting the timing of the proposed widening of College Avenue from Stoddard to Coldwell Avenues was referred to the Planning Commission; that on October 1, 1963 the Planning Commission unanimously voted that the staff notify the Council of the Commission's reaffirmation that this widening project be accomplished during fiscal year 1964-65 as a part of the Capital Improvement Program. A letter from Planning Commission Secretary Russell C. Fey dated October 3, 1963 confirming the above was read by the City Manager.

## MOTION

That the staff be instructed to proceed with the obtaining of planting easements in accordance with memorandum from Deputy City Manager dated August 19, 1963, subject, "Widening of College Avenue, Stoddard to Coldwell, Street Tree Problem"

Moved by Mitchell      Seconded by Patton      Unanimously carried

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Upon questioning, Director of Public Works Campbell stated that no dedication of property for rights of way was involved, but merely allowing the use of the property by the City for street tree planting purposes.

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Approval of time extension for harvesting almonds on city-owned property

MOTION

That a seven-day extension of time be granted to Mr. Alessi for harvesting of almonds on city-owned property (Davis Community Park Site)

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

Approval granted Councilman Patton to leave country for four weeks

MOTION

That the request of Councilman Patton to leave country for four weeks be approved

Moved by VanderWall      Seconded by Shastid      Unanimously carried

Letter from Robert A. Marshall thanking City Officials

A letter from Robert A. Marshall, 1622 West Roseburg, dated October 7, 1963 thanking city officials for prompt action in prohibiting racing at the Big C shopping center was read by Councilman Shastid. The letter was ordered filed.

Letter from Modesto Golf Club complimenting Gene Vieira on condition of Golf Course

A letter from the President and Board of Directors of the Modesto Golf Club complimenting Gene Vieira on the condition of the Dryden Golf Course on September 22, 1963 when the Modesto club met players of the Stockton Golf Club, was read by Mayor Johansen. The letter was ordered filed.

REPORT ON URBAN RENEWAL ELECTION AND OF MAYOR'S LETTERS TO MRS. ELEANOR ERICKSON, JOE MEDEIROS AND FRANK HELM 7-80

The City Clerk read a letter from Eleanor Erickson, Chairman, Committee Opposed to the Activation of an Urban Renewal Agency, dated October 14, 1963 in reply to Mayor Johansen's letter, giving the present views of the Committee as follows: "We have no more authority than any other citizen and no more power. We would be glad to work in the same way as any other citizen on a volunteer effort which would stay within the bounds of private property rights and the dignity of the individual."

Mayor Johansen read a letter from Joe F. Medeiros, Jr., President, School of American Taxpayers, Inc., dated October 16, 1963 in answer to his letter of October 9, 1963, advising that a committee has been appointed to study the requests mentioned in Mayor Johansen's letter and to prepare a statement concerning the School of American Taxpayers' position in this matter.

Councilman VanderWall suggested that a committee be formed to investigate the possibilities of formation of a parking district with validated parking in the downtown area and to evaluate the downtown traffic pattern - whether the streets should be one-way or two-way.

Mayor Johansen said that petitions for the formation of a parking district were presently being circulated; that a trip to Southern California was planned in the near future to investigate parking district programs of other cities.

Mayor Johansen asked that the Council give thought to the appointment of a committee to work on a redevelopment program which does not include the formation of a redevelopment agency or utilization of federal funds, and to consider the leadership the Council might offer.

Mrs. Richard Chilton, 2001 Somerset Drive, volunteered for service on the committee.

#### FURTHER CONSIDERATION OF LITIGATION, CITY OF MODESTO VS. ALBERT LANDINI

At the request of the City Attorney, and with the consent of the Council, this matter was held over for two weeks.

#### REPORT ON PARKING ENFORCEMENT REVENUE 8-38

A memorandum from the Chief of Police stating that recently a newspaper article appeared indicating that the revenue from parking meter violations was down in August, 1963 as compared to August, 1962 was read by the City Manager. A copy of a chart entitled "Four Year Comparison of Parking Enforcement 1960 through 1962 for June, July and August," was furnished the Council, indicating that parking meter enforcement has been stepped up.

#### REPORT AND APPROVAL OF THE APPOINTMENT OF CHARLES BIRD, DIRECTOR OF FINANCE, TO AN ADVISORY COMMITTEE FOR THE STATE CONTROLLER

The City Manager stated that the State Controller has appointed Director of Finance Bird to serve on an advisory committee consisting of seven local governmental officers to assist him in developing complete and adequate records. It is anticipated that the committee will hold four one-day meetings per year.

#### MOTION

That the appointment of Director of Finance Bird to an advisory committee for the State Controller be approved

Moved by Patton          Seconded by Mitchell          Unanimously carried

#### REPORT BY CITY ATTORNEY ON ATTENDANCE AT THE 28TH ANNUAL CONFERENCE OF THE NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICERS, DALLAS, TEXAS, OCTOBER 6 THROUGH 10, 1963 8-50

The City Attorney made a brief report on his attendance at the 28th annual conference of the National Institute of Municipal Law Officers, Dallas, Texas, October 6 through 10, 1963. Mr. Grimes stated that reports on various topics covered at the convention would be made to the Council at a later date.

SPECIAL MUNICIPAL REFERENDUM ELECTION - REMINDER OF SPECIAL MEETING ON TUESDAY OCTOBER 15, 1963 AT 4:00 P.M. TO CANVASS RETURNS

The City Clerk was directed to adjourn the special meeting for the canvassing of returns of the referendum election of October 8, 1963 from October 15, 1963 at 4:00 P.M. to 5:30 P.M., same date, in order to obtain a Council quorum.

ANNOUNCEMENT THAT NO COUNCIL MEETING WILL BE HELD OCTOBER 21, 1963

Because of the fact that there would not be a quorum present at the October 21, 1963 meeting, it was the decision of the Council that no meeting be held on that date. The City Clerk was directed to notify the individuals interested in the Human Rights program and the certificate of competency requirement in the proposed heating and comfort cooling Code that these matters would be placed on the October 28, 1963 Council agenda.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Mitchell      Seconded by Patton      Unanimously carried

The meeting adjourned at 9:35 P.M.

ATTEST: REX E. GAILLUS  
REX E. GAILLUS, City Clerk

The Council of the City of Modesto met in special session this date at 5:30 P.M., as provided by Section 2-1.02 of the Modesto Municipal Code, and Section 22932 of the Election Code of the State of California, to canvass the returns and results of the Special Municipal Referendum Election held on October 8, 1963 to determine the adoption or rejection of Ordinance No. 583-C.S. adopted by the Council of the City of Modesto on the 20th day of May, 1963, Vice Mayor VanderWall presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert,  
Mayor pro tempore VanderWall  
Absent: Councilmen: Shastid, Mayor Johansen

The returns of the election, prepared and signed by the election officers, and the absentee ballots were canvassed by the Council.

The referendum measure failed to carry by the following vote:

For the Ordinance - 2,812  
Against the Ordinance - 6,773  
Total Votes Cast - 9,597  
Votes rejected - 12

RESOLUTION NO. 63-469

A RESOLUTION DETERMINING THE RESULT OF A SPECIAL MUNICIPAL REFERENDUM ELECTION HELD ON OCTOBER 8, 1963

Introduced by Mitchell                      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Tabbert, Mayor pro tempore VanderWall  
Noes: None                      Absent: Shastid, Mayor Johansen

RESOLUTION NO. 63-470

A RESOLUTION AUTHORIZING PAYMENT TO ELECTION OFFICIALS AND RENTAL OF POLLING PLACES FOR THE SPECIAL MUNICIPAL REFERENDUM ELECTION HELD ON OCTOBER 8, 1963

Introduced by Tabbert                      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Tabbert, Mayor pro tempore VanderWall  
Noes: None                      Absent: Shastid, Mayor Johansen

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Mitchell                      Seconded by Patton                      Unanimously carried

The meeting adjourned at 5:35 P.M.

ATTEST:   
REX B. GAILFUS, City Clerk  
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The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Shastid, Tabbert, VanderWall,  
Mayor Johansen  
Absent: Councilmen: Patton

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

Reverend R. Truman Northup gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meetings of October 7 and 14, 1963, and the special meeting of October 15, 1963, and the same being available for public inspection, and there being no objections, the minutes were approved.

TROUP NO. 17, MODESTO BOY SCOUTS, WELCOMED BY MAYOR JOHANSEN

Mayor Johansen welcomed Modesto Boy Scout Troup No. 17 to the meeting.

LETTER FROM EDITH MATSON, 219 WILSON AVE., REGARDING PARKING OF CAMP TRAILER ON WILSON AVENUE 1-30

A letter from Edith Matson, 219 Wilson Avenue, dated October 14, 1963, subject, "The camp trailer, travel trailer - or whatever the council chooses to call it, belonging to Mary and Jack Lamb," was summarized by the City Clerk. Copies of the letter were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Mrs. Matson asked that the Council take early action to amend the Municipal Code to require that trailers be placed back of the front line of all residences in the block, rather than the present Code requirement which states that boats and trailers must be parked at least fifteen feet back from the property line.

By order of the Chair, this matter was held over for one week.

INVITATION FROM ANTHONY E. BESIO, DEPUTY ASSISTANT SUPERINTENDENT OF SCHOOLS

The City Clerk read a letter from Anthony E. Besio, Deputy Assistant Superintendent of Schools, inviting the Mayor and Councilmen to dedication ceremonies of the Rose Avenue School on Sunday, November 3, 1963, at 2:00 PM.

CLAIM FOR DAMAGES AGAINST THE CITY OF MODESTO - MRS. GARY WIENS, 1103 ENSLEN AVENUE, MODESTO, CALIFORNIA 1-75

The City Clerk reported that a claim had been received from Mrs. Gary Wiens in the amount of \$150.50 covering service calls by Rex E. Tanner & Sons, Plumbing, 719 Yosemite Boulevard, to correct plumbing difficulties allegedly caused by improper connections made at the time the storm drain was installed.

## RESOLUTION NO. 63-471

**A RESOLUTION REJECTING THE CLAIM OF MRS. GARY WIENS FOR DAMAGES AGAINST THE CITY OF MODESTO**

Introduced by Mitchell      Seconded by Hughes

Ayes:    Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:    None    Absent:    Patton

**LETTER FROM STATE COMPENSATION INSURANCE FUND CONGRATULATING CITY ON EXCELLENT ACCIDENT PREVENTION RECORD, 1962-63**

A letter from Earl R. Howard, General Manager, State Compensation Insurance Fund, dated October 21, 1963, congratulating the City on its excellent accident prevention record during the 1962-63 California Cities Employee Safety Contest, was summarized by the City Clerk. Modesto earned second place among cities having 301 to 600 employees. Copies of the letter were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The city employees were congratulated by Mayor Johansen, and the City Manager directed to notify the employees of their achievement.

**LETTER FROM MRS. D. L. SCANLON, PRESIDENT, LEAGUE OF WOMEN VOTERS, REQUESTING THAT OCTOBER 24, 1963, BE PROCLAIMED UNITED NATIONS DAY**

The City Clerk read a letter from Mrs. D. L. Scanlon dated October 18, 1963, asking that the Mayor proclaim October 24, 1963, United Nations Day, the 18th anniversary of its founding in San Francisco. The letter was ordered filed.

**NOTICE FROM U. S. FEDERAL POWER COMMISSION OF POSTPONEMENT OF ORAL ARGUMENT - MODESTO IRRIGATION DISTRICT AND TURLOCK IRRIGATION DISTRICT, PROJECT NO. 2299**

A notice of postponement of oral argument, Project No. 2299, New Don Pedro Dam, from October 28, 1963, to December 5, 1963, at 10:00 A.M. received from the U. S. Federal Power Commission, was read by the City Clerk. The notice was ordered filed.

**LETTER FROM FRANK ANDREWS RE NEWSPAPER WEEK AND PAST HISTORY    2-5**

A letter from Frank Andrews dated October 21, 1963, commenting on the serious shortcomings of newspapers on reporting the real facts of the Greater Don Pedro Dam was summarized by the City Clerk. Copies of the letter were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The letter was ordered filed.

**LETTER FROM J. G. MEYER, DISTRICT ENGINEER, DIVISION OF HIGHWAYS, RE MEETING PERTAINING TO STREETS AND HIGHWAYS**

A letter from J. G. Meyer, District Engineer, California Division of Highways, dated October 18, 1963, notifying the Council that a meeting pertaining to the County Road and City Street Needs Estimate Study, called for in Section 2156 of the Streets and Highways Code, would be held on November 1, 1963, at 10:00 A.M. in Room 13, District Office Building, 1976 East Charter Way, Stockton, was summarized by the City Manager.

Mr. Keefe said that the City would be represented at the meeting.

REPORT OF PUBLIC RELATIONS COMMITTEE 2-15

Mayor Johansen, Chairman of the Council Public Relations Committee, said that the Committee recommends that a committee of ten interested citizens be appointed by the Mayor, subject to Council approval, to study city traffic problems, with special emphasis on the downtown area. Mayor Johansen said that there has been much interest recently expressed on this matter, and that it might be possible to make temporary changes.

Councilman VanderWall added that the studies might also include the formation of a parking district.

## MOTION

That the report of the Public Relations Committee be accepted and the Mayor directed to appoint a committee of ten interested persons to study city traffic problems, the appointments to be subject to council approval.

Moved by Shastid      Seconded by Tabbert      Unanimously carried

Each Councilman was asked by Mayor Johansen to submit three names of individuals suggested to serve on the committee. He said that an effort would be made to appoint the committee within the next two weeks.

CONSIDER APPROVAL OF SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR THE CITY'S ANNUAL SUPPLY CONTRACT FOR LAMPS 2-50

## RESOLUTION NO. 63-472

## A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ANNUAL LAMP REQUIREMENTS

Introduced by VanderWall      Seconded by Shastid

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

November 4, 1963, at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

ADOPTION OF ORDINANCE NO. 615-C.S. AMENDING THE ZONING MAP (HIGBEE PROPERTY ON TULLY)

## ORDINANCE NO. 615-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 7 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HIGBEE AND TROMBETTA)"

introduced October 14, 1963, and having been published as required, was moved and adopted.

Moved by Hughes      Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

ADOPTION OF ORDINANCE NO. 608-C.S. RECLASSIFYING PROPERTY ON MC HENRY AVENUE (BRIGGS PROPERTY)

The City Attorney stated that this matter was held over from a previous meeting; that the applicant for the rezoning of the property located on McHenry wished to speak to the Council on two conditions of the proposed agreement between the City and the applicant: (1) The masonry wall; (2) sidewalk requirement.

Linn Alexander, developer of the proposed project, asked for Council approval to substitute a redwood fence for the masonry wall required by the Council, and to construct a sidewalk on the Bowen Street side of the project only. A sample of the proposed redwood fencing was shown the Council.

MOTION

That the original requirements set by the Council regarding the construction of a masonry fence and installation of sidewalks be adhered to

Moved by Shastid      Seconded by VanderWall      Unanimously carried

At the request of the City Attorney, and with the consent of the Council, action on adoption of the proposed ordinance was held over for one week.

MOTION

That the Council adhere to its previous decision with respect to the matter of sidewalks in connection with the proposed development of the Briggs property

Moved by Shastid      Seconded by VanderWall

The motion carried, Councilman Tabbert dissenting.

MOTION

That the Council adhere to its previous action in all other matters pertaining to the proposed development of the Briggs property

Moved by Shastid      Seconded by VanderWall      Unanimously carried

HEARING ON ZONING TEXT AMENDMENTS 3-5

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of proposed zoning text amendments, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and mailed to interested persons on October 17, 1963. No written protests were filed with the City Clerk.

A letter from Alan Freeborn, Chairman, Planning Commission, dated October 3, 1963, copies of which were furnished the Council prior to the meeting, was introduced into the record. The subject of the letter concerns the requirement of an economic feasibility or market analysis in connection with the planned development portion of the zoning regulations, the Planning Commission recommending that this requirement be left in the zoning ordinance.

The zoning text amendments proposed by the Planning Commission are contained in Planning Commission Resolutions Nos. 973 and 978.

The proposed amendments were reviewed by Planning Director Fey.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

The requirement of a feasibility report or market analysis was discussed by the Council.

Councilman Mitchell asked that the proposed transition from the County H-1 zone, Highway Frontage, into the City's C-1, Commercial zone should be watched carefully, and changed if it appears to get out of hand.

ORDINANCE NO. 616-C.S. entitled

"AN ORDINANCE AMENDING SECTION 10-2.1505 OF ARTICLE 15 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND AMENDING SECTIONS 10-2.2704, 10-2.2708, AND 10-2.2709 OF ARTICLE 27 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO ZONING REGULATIONS" (As recommended by the Planning Commission)

was introduced and ordered published as required by the Charter

Moved by VanderWall      Seconded by Shastid

Ayes:    Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:    None      Absent:    Patton

FURTHER CONSIDERATION OF PROPOSED AMENDMENTS TO THE HEATING AND COMFORT COOLING ORDINANCE (REQUIREMENT OF A CERTIFICATE OF COMPETENCY)

Director of Public Works Campbell stated that, after discussion, both proponents and opponents for the requirement of a certificate of competency as a part of the heating and comfort cooling code have agreed to add the requirement to the Code with the provision that a certificate shall not be required for work on residential construction, and that the provision be reconsidered after a year's experience to determine whether or not it was functioning properly. Mr. Campbell recommended that the certificate of competency requirement be approved as outlined above, and that it be effective March 1, 1964. Upon questioning, he said that his interpretation of "residential construction" was either single-family or duplex residences.

MOTION

That the City Attorney be instructed to prepare an ordinance adding the certificate of competency requirement to the heating and comfort cooling code as recommended by the Director of Public Works

Moved by Shastid      Seconded by VanderWall      Unanimously carried

CONSIDER MATTER OF COMMITTEE ON HUMAN RIGHTS 6-0

Mayor Johansen asked that the Council make a decision on the size of the proposed Human Rights Committee, stating that he had suggested a Committee of 21, with Reverend Howard Clarke recommending that the committee be composed of not less than 27 nor more than 35 members, to permit a broad representation of all levels of the community - industrial, commercial, housewives, etc.

Reverend Clarke agreed to the suggestion that the 35-member committee consist of an executive committee and various subcommittees.

## MOTION

That the proposed Human Rights Committee consist of 35 members

Moved by VanderWall      Seconded by Shastid      Unanimously carried

Each Councilman was also requested to submit at least two names of individuals who might be willing to serve on the committee.

CONSIDER TRANSFER OF \$90 FROM THE GENERAL FUND, GENERAL RESERVE (101-600) TO PARKING AND TRAFFIC SERVICE DIVISION, OFFICE SUPPLIES (301-58)

## RESOLUTION NO. 63-473

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$90 FROM THE GENERAL RESERVE TO OFFICE SERVICES (OFFICE SUPPLIES)

Introduced by Shastid      Seconded by Tabbert

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

CONSIDER ESTABLISHING RATE TIME LIMIT ON 14TH STREET PARKING LOT

## ORDINANCE NO. 617-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO PARKING METERS AND REPEALING ORDINANCE NO. 612-C.S."

was introduced and ordered published as required by the Charter.

Moved by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

## ORDINANCE NO. 618-C.S. entitled

"AN ORDINANCE AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO"

was introduced and ordered published as required by the Charter.

Moved by Tabbert      Seconded by Shastid

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

**ACCEPT IMPROVEMENTS IN DOWNEY PARK NO. 3 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND 6-80**

The City Manager reported that a memorandum from the Department of Public Works dated October 18, 1963, indicates that all work required by the subdivision agreement for Downey Park No. 3 Subdivision has been completed to the satisfaction of the Public Works Department, and all inspection fees paid. He recommended that the improvements be accepted.

**RESOLUTION NO. 63-474**

**A RESOLUTION AUTHORIZING THE RELEASE OF CASH DEPOSIT FILED TO GUARANTEE IMPROVEMENTS IN DOWNEY PARK NO. 3 SUBDIVISION**

Introduced by Shastid      Seconded by Mitchell

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

**ACCEPT AS COMPLETE CONTRACT WITH JACUZZI BROTHERS, INC., FOR FURNISHING AND INSTALLING ONE DEEP WELL PUMP AND ELECTRICAL EQUIPMENT AND AUTHORIZING CITY CLERK TO FILE NOTICE OF COMPLETION**

**RESOLUTION NO. 63-475**

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF DEEP WELL PUMP AND ELECTRICAL EQUIPMENT**

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

**ACCEPT IMPROVEMENTS IN TULLY MANOR NO. 1 SUBDIVISION AS COMPLETE AND AUTHORIZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND 6-90**

The City Manager reported that a memorandum from the Department of Public Works dated October 24, 1963, indicates that all work required by the subdivision agreement for Tully Manor No. 1 Subdivision has been completed to the satisfaction of the Public Works Department, and all fees paid. He recommended that the improvements be accepted.

**RESOLUTION NO. 63-476**

**A RESOLUTION AUTHORIZING THE RELEASE OF CASH DEPOSIT FILED TO GUARANTEE IMPROVEMENTS IN TULLY MANOR NO. 1 SUBDIVISION**

Introduced by Shastid      Seconded by Hughes

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

**CAPITAL IMPROVEMENT PROGRAM - GARRISON PARK SITE**

The City Manager reported that \$23,400 has been proposed by the Council for the initial development of the Garrison Park site; that the funds have been held in reserve pending the outcome of an application for federal funds for development of the park site. He stated that a letter dated October 18, 1963, received from Representative John J. McFall indicates that the outlook for the City's application for funds for this project is not good due to shortage of funds and the large backlog of non-recreation applications.

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RESOLUTION NO. 63-477

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PROCEED WITH THE DEVELOPMENT OF GARRISON PARK SITE

Introduced by Shastid ~~Seconded~~ by Mitchell

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None Absent: Patton

RESOLUTION NO. 63-478

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$23,400 FOR DEVELOPMENT OF THE GARRISON PARK SITE

(From Special Fund for Capital Outlays, General Reserve (321-600) to Park Development, Garrison Park Site (5324)

Introduced by VanderWall Seconded by Shastid

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None Absent: Patton

A RESOLUTION OBJECTING TO THE SALE OF CERTAIN REAL PROPERTY BY THE TAX COLLECTOR OF THE COUNTY OF STANISLAUS AS PROVIDED BY SECTION 3695 OF THE REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA

A memorandum from the Director of Finance to the City Attorney dated October 9, 1963, subject, "Agreement to Purchase Tax Deeded Land," a copy of which is on file with the record of the minutes, was briefly reviewed by the City Attorney. The memorandum listed several parcels of property located in or adjacent to city streets or rights of way, and oil, gas and mineral rights on a portion of the Municipal Golf Course, for which taxes are delinquent and which are scheduled for public auction in subsequent years.

The Director of Finance recommended that the parcels be acquired by the City if the properties in questions are in street rights of way. A memorandum from the Director of Public Works entitled "Agreement to Purchase Tax Deeded Land (Reference - Director of Finance's memo of October 9 on this subject)" dated October 14, 1963, a copy of which is on file with the record of the minutes, agreed with the Director of Finance that the properties should be acquired by the City as they were one-foot strips of land immediately adjacent to public rights of way and essential for proper development of streets and alleys.

RESOLUTION NO. 63-479

A RESOLUTION OBJECTING TO THE SALE OF CERTAIN REAL PROPERTY HEREIN DESCRIBED BY THE TAX COLLECTOR OF THE COUNTY OF STANISLAUS AS PROVIDED BY SECTION 3695 OF THE REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA

Introduced by VanderWall Seconded by Shastid

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None Absent: Patton

CONSIDER AIRPORT LEASE AGREEMENT BETWEEN CITY AND DARRELL OLSON FOR WEST ONE-HALF OF HANGAR APPROXIMATELY 6,000 SQUARE FEET IN AREA LOCATED AT MODESTO CITY-COUNTY AIRPORT, KNOWN AS HANGAR NO. 5 7-5

RESOLUTION NO. 63-480

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DARRELL OLSON FOR LEASE OF ONE-HALF OF AIRPORT HANGAR (July 1, 1963, to June 30, 1964 - \$90 per month)

Introduced by Mitchell      Seconded by Tabbert

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

AGREEMENT BETWEEN CITY OF MODESTO AND MODESTO CITY SCHOOL DISTRICT WHEREBY CITY AGREES TO OPERATE THE MODESTO ELEMENTARY SCHOOL DISTRICT PLAYGROUNDS ON AN AFTER-SCHOOL BASIS

Cost of the program to the City was discussed.

RESOLUTION NO. 63-481

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY - AFTER-SCHOOL RECREATION PROGRAM

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton

CONSIDER REMOVAL OF STOP SIGNS AT SIGNAL LIGHT INTERSECTIONS

Copies of a memorandum from Director of Parking and Traffic Carmody dated October 16, 1963, subject, "Removal of Stop Signs at Signal Light Intersections," were furnished the Council prior to the meeting, a copy of which is on file with the record of minutes. The memorandum indicated that under Section 21355 of the California Vehicle Code, after September 20, 1963, no more stop signs may be erected at signal light intersections, and provides that all stop signs erected prior to September 20, 1963, must be removed by January 1, 1965. The memorandum recommended that the City's stop signs be removed by November 1 to be in conformity with other San Joaquin Valley cities.

MOTION

That the stop signs at signal light intersections within the City be removed as nearly as possibly by November 1, 1963

Moved by Tabbert      Seconded by Shastid      Unanimously carried

REQUEST FOR PERMANENT LICENSE BY JAMES T. ADAMS FOR COLLECTION OF SWILL

At the request of the City Manager, and with the consent of the Council, this matter was held over.

RESOLUTION REJECTING CLAIM OF BETTY YOUNG FOR DAMAGES - AUTO-TRAIN COLLISION 7-80

## RESOLUTION NO. 63-482

A RESOLUTION REJECTING THE CLAIM OF BETTY YOUNG, 1238 COLLEGE COURT, MODESTO, CALIFORNIA, FOR DAMAGES AGAINST THE CITY OF MODESTO

Introduced by Shastid      Seconded by Tabbert

Ayes:      Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:      None      Absent:      Patton

RESOLUTION REJECTING CLAIM OF ALICE COOPRIDER FOR DAMAGES

## RESOLUTION NO. 63-483

A RESOLUTION REJECTING THE CLAIM OF ALICE COOPRIDER FOR DAMAGES AGAINST THE CITY OF MODESTO (Sidewalk fall, south side of K Street in vicinity of alley running north and south between 10th and 11th Streets)

Introduced by VanderWall      Seconded by Mitchell

Ayes:      Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:      None      Absent:      Patton

RECOMMEND AMENDMENT TO SECTION 20 OF THE ZONING MAP AS REQUESTED BY THE AMERICAN LUMBER COMPANY 7-95

## RESOLUTION NO. 63-484

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 20 OF THE ZONING MAP (AMERICAN LUMBER COMPANY)

Introduced by Shastid      Seconded by VanderWall

Ayes:      Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:      None      Absent:      Patton

November 25, 1963, at 8:20 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 28 OF THE ZONING MAP TO REZONE FROM C-2 TO R-3 AS REQUESTED BY GENE CRISMON

## RESOLUTION NO. 63-485

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 28 OF THE ZONING MAP (GENE CRISMON) (southwest corner of Las Flores and Cuesta Avenues)

Introduced by VanderWall      Seconded by Shastid

Ayes:      Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:      None      Absent:      Patton

November 18, 1963, at 4:40 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

RECOMMEND AMENDMENT TO SECTION 28 OF THE ZONING MAP TO REZONE FROM R-1 TO P-D, SOUTHEAST CORNER LAS FLORES AND LA SOMBRA)

RESOLUTION NO. 63-486

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 28 OF THE ZONING MAP (JUSTO FERRARIO)

Introduced by Tabbert      Seconded by Shastid

Ayes:      Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:      None      Absent:      Patton

November 25, 1963, at 8:00 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place for hearing.

RECOMMEND AMENDMENT TO SECTION 19 OF THE ZONING MAP TO REZONE FROM R-1 TO P-D (15) AS REQUESTED BY ALFORD AND BARTON

RESOLUTION NO. 63-487

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 19 OF THE ZONING MAP (ALFORD AND BARTON) (Block 6253 lying north of the alley and bounded on the east by Carver Road, on the west by Grape Avenue, and on the north by Garrison Park)

Introduced by Shastid      Seconded by VanderWall

Ayes:      Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:      None      Absent:      Patton

November 12, 1963, at 8:30 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

RECOMMEND REZONING FROM R-1 TO R-2, BOTH SIDES OF RUMBLE ROAD IN RENEE MANOR NO. 1 SUBDIVISION

RESOLUTION NO. 63-488

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 18 OF THE ZONING MAP (GEORGE KLEMM) (Both sides of Rumble Road in Renee Manor No. 1; located on the north and south sides of Rumble Road east of Carver Road)

Introduced by VanderWall      Seconded by Shastid

Ayes:      Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:      None      Absent:      Patton

November 25, 1963, at 8:10 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

RECOMMEND REZONING FROM R-1 TO R-2, LOTS 2 AND 3, BLOCK 6019

RESOLUTION NO. 63-489

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 19 OF THE ZONING MAP (JOE TROMBETTA) (Lots 2 and 3 in Block 6019, in Westland Manor No. 2 Subdivision, located south of Clayton Avenue on the east side of Carver Road)

Introduced by Mitchell      Seconded by Shastid

Ayes:      Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:      None      Absent:      Patton

November 18, 1963, at 4:50 P.M. in the Council Chambers, City Hall, 801 11th Street, was set as the time and place of hearing.

APPROPRIATION TRANSFERS      8-0

(a) Request for appropriation transfer for payment of improvement district payment on city owned property ("Snedigar" property)

RESOLUTION NO. 63-490

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$547 FROM GENERAL FUND, GENERAL RESERVE, TO MISCELLANEOUS UNCLASSIFIED - TAXES

Introduced by VanderWall      Seconded by Shastid

Ayes:      Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:      None      Absent:      Patton

The staff was directed to check if there are any more outstanding improvement district assessments owed by the City and to report to the Council within a week or two.

MATTERS FOR THE GOOD OF THE COMMUNITY

Request for sewer service by Comer Lee, 631 Paradise Road

Director of Public Works Campbell reported that a lateral is available, the property is contiguous to the City; the usual agreement has been signed by the applicant.

MOTION

That the request of Comer Lee for sewer service to property located at 631 Paradise Road be approved

Moved by Mitchell      Seconded by Hughes      Unanimously carried

Approval of absence of Councilman Shastid from Country

MOTION

That the absence of Councilman Shastid from the Country until November 25, 1963, be approved

Moved by Tabbert      Seconded by VanderWall      Unanimously carried

Speaking habits of Councilmen and Staff at Council Meetings

Councilman Mitchell stated that because of several complaints about the inability of the audience to hear various members of the Council and staff from the audience, a suggestion has been that the staff investigate the feasibility and expense, if any, of moving the rostrum to the side of the Council Room where an individual would be speaking both to the Council and the audience, and at the same time could observe the reaction of the audience.

Deputy Manager Ray stated that the cost of a podium which would sit on the end of a table on the east side of the Council Room, was being obtained.

## MOTION

That the staff investigate the cost of moving the present centrally located podium to the east side of the Council Room

Moved by Mitchell      Seconded by Shastid      Unanimously carried

Staff to represent Council at Board of Supervisors' meeting Tuesday, October 29, 1963

Mayor Johansen announced that members of the staff would represent the Council at the Board of Supervisors' meeting on October 29, 1963, in connection with the proposed formation of the North Modesto Sanitary Sewer District No. 1.

REPORT ON COST OF INSTALLATION OF WATER LINES

Copies of memoranda from the Department of Public Works dated October 17, 1963, giving the cost of installation of water lines in the following locations were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes: Tully Manor No. 1 Subdivision; Walter Heights Subdivision; Northwood Estates Subdivision; Robin Hood Estates Subdivision; Sylvan Road, McHenry Avenue to Value World Shopping Center.

REPORT BY SUPERINTENDENT OF STREETS ON COST OF REPAIR OF SIDEWALK AND DRIVEWAY AT 222 MELROSE AVENUE 8-120

A report from the Director of Public Works dated October 17, 1963, indicating a total cost of \$49.79 in connection with the repair of the sidewalk and driveway in front of property located at 222 Melrose Avenue was presented to the Council.

## MOTION

That the report of the Director of Public Works outlined above be accepted

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

PROGRESS REPORT ON SEWER ODORS

Copies of a memorandum from the City Manager dated October 28, 1963, subject, "Staff Progress Report on Sewage Treatment Plant Operation and Odor Control," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The City Manager read a report from the Regional Water Pollution Control Board, dated October 17, 1963, which indicated that recent revisions to the Sewage Treatment Plant have resulted in improved river conditions.

The actions being taken by the staff to solve the odor problems were discussed.

QUARTERLY REPORT FROM THE GREATER MODESTO CHAMBER OF COMMERCE

The quarterly report from the Greater Modesto Chamber of Commerce for the quarter ending September, 1963, was presented to the Council and ordered filed.

FURTHER CONSIDERATION OF LITIGATION - CITY OF MODESTO VS. ALBERT LANDINI ET AL - ACQUISITION OF PROPERTY FOR ROSE AVENUE PARK SITE

The Council went into executive session at 9:40 P.M. and reconvened at 10:12 P.M.

The City Attorney stated that a proposed settlement with Albert Landini et al constituted acquisition of 5.081 acres for \$25,000, with the City paying the costs of closing the transaction and excrow fees; and leaseback of the property to the Landinis for farming for a maximum term of five years, at a rental of \$50 per acre per year, and a minimum term of one year, the City having the right of cancelation upon one year's notice.

## RESOLUTION NO. 63-491

A RESOLUTION APPROVING AGREEMENTS BETWEEN THE CITY OF MODESTO AND ALBERT LANDINI, ET AL, FOR ACQUISITION OF PROPERTY FOR ROSE AVENUE PARK SITE, AND LEASE AGREEMENT

Introduced by VanderWall      Seconded by Hughes

Ayes:      Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes:      None      Absent:      Patton

ADJOURNMENT


## MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Shastid

The meeting adjourned at 10:14 P.M.

ATTEST:

  
PER E. GAILFUS, City Clerk

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The Council of the City of Modesto met in regular session this date at 4:00 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Tabbert, VanderWall,  
Mayor Johansen  
Absent: Councilmen: Patton, Shastid

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

Reverend Sherwood Daily gave the invocation.

LETTER FROM SYLVAN UNION SCHOOL DISTRICT RE POLICE AND FIRE PROTECTION FOR NEW SHERWOOD ELEMENTARY SCHOOL

A letter from Coleman F. Brown, Secretary Sylvan Union School District Governing Board, dated October 25, 1963 requesting police and fire protection for the Sherwood Elementary School pending annexation to the City, was summarized by the City Clerk. Copies of the letter were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

MOTION

That the request for police and fire protection for the Sherwood Elementary School be granted as requested.

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

LETTER FROM EDITH MATSON, 219 WILSON AVENUE, REGARDING PARKING OF CAMP TRAILER ON WILSON AVENUE

A letter from Edith Matson, 219 Wilson Avenue, dated October 14, 1963 subject, "The camp trailer, travel trailer - or whatever the council chooses to call it, belonging to Mary and Jack Lamb," was summarized by the City Clerk. This letter was carried over from the October 28, 1963 meeting.

By order of the Chair, this matter was carried over for two weeks.

LETTER FROM GEORGE E. GROUND REQUESTING PERMISSION TO HOOK ONTO EXISTING CITY SEWER LINE ON SCENIC DRIVE

A letter from George E. Ground, Western Land Company, dated October 30, 1963 requesting sewer service for a six-acre parcel of property on the north side of Scenic Drive between Brighton and Rose Avenue, was summarized by the City Clerk. Copies of the letter were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

MOTION

That the request of George E. Ground for sewer service be referred to the Planning Commission for study and recommendation

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

LETTER FROM J. G. MEYER, DISTRICT ENGINEER, STATE DIVISION OF HIGHWAYS,  
RE DEPARTMENTAL POLICY IN CONNECTION WITH TAX FUNDS

A letter from J. G. Meyer, District Engineer, California Division of Highways, dated October 29, 1963 pertaining to departmental policy in connection with the 1.04¢ and 0.725¢ tax funds and matching requirements under the Collier-Unruh Local Transportation Development Act, was summarized by the City Manager.

MOTION

That the letter be referred to the staff

Moved by Tabbert                      Seconded by Mitchell                      Unanimously carried

LETTER FROM BILL BAIR, PRESIDENT, DOWNTOWN MODESTO ASSOCIATION RE  
PROPOSAL FOR VALIDATION OF PARKING TICKETS ON OFF-STREET PARKING LOTS 1-50

A letter from Hy Youngheim, Parking Chairman, Downtown Modesto Association, dated November 4, 1963 subject, "Proposed Validated Parking System," was read by Bill Bair, President of the above Association. The letter requested that a validation parking system be inaugurated for a six-months trial period in the three major city parking lots in the downtown area at a starting rate of 15¢ per hour, with a lower adjusted rate if net proceeds equal present income, with a further request that 10¢ be charged to customers who do not have validation to cover parking. The three parking lots suggested for validated parking are: the City Hall parking lot; the 9th Street lot between I and J Streets; the 10th Street lot across from Sears Roebuck and Co.

Mr. Hy Youngheim, 2821 Levon Avenue, explained how the proposed program would function.

MOTION

That the matter be referred to the staff for study and report to the Council at its November 12th meeting

Moved by VanderWall                      Seconded by Mitchell                      Unanimously carried

LETTER FROM FRANK ANDREWS RE OUR FIGHT TO KEEP OUR POWER RATES DOWN AND  
SOURCES OF NEW ELECTRIC POWER

A letter from Frank Andrews dated October 30, 1963 commenting on our fight to keep our power rates down and sources of new electric power, was summarized by the City Clerk. Copies of the letter were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The letter was ordered filed.

REPORT ON BIDS RECEIVED FOR IMPROVEMENT OF CALIFORNIA-FRANKLIN PARK SITE

The City Manager reported that no bids were received for the improvement of the California-Franklin Park Site; that there were no general contractors in the area willing or able to undertake the entire project. He said that a new call for bids would be submitted, dividing the project into three contracts covering the installation of the sprinkler system, the landscaping, and a unit covering the remainder of the work.

Director of Public Works Campbell stated that a letter from the HHFA approving a thirty-day extension was forthcoming.

REPORT ON BIDS RECEIVED FOR WATER MAINS, STRATHMORE NO. 2 SUBDIVISION  
(no bids received, estimated total cost, \$8,412.35)

## RESOLUTION NO. 63-492

A RESOLUTION AUTHORIZING WORK TO BE PERFORMED BY CITY FORCES FOR  
INSTALLATION OF WATER MAINS IN STRATHMORE NO. 2 SUBDIVISION

Introduced by Hughes      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

CONSIDER BIDS RECEIVED FOR CONSTRUCTION OF PARKING LOT ON 9TH STREET  
BETWEEN J AND K STREETS (formerly Modesto Plymouth)

Copies of a memorandum from Director of Parking and Traffic Carmody dated October 30, 1963, subject, "9th Street Parking Lot Between J and K Streets," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Mr. Carmody recommended that the bids be rejected; that necessary expenditures be authorized to remove the interior partitions; that the lot be operated as an attendant parking lot until after the Christmas season.

## RESOLUTION NO. 63-493

A RESOLUTION REJECTING ALL BIDS FOR THE CONSTRUCTION OF PARKING LOT  
ON 9TH STREET BETWEEN J AND K STREETS

Introduced by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

## MOTION

That the staff be directed to proceed in accordance with recommendations made by Director of Parking and Traffic Carmody; that the City Manager be authorized to determine salary of parking attendant; that the same amount be charged for validation as established on other city lots

Moved by Mitchell      Seconded by VanderWall      Unanimously carried

CONSIDER AWARDING CONTRACT FOR TWO FIRE ENGINE PUMPERS TO P. E.  
VAN PELT, INC. 2-110

Copies of a memorandum from the Director of Finance dated October 31, 1963, with tabulation attached, were furnished the Council prior to meeting, a copy of which is on file with the record of the minutes. Low bid in the amount of \$57,914.98 was submitted by P. E. Van Pelt, Inc.

## RESOLUTION NO. 63-494

A RESOLUTION ACCEPTING THE BID OF P. E. VAN PELT, INC., FOR TWO 1250  
GALLON PER MINUTE FIRE ENGINE PUMPERS

Introduced by Hughes      Seconded by VanderWall      Unanimously carried

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

CONSIDER TRANSFER OF \$4,000 FROM THE SPECIAL FUND FOR CAPITAL OUTLAY(321)  
GENERAL RESERVE (600) TO SPECIAL FUND FOR CAPITAL OUTLAY (321), PUMPERS,  
STATION 5 (5402)

## RESOLUTION NO. 63-495

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4000 FOR TWO 1250 GALLON PER MINUTE FIRE ENGINE PUMPERS

Introduced by VanderWall      Seconded by Hughes

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

ADOPTION OF ORDINANCE NO. 616-C.S. RELATING TO ZONING REGULATIONS

ORDINANCE NO. 616-C.S. entitled

"AN ORDINANCE AMENDING SECTION 10-2.1505 OF ARTICLE 15 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND AMENDING SECTIONS 10-2.2704, 10-2.2708, and 10-2.2709 OF ARTICLE 27 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO ZONING REGULATIONS"

introduced on October 28, 1963 and having been published as required by the Charter, was moved and adopted. (effective December 4, 1963)

Moved by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

ADOPTION OF ORDINANCE NO. 608-C.S. RECLASSIFYING PROPERTY ON McHENRY AVENUE (BRIGGS PROPERTY) 3 - 40

By order of the Chair, the staff was directed to remove this item from the agenda until further notice.

ADOPTION OF ORDINANCE NO. 617-C.S. ESTABLISHING TIME LIMITS ON CITY PARKING LOTS 3-45

ORDINANCE NO. 617-C.S. entitled

"AN ORDINANCE AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO PARKING METERS AND REPEALING ORDINANCE NO. 612-C.S."

introduced on October 28, 1963 and having been published as required by the Charter, was moved and adopted. (effective December 4, 1963)

Moved by VanderWall      Seconded by Hughes

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

ADOPTION OF ORDINANCE NO. 618-C.S. ESTABLISHING RATES ON CITY PARKING LOTS BY ZONE CHANGE 3-45

ORDINANCE NO. 618-C.S. entitled

"AN ORDINANCE AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO"

introduced on October 28, 1963 and having been published as required by the Charter, was moved and adopted. (effective December 4, 1963)

Moved by VanderWall      Seconded by Hughes

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

ORDINANCE ADOPTING POLICIES, PROCEDURES, RULES AND REGULATIONS GOVERNING PURCHASES OF SUPPLIES AND EQUIPMENT BY THE CITY AND ESTABLISHING A CENTRAL PURCHASING SYSTEM

ORDINANCE NO. 619-C.S. entitled  
"AN ORDINANCE ADDING CHAPTER 3 TO TITLE VIII OF THE MODESTO MUNICIPAL CODE, ADOPTING POLICIES, PROCEDURES, RULES AND REGULATIONS GOVERNING PURCHASES OF SUPPLIES AND EQUIPMENT BY THE CITY AND ESTABLISHING A CENTRAL PURCHASING SYSTEM"

was introduced and ordered published as required by the Charter.

Moved by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE - TRUCK ROUTES 3-55

Possible rerouting of truck traffic from J Street was discussed, the City Manager stating that this problem could be considered by the committee appointed to study downtown traffic problems.

ORDINANCE NO. 620-C.S. entitled  
"AN ORDINANCE AMENDING ARTICLE 13 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO TRUCK ROUTES"

was introduced and ordered published as required by the Charter.

Moved by Hughes      Seconded by Mitchell

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

ACCEPT AS COMPLETE TRAFFIC SIGNALS AND STREET LIGHTING AT 10TH AND D STREETS 3-90

RESOLUTION NO. 63-496  
A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC LIGHTS AT 10TH AND D STREETS

Introduced by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 1202 SOUTH AVENUE, MODESTO 3-95

MOTION

That the request for sewer service to property located at 1202 South Avenue be approved

Moved by Hughes      Seconded by Mitchell      Unanimously carried

RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF BUILDINGS LOCATED AT 510 WEST FAIRMONT AVENUE AND FIXING THE TIME AND PLACE FOR HEARING PROTESTS THERETO 3-110

## RESOLUTION NO. 63-497

A RESOLUTION GIVING NOTICE OF PROPOSED DEMOLITION OF THE BUILDING(S) LOCATED AT 510 WEST FAIRMONT AVENUE IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE AND FIXING THE TIME AND PLACE FOR HEARING PROTESTS THERETO

Introduced by Hughes      Seconded by Mitchell

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: Patton, Shastid

November 18, 1963 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing. The City Attorney requested that the record of the minutes show that the garage and tank house on the property would not be demolished; to be demolished would be the old sheds constituting a fire hazard, plus debris, scrap lumber, miscellaneous trash, etc.

REPORTS FROM THE PLANNING COMMISSION - None

CONSIDER TRANSFER OF \$3,901 FROM THE GENERAL RESERVE OF THE SPECIAL FUND FOR CAPITAL OUTLAY TO PARK ACQUISITION, HEIGHBORHOOD #11 (NEAR ROSE AVENUE SCHOOL - LANDINI PROPERTY (5105))

## RESOLUTION NO. 63-498

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,901 FOR ROSE AVENUE PARK SITE

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: Patton, Shastid

MATTERS FOR THE GOOD OF THE COMMUNITY

Complaint, leaf pickup - Oak Street

Leo Prescott, 119 Oak Street, complained that leaves were not being picked up on Oak Street. The City Manager stated that the complaint would be investigated.

Appointment of Councilman Tabbert as alternate committee member

Mayor Johansen reported that Councilman Tabbert has been appointed an alternate committee member of the Local Agency Formation Committee.

Request for executive session - personnel matter

City Manager Keefe asked that an executive session be held at the adjournment of the Council meeting to discuss personnel matters.

Report on Sister City Program - Councilman Mitchell

Councilman Mitchell reported that arrangements have been completed for twelve students from Modesto's Sister City, Barranquilla, to spend their summer vacations with Modesto families. They will arrive in Modesto in early December.

REPORT ON SEWER ODORS 4-50

Director of Public Works Campbell gave a brief report on the result of visits to various sewage treatment plants in the Valley and Bay Area. He concluded his report with the statement that the loading of the city ponds, the overloading of the mechanical plant during the peak of the canning season, and the sulfides generated in the trunk system as the sewage entered the Sewage Treatment Plant were contributing factors to the odor problem. He said it was the recommendation of the Public Works Department that the services of a consulting engineer be obtained on a short term basis in an attempt to eliminate the odors.

Mr. Campbell stated that records of operation for the past three years have been forwarded to the consulting engineers who planned and developed the City's sewage treatment plant and would be reviewed with them this week.

## MOTION

That the staff be authorized to proceed with informal talks with consulting engineers

Moved by VanderWall      Seconded by Hughes      Unanimously carried

REPORT ON CITY OF MODESTO AUCTION SALE 4-35

Copies of a memorandum from Director of Finance Bird dated October 31, 1963, subject "City of Modesto Auction Sale," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The sum of \$2,487.29 was realized from the sale.

FURTHER REPORT ON FORMATION OF MUNICIPAL SEWER DISTRICT NO. 1 5-15

The City Manager reported that no action was taken by the Board of Supervisors at its meeting of October 29, 1963; that by resolution, action was deferred until November 19, 1963; that the staff met with two supervisors on November 4, 1963, the boundaries were reviewed and it was the thinking of the two supervisors that the Board would defer action until after the City's hearing scheduled for November 25.

The City Attorney stated that the City's bond counsel has advised that the hearing can be conducted by the City and then closed, but the City may not proceed to adopt a resolution establishing the district, determining its boundaries, and describing the work until the consent of the Board of Supervisors is received.

REPORT ON COSTS OF DEMOLITION AND REMOVAL OF BUILDING LOCATED AT 526 16TH STREET, MODESTO, CALIFORNIA 5-30

The City Manager reported that the work of demolition and removal of the building has been completed in accordance with Council Resolution No. 63-451; the costs incurred were \$72, the amount of the assessment against the property.

## RESOLUTION NO. 63-499

A RESOLUTION SETTING A HEARING ON CONFIRMATION OF THE REPORT OF THE DIRECTOR OF PUBLIC WORKS CONCERNING THE WORK OF DEMOLISHING AND REMOVING THE BUILDING(S) LOCATED AT 526 16TH STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203(a) OF THE UNIFORM BUILDING CODE, ASSESSING THE COST OF SAID WORK AGAINST THE PARCEL OF REAL PROPERTY, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN  
(JOTTIE M. ALBRITTON)

Introduced by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Patton, Shastid

Monday, November 18, 1963 at 4:30 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

REPORT ON HUMAN RIGHTS COMMITTEE 5-40

Mayor Johansen listed the following individuals as appointees to the Human Rights Committee: Reverend Truman Northup; Dr. Harry Wiser; Richard H. Kinser; Paul E. Whitmore; William R. Lundgren; Donald Buller; Lois Ritter; Reverend Howard Clarke; David J. Dill; Silas W. Green; Mrs. Odessa Gamble; Joseph Cox; Harold McKee; Lee Davies; Robert Stonum.

Mayor Johansen stated that it was hoped that the remainder of the committee would be appointed by next week.

MOTION

That the above named individuals be appointed to the Human Rights Committee of the City of Modesto

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

REPORT ON COMMITTEE TO STUDY TRAFFIC AND PARKING PROBLEMS IN THE DOWNTOWN AREA 5-70

Mayor Johansen reported that no appointments had yet been made to the proposed ten-man committee to study traffic and parking problems in the downtown area; that the appointments would possibly be made within a week or two.

Mr. A. M. Frad, attorney, spoke against one-way streets in the downtown area, and asked that a realistic traffic study be made. It was his opinion that one-way streets in the downtown area have contributed greatly to downtown vacancies and deterioration. He offered to serve on the proposed traffic and parking committee.

ADJOURNMENT

MOTION

That the meeting adjourn to executive session to consider personnel matters

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

The meeting adjourned at 5:35 P.M.

ATTEST:   
 Rex E. Gallus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Modesto, California, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Tabbert, VanderWall, Mayor Johansen  
Councilman Hughes arrived at 7:33 P.M.  
Absent: Councilmen: Patton, Shastid

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

Reverend R. E. Patterson gave the invocation.

INTRODUCTION OF MOLLIE BRENDA SMIT, AMERICAN FIELD SERVICE STUDENT, FROM AFRICA

Mrs. Edward Gebhardt introduced Mollie Brenda Smit, American Field Service Student attending Downey High School. A letter from Mayor Dorothy M. Bales, Grahamstown, South Africa, was handed to Mayor Johansen. The letter was read by Mayor Johansen and filed with the record of the minutes.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of October 28, 1963, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM GLEN E. PROBASCO, MODESTO BRANCH MANAGER, DEPARTMENT OF MOTOR VEHICLES, REGARDING ERECTION OF SIGN IN THE SIDEWALK RIGHT OF WAY

A letter from Glen E. Probasco dated October 31, 1963, asking permission to erect a sign, "Department of Motor Vehicles," in the right of way area between the curb and sidewalk on the west side of Jefferson Street, between Beech and Chestnut Streets, was read by the City Clerk.

RESOLUTION NO. 63-500

A RESOLUTION GRANTING A REVOCABLE ENCROACHMENT PERMIT TO THE STATE OF CALIFORNIA, DEPARTMENT OF MOTOR VEHICLES, TO INSTALL A SIGN IN THE SIDEWALK AREA ON THE WEST SIDE OF JEFFERSON STREET BETWEEN BEECH AND CHESTNUT STREETS

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

LETTER FROM BILL BAIR, PRESIDENT, DOWNTOWN MODESTO ASSOCIATION RE CHRISTMAS DECORATIONS

A letter from Bill Bair requesting the use of city equipment (Hi-ranger and aerial ladder truck) plus manpower to operate the equipment, to assist in the erection of Christmas street decorations on November 24, 1963, and to dismantle the decorations on a yet to be selected day in January, 1964, was read by the City Clerk. Since a decision has been made not to light the ornaments this year, Mr. Bair requested only \$400 of the \$1,800 approved by the Council for this purpose.

MOTION

That the request of the Downtown Modesto Association for the use of the City's hi-ranger and aerial ladder truck and services of manpower for each piece of equipment be approved as requested, and that payment of \$400 be authorized

Moved by Mitchell      Seconded by VanderWall      Unanimously carried

LETTER FROM FRANK ANDREWS REGARDING THE REAL FACTS CONCERNING DISTRIBUTION OF ELECTRIC POWER

A letter from Frank Andrews dated November, 1963, subject, "Getting Over the Real Facts," with article entitled, "The Raker Act: A Fifty Year Review," attached, was summarized by the City Clerk.

The letter was ordered filed.

CONSIDER AWARD OF BID AND CONTRACT FOR THE CITY'S ANNUAL SUPPLY OF LAMPS

RESOLUTION NO. 63-501

A RESOLUTION ACCEPTING THE BID OF MODESTO INDUSTRIAL ELECTRICAL CO., INC., FOR ANNUAL LAMP REQUIREMENTS (low bidder)

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

ADOPTION OF ORDINANCE NO. 620-C.S. RELATING TO TRUCK ROUTES

ORDINANCE NO. 620-C.S. entitled

"AN ORDINANCE AMENDING ARTICLE 13 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO TRUCK ROUTES"

introduced on November 4, 1963, and having been published as required was moved and adopted.

Moved by Mitchell      Seconded by Hughes  
Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

ADOPTION OF ORDINANCE NO. 619-C.S. ESTABLISHING A CENTRAL PURCHASING SYSTEM

ORDINANCE NO. 619-C.S. entitled

"AN ORDINANCE ADDING CHAPTER 3 TO TITLE VIII OF THE MODESTO MUNICIPAL CODE, ADOPTING POLICIES, PROCEDURES, RULES AND REGULATIONS GOVERNING PURCHASES OF SUPPLIES AND EQUIPMENT BY THE CITY AND ESTABLISHING A CENTRAL PURCHASING SYSTEM"

introduced on November 4, 1963, and having been published as required by the Charter, was moved and adopted.

Moved by VanderWall      Seconded by Tabbert  
Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

REQUEST PERMISSION FOR STAFF TO DETERMINE IF INTEREST EXISTS FOR CONSTRUCTION OF MOTEL-RESTAURANT AT CITY-COUNTY AIRPORT

Deputy Manager Ray requested staff authorization to investigate the possibility of interest in the erection and operation of a motel and restaurant at the Modesto City-County Airport, with the City leasing the land to private interests for development of the project.

MOTION

That the staff be authorized to determine interest in the construction of a motel-restaurant at the City-County Airport, as recommended by the Deputy City Manager

Moved by VanderWall      Seconded by Hughes      Unanimously carried

The City Manager was directed to inform the Board of Supervisors of the above action.

FURTHER CONSIDERATION OF DOWNTOWN PARKING

(a) Modesto Plymouth Parking Lot - Validated Parking

The City Manager reported that validated parking could be put into operation at this lot during the Christmas season.

(b) Downtown Association proposal

Copies of a memorandum from the Director of Parking and Traffic dated November 8, 1963, subject, "Downtown Association Proposal Regarding Validated Parking," were furnished the Council, a copy of which is on file with the record of the minutes.

Mr. Carmody's recommendation that a straight 15¢ per hour be charged for both validated and unvalidated parking was discussed. The Modesto Downtown Association's proposal contained in letter dated November 4, 1963, proposed a validation charge of 15¢ per hour or 10¢ per hour if validation is not used and cash paid to the attendant.

MOTION

That the staff be instructed to prepare the necessary documents for validated parking - 15¢ per hour for validated parking; 10¢ per hour for unvalidated parking.

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

(c) Report by Mayor relating to Committee Appointments

Mayor Johansen reported that a complete list of appointees for the Downtown Parking and Traffic Study Committee would be available at the next Council meeting.

HEARING ON APPEAL BY MRS. GEORGE WILLS FROM DECISION OF BOARD OF ZONING ADJUSTMENT REZONING BLOCK 568, DOWNEY AVENUE AT MC HENRY 2-52

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the appeal of Mrs. George Wills to the decision of the Board of Zoning Adjustment in connection with the granting of an unconditional use permit for parking in an R-3 and R-2 zone in Block 568, Lots 1 through 5 and the south 12½ feet of Lots 44 to 49, inclusive, on the north side of Downey Avenue east of McHenry Avenue, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on October 24, 1963, and notices posted and distributed in the area on October 24, 1963.

The conditions imposed by the Board of Zoning Adjustment in connection with the approved rezoning of the property were outlined by Director of Planning Fey.

Mrs. George Wills, San Carlos, California, objected to condition No. 2 of Resolution No. 230 which requires dedication of right of way for the widening of Downey Avenue, without cost to and upon demand by the City.

Anticipated future realignment of the Needham-Downey-McHenry intersection was discussed by Planning Director Fey.

No one else in the audience asked to be heard and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 63-502

A RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT GRANTING A CONDITIONAL USE PERMIT TO MRS. GEORGE R. WILLS FOR PARKING IN AN R-2 AND R-3 ZONE ADJACENT TO C-2 ZONING IN BLOCK 568, DOWNEY AVENUE

Introduced by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

HEARING ON REPORT OF COSTS - REPAIR SIDEWALK AT 222 MELROSE AVENUE

Mayor Johansen announced that the hour of 8:15 P.M. had arrived, the time set for consideration of the report of costs for the repair of sidewalk at 222 Melrose Avenue, and opened the hearing.

The City Clerk reported that notice of the proposed hearing was mailed to the owner by the Director of Public Works on October 17, 1963.

The City Manager stated that a memorandum from the Director of Public Works dated October 17, 1963, indicates the cost of repairs to the sidewalks to be \$49.79, the amount of the assessment against the property.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 63-503

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF REPAIR OF SIDEWALK AND DRIVEWAY IN FRONT OF PROPERTY LOCATED AT 222 MELROSE AVENUE IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN

Introduced by VanderWall      Seconded by Mitchell

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

HEARING ON PROPOSED REZONING OF THE ALFORD-BARTON PROPERTY ON CARVER ROAD

Mayor Johansen announced that the hour of 8:30 P.M. had arrived, the time set for consideration of the proposed rezoning of the Alford-Barton property bounded on the east by Carver Road, on the west by Grape Avenue, and on the north by Garrison Park, from R-1 to Planned Development Zone (P-D) and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune and posted and delivered in the area on October 31, 1963. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 981 recommends that the property be rezoned.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 621-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ALFORD AND BARTON)"

was introduced and ordered published as required by the Charter.

Moved by VanderWall      Seconded by Mitchell

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

RESOLUTION NO. 63-504

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (15) (ALFORD AND BARTON)

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

A RESOLUTION ADOPTING "RULES FOR THE CONDUCT OF APPEALS FROM ACTIONS OF THE PLANNING COMMISSION AND BOARD OF ZONING ADJUSTMENT" FOR THE COUNCIL OF THE CITY OF MODESTO 5-83

RESOLUTION NO. 63-505

A RESOLUTION ADOPTING "RULES FOR THE CONDUCT OF APPEALS FROM ACTIONS OF THE PLANNING COMMISSION AND BOARD OF ZONING ADJUSTMENT" FOR THE COUNCIL OF THE CITY OF MODESTO

Introduced by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

RESOLUTION APPROVING RENTAL OF CITY-OWNED PROPERTY (217 ELM STREET)

RESOLUTION NO. 63-506

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MARCUS C. JOHNSON FOR RENTAL OF CITY-OWNED PROPERTY (\$60 per month effective November 7, 1963)

Introduced by VanderWall      Seconded by Mitchell

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

RECOMMEND CITY SHARE 50-50 IN STREET IMPROVEMENTS - CLAREMONT AVENUE

The City Manager reported that Planning Commission Resolution No. 987 approves the subdivision map of Crestwood Terrace No. 3 Subdivision, one condition requiring that the subdivider be responsible for 40-foot part-width street improvements according to Municipal Code requirements. The Planning Commission recommends that since the city park site is adjacent to Claremont Avenue on the west, the City share the cost of improving Claremont Avenue on a fifty-fifty basis as was done in the case of Wyldewood Park No. 1 Subdivision.

MOTION

That the City share the cost of improving Claremont Avenue adjacent to the city park site on a fifty-fifty basis as recommended by the Planning Commission

Moved by Tabbert      Seconded by Hughes      Unanimously carried

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Adoption of Ordinance No. 608-C.S. Reclassifying Property on McHenry Avenue (Briggs property)

RESOLUTION NO. 63-507

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND H. RUSSELL BRIGGS, ROSE CHAPMAN AND LINN C. ALEXANDER AND ASSOCIATES, INC..

Introduced by Hughes      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

ORDINANCE NO. 608-C.S.

"AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (ALEXANDER, BRIGGS AND CHAPMAN)

introduced September 23, 1963, and having been published as required by the Charter, was moved and adopted.

Moved by VanderWall      Seconded by Hughes

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

California-Franklin park site - 30-day Extension - call for bids approved

The City Manager reported that a 30-day extension has been received from the HHFA permitting a new call for bids for the improvement of California-Franklin park site.

## RESOLUTION NO. 63-509

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF GENERAL IMPROVEMENTS IN CALIFORNIA-FRANKLIN PARK

Introduced by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

November 26, 1963, at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

## RESOLUTION NO. 63-510

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR LANDSCAPING INSTALLATION AT CALIFORNIA-FRANKLIN PARK

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

November 26, 1963, at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

## RESOLUTION NO. 63-511

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR SPINKLER SYSTEM AT CALIFORNIA-FRANKLIN PARK

Introduced by VanderWall      Seconded by Mitchell

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

Report by Charles Breen, Secretary-Manager, Stanislaus County Taxpayers' Association endorsing proposed Modesto Sanitary Sewer District No. 1

Charles Breen reported that the Trunk Line Sewer Committee of the Stanislaus County Taxpayers' Association has endorsed the formation of the proposed North Modesto Sanitary Sewer District No. 1. Minutes of the meeting of the Trunk Line Sewer Committee dated November 8, 1963, signed by E. W. Rose, Chairman, were filed with the City Clerk.

VERBAL REPORT BY MAX HANNEY, PRESIDENT, SCHOOL OF AMERICAN TAXPAYERS, INC., IN ANSWER TO MAYOR'S LETTER REGARDING URBAN RENEWAL 6-53

Max Hanney, 3413 West Point Drive, representing the School of American Taxpayers, Inc., stated that a thirty-minute film pertaining to the renovation of Grand Junction, Colorado, by means of private enterprise would be available to interested businessmen shortly.

Mr. Hanney read a letter addressed to Mayor Peter W. Johansen dated November 4, 1963, in answer to a letter written to the American School of Taxpayers, Inc., dated October 9, 1963. Copies of both letters are filed with the record of the minutes.

Mr. Hanney said that further reports would be forthcoming.

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REPORT ON SEWER ODORS

Copies of a memorandum from the Director of Public Works dated November 12, 1963, subject, "Sewage Treatment Plant," were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes.

The report was ordered filed.

REPORT ON HUMAN RIGHTS COMMITTEE

Mayor Johansen recommended to the Council that the number of the Human Rights Committee be increased from 35 to 37, in order to secure a fuller cross-representation of the community.

Mayor Johansen read the names of the thirty-seven proposed appointees to the Human Rights Committee, stating that Reverend R. Truman Northup has accepted chairmanship of the Committee. A copy of the list is on file with the record of the minutes.

## RESOLUTION NO. 63-508

A RESOLUTION CONFIRMING THE APPOINTMENT OF MEMBERS TO THE HUMAN RIGHTS COMMITTEE OF THE CITY OF MODESTO (37 members, Rev. R. Truman Northup, Chairman)

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

Mayor Johansen stated that the Council Public Relations Committee would meet with Reverend Northup shortly to set a date for the first meeting of the Committee.

Reverend Howard Clarke asked who had submitted the name of the twelfth negro member of the Committee, Reverend Eddie Bolden, and was told by Mayor Johansen that the name had been submitted by Councilman Hughes. Reverend Clarke objected to the choice, stating that his group felt it was the group's prerogative to choose the name of the individuals to serve on their side of the Committee. He asked that the Committee remain at 35 members or that N.A.A.C.P. be given the privilege of choosing the extra member. Reverend Clarke emphasized that his group had nothing against the individual chosen by the Council.

The intent of the Committee was discussed by the Council.

Gilbert Middlebrooks, 700 Spencer Avenue, asked to be kept informed of actions taken by the Council in connection with the Human Rights Committee. He was told that all meetings would be open to the public and to the press.

Herbert Baum, 321 Morton Boulevard, spoke briefly about the Human Rights Committee.

David Dill commended the Mayor and Councilmen for forming the Human Rights Committee and commented briefly on the appointments.

Joseph Cox, President of the N.A.A.C.P., said that he felt that his group should be entitled to pick their own committee members.

Art Baker, KTRB radio reporter, suggested that Reverend Clarke voice his objection of the appointed member to the Chairman of the appointed committee and request the Chairman to ask the member objected to, to resign.

Mayor Johansen suggested that Reverend Clarke appoint a representative to meet with the Public Relations Committee and Reverend R. Truman Northup, Chairman of the Human Rights Committee, later in the week.

REPORT BY MANAGER ON MEETING HELD WITH PROPERTY OWNERS CONCERNING WIDENING OF YOSEMITE AVENUE

The City Manager reported that property owners had met Thursday afternoon, November 7, 1963, to discuss the future widening of Yosemite Boulevard.

Nick Tocco, Chairman, Yosemite Boulevard Improvement Committee, submitted a letter to the Council dated November 12, 1963, requesting that the Council petition the State Highway Commission to consider at its next meeting the request of the Yosemite Boulevard property owners that the State take immediate steps to move this project forward.

Harry Kullijian read a letter to the Council dated November 12, 1963, requesting that the Council pursue by study and design the new bypass or expressway of Highway 132 as shown on the General Plan so as to prepare for its eventual construction. The letter also indicated the importance of widening Yosemite Boulevard either by State or private funds, or a combination of both. The letter was filed with the record of the minutes.

MOTION

That the staff be authorized to petition the State Highway Commission as requested by the Yosemite Boulevard property owners and to draw up the necessary brochures for submission at the meeting

Moved by Hughes      Seconded by VanderWall      Unanimously carried

The City Manager stated that if the project is expedited, the City will be financially obligated to a minor extent.

MOTION

That the staff be authorized to prepare estimated per front foot improvement costs for Yosemite Boulevard as requested by Mr. Kullijian

Moved by Mitchell      Seconded by VanderWall      Unanimously carried

ORDINANCE ADDING ARTICLE 2 TO CHAPTER 7 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE UNIFORM HEATING AND COMFORT COOLING CODE (adding Board of Examiners and Certificate of Competence Requirement)

ORDINANCE NO. 622-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 2 TO CHAPTER 7 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE UNIFORM HEATING AND COMFORT COOLING CODE"

was introduced and ordered published as required by the Charter.

Moved by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: Patton, Shastid

ANNUAL FINANCIAL STATEMENT FOR THE FISCAL YEAR ENDED JUNE 30, 1963

(a) Financial Statement 1962-63

The annual financial statement for the fiscal year ended June 30, 1963, was submitted to the Council and ordered filed.

(b) Monthly Financial Statement for October, 1963

The Monthly Financial Statement for October, 1963, was submitted to the Council and ordered filed.

ADJOURNMENT


MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 10:10 P.M.

ATTEST:

  
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Tabbert, VanderWall, Mayor Johansen  
Councilman Hughes arrived at 4:02 P.M.

Absent: Councilmen: Patton, Shastid

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

Referend Robert Richter gave the invocation.

PRESENTATION OF TRAFFIC ENGINEERING AWARD TO CITY BY NATIONAL SAFETY COUNCIL REPRESENTATIVE

A Traffic Engineering Award from the National Safety Council was presented to the City by John Ryan, representative of the Council.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of November 4, 1963, and the same being available for public inspection, and there being no objections, the minutes were approved.

REQUEST BY TEXACO, INC., FOR VARIANCE TO THE SIGN REGULATIONS 1-80

A letter from S. B. McGuire, District Sales Manager, Texaco Inc., dated November 12, 1963, requesting a variance to permit the company to place poles 9'3" from each other in order to obtain proper support for a 35-foot pole sign to be erected at a service station located at 6th and G Streets, was read by the City Clerk. A copy of the letter is on file with the record of the minutes.

Mr. Soubrey, District Sales Representative, stated that the success of the station at this location will depend largely on the visibility of the sign from the freeway, since it is anticipated that 80% of the business will be derived as a result of the sign. He said that 9'3" was the minimum width that could safely be used to support the proposed sign.

The City Manager stated that the City Attorney has ruled that there was no basis for granting the requested variance; that the staff has recommended that the variance not be granted.

Director of Public Works Campbell said that in order to be defined as a pole sign, the supporting members of the sign must be within an eight-foot diameter; that there were no provisions in the Code to modify the pole sign, and the request as presented should not be a point of consideration. He said that the sign then comes under the code provisions for ground signs, with the code establishing a maximum height limitation of 25 feet, with provisions to modify the code in the event of hardship and where the public health, safety and welfare are not endangered.

**MOTION**

That the request for variance be denied.

Moved by Mayor Johansen

The motion died for lack of a second

## MOTION

That the matter be held over for one week for further study; that the staff be directed to check out the minimum height at which the sign could be seen as designed and situated on the lot at the proper setback required; that the applicant reapply for a variance to the ground sign regulations

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

HEARING ON PROPOSED DEMOLITION OF BUILDINGS, 510 WEST FAIRMONT - DOROTHY PENFIELD 3-69

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the proposed demolition of buildings at 510 West Fairmont Street, and opened the hearing.

The City Clerk reported that the owner was advised by registered mail of the proposed hearing.

The City Attorney filed with the record of the minutes a copy of the notice sent to Miss Penfield dated October 17, 1963, which indicated that the notice was a result of the examination by the City Building Inspection Department which found the buildings to be a hazard to the health, safety and public welfare of the community by reason of inadequate maintenance, dilapidation and obsolescence. The sheds, garage, lath-house and tank house were described as being structurally unsafe and full of combustible waste, card board, paper, scrap lumber, brush and trash. The notice contained a request that the buildings be demolished and the yard cleaned up. The City Attorney stated that since that time, the Chief Building Official and representatives of the Health and Fire Departments have re-examined the property and now request that the sheds on the property be removed.

Miss Penfield complained of the short notice given; and requested that she and her sister be permitted a period of between six and eight months to accomplish the demolition and to find a place to store the items in the buildings proposed for demolition. Miss Penfield also complained of the "bombardment" of letters received from the City pertaining to the demolition. The letters sent to Miss Penfield were summarized by the City Attorney.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

## MOTION

That the matter be held over for two weeks to give the staff an opportunity to work out a time schedule with Miss Penfield

Moved by VanderWall      Seconded by Hughes      Unanimously carried

HEARING ON COST OF DEMOLITION AND REMOVAL OF BUILDING AT 526 16TH STREET (JOTTIE M. ALBRITTON) 5-25

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for consideration of the cost of the demolition and removal of a building at 526 16th Street, and opened the hearing.

The City Clerk reported that notice of the hearing was mailed to the property owner on November 6, 1963.

A report of costs of demolition from the Director of Public Works dated October 31, 1963, was furnished the Council, a copy of which is on file with the record of the minutes. Total cost of demolition is \$72, the amount of the assessment against the parcel described as Block N, Lots 29 and 30.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 63-512

A RESOLUTION CONFIRMING THE REPORT OF THE DIRECTOR OF PUBLIC WORKS CONCERNING THE WORK OF DEMOLISHING AND REMOVING THE BUILDINGS LOCATED AT 526 16TH STREET IN THE CITY OF MODESTO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 203 (a) OF THE UNIFORM BUILDING CODE, ASSESSING THE COST OF SAID WORK AGAINST THE PARCEL OF REAL PROPERTY, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN (JOTTIE M. ALBRITTON)

Introduced by Hughes      Seconded by Mitchell

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

HEARING ON PROPOSED REZONING, SECTION MAP 28, CRISMON PROPERTY ON LAS FLORES AND CUESTA AVENUES      5-45

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed rezoning of the Crismon property located on Las Flores and Cuesta Avenues from C-2 to Multiple-Family R-3, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 7 and notices posted and distributed in the area on November 6, 1963. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 982 adopted October 15, 1963, recommends that the property be rezoned to Multiple-Family Zone, R-3.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 623-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GENE GRISMON)"

was introduced and ordered published as required by the Charter.

Moved by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

HEARING ON PROPOSED REZONING, BLOCK 6619 (JOE TROMBETTA PROPERTY - SECTION MAP 19)      5-60

Mayor Johansen announced that the hour of 4:50 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the east side of Carver Road, south of Clayton Avenue, from One-Family Zone R-1 to Two-Family Zone, R-2, and opened the hearing.

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The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 7, 1963, and notices posted and distributed in the area on November 6, 1963. No written protests were filed with the City Clerk.

Planning Commission Resolution No. 985, adopted October 15, 1963, recommends that the property be rezoned as requested.

No one in the audience asked to be heard and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 624-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (JOE TROMBETTA)"

was introduced and ordered published as required by the Charter.

Moved by Mitchell      Seconded by Tabbert

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

RESOLUTION FROM THE STANISLAUS COUNTY BOARD OF SUPERVISORS REQUESTING AN OFFICIAL STATEMENT FROM THE CITY OF MODESTO CONCERNING SEWER PLANT IMPROVEMENT

Copies of a resolution from the Stanislaus County Board of Supervisors dated November 5, 1963, requesting an official statement from the City of Modesto concerning improvements at the City Sewage Treatment plant to alleviate odor problems, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The Board of Supervisors requested that the City Council issue a formal statement pledging the City to "take all possible steps to eliminate the odors emanating from the Municipal Sewer Plant."

The City Manager listed the steps taken and being taken to eliminate the odor problem.

RESOLUTION NO. 63-519

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO PLEDGING ALL PRACTICAL AND FEASIBLE STEPS WILL BE TAKEN TOWARD ELIMINATION OF ODORS EMANATING FROM THE MODESTO SEWAGE TREATMENT PLANT

Introduced by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

LETTER FROM BERT M. CARNER, JR., CHAIRMAN, MODESTO PARLOR NO. 11, NATIVE SONS OF THE GOLDEN WEST, RE: DEDICATION OF THE MODESTO POLICE AND COMMUNICATIONS BUILDING NOW UNDER CONSTRUCTION

A letter from Bert M. Carner, Jr., dated November 12, 1963, requesting permission to participate in the dedication of the Modesto Police and Communications Building now under construction, and as part of the ceremony present a dedicatory plaque for installation on an appropriate wall, to read as follows: "This building dedicated to truth, liberty and toleration by the Native Sons of the Golden West . . . and date of dedication."

Several questions were raised by the Council regarding the plaque. By order of the Chair, the City Manager was directed to check if clearance was required by the federal government in regard to plaques, since federal funds are involved, and to place the matter on the agenda when an answer is received.

MOTION

That the staff write a letter to Mr. Carner advising him of the Council's action

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

ADOPTION OF ORDINANCE NO. 622-C.S. RELATING TO HEATING AND COMFORT COOLING REGULATIONS, ESTABLISHING A BOARD OF EXAMINERS AND REQUIRING A CERTIFICATE OF COMPETENCY

ORDINANCE NO. 622-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 2 TO CHAPTER 7 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE UNIFORM HEATING AND COMFORT COOLING CODE"

introduced on November 12, 1963, and having been published as required by the Charter, was moved and adopted.

Moved by Tabbert      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None    Absent: Patton, Shastid

ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE RELATING TO MOTOR BUSES

Copies of a memorandum from the City Attorney dated November 12, 1963, subject, "Proposed Ordinance Amending Sections 6-7.206, 6-7.207, 6-7.208, 6-7.210 and 6-7.211 of Article 2 of Chapter 7 of Title VI of the Modesto Municipal Code, Relating to Motor Buses," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The City Attorney stated that the basic matter to be considered in adopting the proposed changes was the elimination of the present 2% franchise fee imposed on the bus company.

A motion introducing the ordinance, moved by Councilman Mitchell and seconded by Councilman VanderWall, was withdrawn.

Business license fees charged to trucking firms and increased insurance coverage requirements for the Modesto Motor Bus Co. were discussed.

By order of the Chair, the matter was held over for one week and the staff directed to secure information on the additional cost of insurance and further information on receipts, for report to the Council.

FURTHER CONSIDERATION OF CAMP TRAILER ORDINANCE - MRS. EDITH MATSON

A letter from Edith Matson dated October 14, 1963, subject, "The Camp Trailer; travel trailer - whatever the Council chooses to call it, belonging to Mary and Jack Lamb," was considered by the Council. Mrs. Matson requested that the Council consider an amendment to the Code relating to the parking of trailers in residential areas.

## MOTION

That the Mayor write a letter to Mrs. Matson explaining that this is a matter to be worked out with her neighbor

Moved by Hughes      Seconded by Tabbert

The motion carried, Councilman VanderWall dissenting.

AGREEMENT BETWEEN CITY OF MODESTO AND CHESTER D. CHAMBERS PROVIDING FOR AN EXCHANGE OF PROPERTIES BETWEEN PARTIES

The City Manager stated that the exchange of properties was desired in order to obtain a parcel of property owned by Chester D. Chambers for a fire station site on Northern Boulevard in exchange for a parcel of property owned by the City on Northern Boulevard. This parcel is no longer needed by the City. In addition, the City will pay \$700 to Mr. Chambers, plus escrow and title insurance costs.

## RESOLUTION NO. 63-513

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CHESTER D. CHAMBERS FOR AN EXCHANGE OF PROPERTIES BETWEEN PARTIES AND APPROVING PAYMENT OF \$700

Introduced by Hughes      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None    Absent: Patton, Shastid

FURTHER CONSIDERATION OF DOWNTOWN PARKING

Appointment of Advisory Committee on Parking and Traffic

Mayor Johansen announced appointment of the following members to the Advisory Committee on Parking and Traffic: Stanley D. Adkins; William D. Bair; Mrs. Claire Bartholomew; Mrs. Pat Gaard; A. A. Hamaway, J. A. Saletta; Tar Scott; G. Dale Smith; Ray E. Starn; Roy E. Fredricksen. G. Dale Smith was appointed Chairman.

## RESOLUTION NO. 63-514

A RESOLUTION CONFIRMING THE APPOINTMENT OF MEMBERS TO THE ADVISORY COMMITTEE ON CITY PARKING AND TRAFFIC

Introduced by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None    Absent: Patton, Shastid

Max Hanney, representing the School of American Taxpayers, Inc., stated that this organization was proud of the Council for the action taken in establishing the Committee to study the downtown parking and traffic problems. He said that the Taxpayers' Association committee would work the committee selected by the Council to further the benefits of the downtown business men.

Transfer of \$6,000 for Validation Program and Adoption of Ordinance  
Establishing Validated Parking in Certain City Parking Lots

The City Attorney reviewed the proposed ordinance.

ORDINANCE NO. 625-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 16 TO CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO OFF-STREET PARKING AND AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO"

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

Moved by Hughes      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: Patton, Shastid

A proposed resolution designating certain areas as municipal off-street parking lots and establishing procedures for operation, was outlined by the City Attorney.

RESOLUTION NO. 63-515

A RESOLUTION DESIGNATING CERTAIN AREAS AS MUNICIPAL OFF-STREET PARKING LOTS, PROVIDING FOR CONTROL OF VEHICULAR PARKING THEREON BY MEANS OF PARKING ATTENDANTS, ESTABLISHING THE DAYS AND HOUR DURING WHICH CONTROL BY PARKING ATTENDANTS SHALL BE EFFECTIVE, AND FIXING THE RATES TO BE CHARGED

Introduced by VanderWall      Seconded by Tabbert

Ayes: Mitchell, Tabbert, VanderWall, Mayor Johansen

Noes: Hughes, Absent: Patton, Shastid

RESOLUTION NO. 63-516

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$6,000 FOR VALIDATED PARKING OPERATION

Introduced by VanderWall      Seconded by Mitchell

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: Patton, Shastid

CONSIDER LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE KLEMM AND HELYN SODERLUND RELATING TO PERIMETER STREET LIGHT CONSTRUCTION AS A PART OF RENEE MANOR NO. 1 SUBDIVISION

The City Manager stated that the letter agreement was prepared in accordance with established city policy and provides for sharing the cost of perimeter street lights in Renee Manor No. 1 Subdivision. The City's share of the cost is approximately \$1,153.52.

MOTION

That the letter agreement between the City of Modesto and George Klemm and Helyn Soderlund relating to perimeter street light construction in Renee Manor No. 1 Subdivision be approved

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

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## RESOLUTION NO. 63-517

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,154 TO PROVIDE FUNDS FOR PAYMENT OF PERIMETER STREET LIGHTS IN RENEE MANOR NO. 1 SUBDIVISION

Introduced by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

REQUEST FOR AUTHORIZATION TO ENGAGE SERVICES OF AN ARCHITECT FOR THE PREPARATION OF PLANS, SPECIFICATIONS AND BID DOCUMENTS FOR NORTHERN BOULEVARD FIRE STATION 8-95

## MOTION

That the matter be referred to the Public Projects Committee for consideration.

Moved by VanderWall      Seconded by Hughes      Unanimously carried

CONSIDER RELEASE OF SUBDIVISION BOND IN THE AMOUNT OF \$92,000 FOR RENEE MANOR NO. 1 SUBDIVISION AND ACCEPTANCE OF BOND IN THE AMOUNT OF \$1,000 FOR REMAINING IMPROVEMENTS

The City Manager reported that a memorandum from the Associate Civil Engineer dated November 18, 1963, indicates that all work within Renee Manor No. 1 Subdivision has been completed to the satisfaction of the Public Works Department except for street work at one location which can better be accomplished at such time as the adjacent property develops; that all fees have been paid. He recommended that the subdivision bond of \$92,000 be released and that the subdivider post a new bond in the amount of \$1,000 to cover the remaining improvements.

## RESOLUTION NO. 63-518

A RESOLUTION RELEASING PERFORMANCE BOND IN THE AMOUNT OF \$92,000 AND ACCEPTING BOND IN THE AMOUNT OF \$1,000 TO GUARANTEE REMAINING IMPROVEMENTS IN RENEE MANOR NO. 1 SUBDIVISION

Introduced by Tabbert      Seconded by VanderWall

Ayes: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Patton, Shastid

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Letter from Leslie Billingsley, Member of Human Rights Committee, read by Leopold Prescott

Leopold Prescott read a letter from Dr. Leslie Billingsley dated November 15, 1963, wholeheartedly endorsing the appointment of Reverend Eddie Bolden to the Human Rights Committee. The letter was ordered filed.

Post Card from Councilman Patton

The City Manager read a post card from Councilman Patton mailed from Venice, Italy.

Invitation to Council

Councilman Mitchell announced that the Council has been invited to attend a breakfast meeting Friday, November 22, 1963, at 7:30 A.M., Hotel Covell, to hear Alan Cranston, State Controller.

The City Clerk was directed to extend the invitation to Councilmen Patton and Shastid in the event they have returned to the City.

REPORT ON MATTERS CONCERNING FIRE DEPARTMENTAppointment of Wayne Everett as Fire Chief

The City Manager announced that Wayne Everett was appointed Fire Chief effective November 6, 1963.

Report on promotional examinations for Fire Department personnel

Copies of a memorandum from City Manager Keefe dated November 13, 1963, subject, "Promotional Examinations for City Fire Department Personnel," were distributed to the Council, a copy of which is on file with the record of the minutes.

CONSIDER FUTURE STATUS OF PARADISE ROAD 9-40

Copies of a memorandum from City Manager Keefe dated November 13, 1963, subject, "Future Status of Paradise Road," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The memorandum indicated that the Board of Supervisors has notified the City that it believes that Paradise Road should be a 4-lane collector street or major thoroughfare on the proposed General Plan; Paradise Road on the General Plan adopted by the City January 28, 1959, is a two-lane collector street.

## MOTION

That the matter be referred to the Planning Commission for review and report.

Moved by Hughes      Seconded by VanderWall      Unanimously carried

ADJOURNMENT

## MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 6:12 P.M.


ATTEST:

  
Rex E. Gailfus, City Clerk

Modesto City Council  
November 25, 1963

Due to the fact that November 25, 1963, was proclaimed by President Lyndon Johnson as a day of national mourning because of the death of President John Fitzgerald Kennedy, the meeting of the Council of the City of Modesto scheduled for November 25, 1963, at 7:30 P.M. in the Council Chambers, 801 11th Street, was adjourned by the City Clerk to December 2, 1963, at 4:00 P.M. The four hearings set for the November 25, 1963, meeting were rescheduled to be heard at corresponding times at the December 2, 1963, meeting.

ATTEST:

  
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in adjourned regular session on December 2, 1963, at 4:00 P.M. in the Council Chambers, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding, to consider items on the agenda of November 25, 1963, which meeting was adjourned by the City Clerk to December 2, 1963.

The City Clerk called the roll:

Present: Councilmen: <sup>Hughes</sup> Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Johansen  
Absent: Councilmen: ~~Hughes~~ None

Reverend L. R. Cartwright gave the invocation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council members having received copies of the minutes of the regular meeting of November 12, 1963, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM DON C. QUISENBERRY, DIRECTOR, STANISLAUS COUNTY WELFARE DEPARTMENT RE: WELFARE LEGISLATION

A letter from Don C. Quisenberry dated November 15, 1963, subject, "Work Projects," relating to Assembly Bill 59 passed by the 1963 Legislature extending aid to the needy children program, was summarized by the City Clerk. Mr. Quisenberry stated that preliminary information was being furnished the Council to give it an opportunity to consider possible participation in the program.

By order of the Chair, the letter was referred to the staff for review and report to the Council.

LETTER FROM GILBERT MIDDLEBROOKS, 700 SPENCER AVENUE, RELATING TO HUMAN RIGHTS COMMITTEE 1-30

A letter from Gilbert Middlebrooks dated November 15, 1963, referring to a misquote in the November 13, 1963, edition of the Modesto Bee, "Gilbert Middlebrooks, 700 Spencer Avenue, joined Clarke in the protest and said 'We were afraid that 'Uncle Toms' may be appointed to the committee,'" was summarized by the City Clerk. Mr. Middlebrooks requested that the records show that the statement made before the Council on November 12, 1963, was as follows: "My interpretation of what Reverend Clarke said, is that he is afraid that Uncle Toms would be appointed to the committee."

The letter was ordered filed.

LETTER FROM MORRIS J. MC DONNOLD, 1200 WALLIN WAY, RELATING TO HUMAN RIGHTS COMMITTEE

A letter from Morris J. McDonald dated November 14, 1963, referring to the newspaper account of the council meeting of November 12, 1963, was summarized by the City Clerk. Mr. McDonald stated that he wished the records to show that Reverend Clarke was not the censor of Negro persons on the Human Rights Committee.

The letter was ordered filed.

LETTER FROM J. G. MEYER, DISTRICT ENGINEER, STATE DIVISION OF HIGHWAYS,  
REGARDING GAS TAX REVENUE APPORTIONMENTS

A letter from A. L. Tschantz-Hahn, City and County Projects Engineer, Department of Public Works, Division of Highways, dated November 12, 1963, with tabulation attached showing the revised estimates of apportionments of Section 2107 and Section 2107.5 funds to be made to each city during the 1963-64 fiscal year, was summarized by the City Manager.

The letter was ordered filed.

LETTER FROM EMANUEL GALAS REGARDING PROPOSED RESTAURANT AND MOTEL AT THE  
CITY-COUNTY AIRPORT 1-45

A letter from Emanuel Galas dated November 18, 1963, expressing interest in the establishment of a restaurant and motel on Modesto City-County Airport property, was read by the City Clerk. Mr. Galas requested information on the following: the maximum lease period the City would allow; amount of rental; whether the City would give Mr. Galas an exclusive six-months' option for the study and examination of the feasibility of such an undertaking.

MOTION

That the matter be referred to the Public Relations Committee for discussion with Mr. Galas

Moved by Shastid      Seconded by VanderWall      Unanimously carried

LETTER FROM JAMES R. MORGENSON RE PROGRESS MADE TO DATE ON PERSONNEL COM-  
MISSION'S ANNUAL SALARY STUDY

A letter from James R. Morgenson, Chairman, Modesto City Personnel Commission, dated November 15, 1963, giving the progress made to date on the Personnel Commission's annual salary study, was read by the City Clerk. The letter indicated that the Commission has voted to recommend only one change in employee fringe benefits - to increase sick leave accumulation from a maximum of 90 days to a maximum of 120 days.

Mayor Johansen stated that the progress report submitted by Mr. Morgenson resulted from the Council's request that it be kept currently informed of the Personnel Commission's progress during the salary study.

No action was taken by the Council.

ADOPTION OF ORDINANCE NO. 621-C.S., REZONING OF ALFORD AND BARTON PROPERTY  
ON CARVER ROAD

ORDINANCE NO. 621-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF  
MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ALFORD AND  
BARTON)"

introduced November 12, 1963, and having been published as required, was  
moved and adopted (effective January 1, 1964).

Moved by VanderWall      Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

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CONSIDER ORDINANCE AMENDING THE CODE RELATING TO MOTOR BUSES 2-05  
(Changing the public liability and property damage insurance requirement and bringing the operation of motor buses within the provisions of the City's license regulations)

ORDINANCE NO. 626-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 6-7.204, 6-7.206, 6-7.207, 6-7.210 AND 6-7.211 OF ARTICLE 2 OF CHAPTER 7 OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO MOTOR BUSES"

was introduced and ordered published as required by the Charter.

Moved by Mitchell      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

CONSIDER ORDINANCE AMENDING PROVISIONS OF THE MUNICIPAL CODE RELATING TO CLAIM PROCEDURE  
(to amend Code provisions to refer to appropriate sections of state law as renumbered)

ORDINANCE NO. 627-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 2-4.201 AND 2-4.202 OF ARTICLE 2 OF CHAPTER 4 OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO CLAIM PROCEDURE"

was introduced and ordered published as required by the Charter.

Moved by Shastid      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

CONSIDER ORDINANCE ESTABLISHING FEES FOR THE SERVICE OF THE CITY ENGINEER 2-42

ORDINANCE NO. 628-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 5 TO CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO FEES FOR SERVICES OF CITY ENGINEER" (established at 6% of the estimated cost of work)

was introduced and ordered published as required by the Charter.

Moved by VanderWall      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

AN ORDINANCE ADDING ARTICLE 3 TO CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO MANDATORY SEWER CONNECTION

The provisions of the proposed ordinance were outlined by the City Attorney.

By order of the Chair, the matter was held over until such time as the Council has an opportunity to review the proposed ordinance.

CONTINUATION OF DISCUSSION ON THE REQUEST FOR SIGN VARIANCE BY TEXACO COMPANY 2-120

Copies of a memorandum from Director of Public Works Campbell dated November 22, 1963, subject, "Request for variance to sign regulations, Texaco Station, 6th and G Streets," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

The memorandum was read by the City Manager.

Council policy on the regulation of signs along the freeway was discussed.

RESOLUTION NO. 63-520

A RESOLUTION GRANTING A VARIANCE TO TEXACO, INC., TO INSTALL A 35-FOOT FIN SIGN AT SERVICE STATION PROPERTY LOCATED AT SIXTH AND G STREETS

Introduced by Tabbert      Seconded by VanderWall

Ayes: Councilmen: Mitchell, Patton, Tabbert, VanderWall  
 Noes: Councilmen: Shastid, Mayor Johansen  
 Absent: Councilmen: Hughes

CONSIDER RENEWING CITY GROUP INSURANCE PROGRAM FOR CALENDAR YEAR 1964 3-118

RESOLUTION NO. 63-521

A RESOLUTION RENEWING BID OF CALIFORNIA PHYSICIANS' SERVICE FOR EMPLOYEES' GROUP HOSPITAL-MEDICAL INSURANCE AT A MONTHLY RATE OF \$5.45 FOR INDIVIDUAL EMPLOYEES AND \$12.83 FOR FAMILY COVERAGE

Introduced by Mitchell      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Hughes

ACCEPT AS COMPLETE INDUSTRIAL ELECTRICAL COMPANY'S CONTRACT FOR THE CONSTRUCTION OF A TAXIWAY LIGHTING SYSTEM AT THE MODESTO CITY-COUNTY AIRPORT 4-3

RESOLUTION NO. 63-522

A RESOLUTION ACCEPTING THE CONSTRUCTION OF TAXIWAY LIGHTING SYSTEM AT THE MODESTO CITY-COUNTY AIRPORT  
 (Industrial Electrical Co., contractor)

Introduced by Shastid      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Hughes

CONSIDER ACTIVATING COURTESY PARKING NOTICES FOR DOWNTOWN SHOPPERS DURING THE CHRISTMAS PERIOD, STARTING DECEMBER 14

Copies of a memorandum from Chief of Police Bowers dated November 20, 1963, subject, "Courtesy Notices for Downtown Parking," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Chief Bowers stated that the Exchange Club usually participated in this program by providing the notices used in lieu of the usual citations.

## MOTION

That courtesy parking notices for downtown shoppers during the Christmas period, beginning December 14, 1963, be approved

Moved by VanderWall      Seconded by Patton      Unanimously carried

CONSIDER REVISION OF AGREEMENT FOR APPRAISAL SERVICES WITH WILLIAM H. MURRAY AND ROBERT FORD      4-15

Copies of letters from William H. Murray dated November 14, 1963, and Robert W. Ford, dated June 17, 1963, appraisers, requesting a per diem increase for appraisal services from \$100 to \$125 were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes.

## MOTION

That the letters be referred to the Council Public Relations Committee for study and report

Moved by VanderWall      Seconded by Mitchell      Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 153 AND 155 EAST ROSEBURG AVENUE      4-42

## MOTION

That the request for sewer service to property located at 153 and 155 East Roseburg Avenue be approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

LEASE BETWEEN CITY OF MODESTO AND THE UNITED STATES OF AMERICA (F.A.A.) FOR AIR TRAFFIC CONTROL TOWER AT THE MODESTO CITY-COUNTY AIRPORT

Terms of the lease were outlined by the City Attorney.

## RESOLUTION NO. 63-523

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE UNITED STATES OF AMERICA (FEDERAL AVIATION AGENCY) FOR AIR TRAFFIC CONTROL TOWER AT THE MODESTO CITY-COUNTY AIRPORT  
(Commencing December 2, 1963, and ending June 30, 1964, \$1 per year rental with option for year-to-year renewal)

Introduced by Shastid      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

LEASE BETWEEN CITY OF MODESTO AND THE UNITED STATES OF AMERICA (F.A.A.) FOR REMOTE TRANSMITTER SITES AT THE MODESTO CITY-COUNTY AIRPORT

## RESOLUTION NO. 63-524

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE UNITED STATES OF AMERICA (FEDERAL AVIATION AGENCY) FOR REMOTE TRANSMITTER SITES AT THE MODESTO CITY-COUNTY AIRPORT (commencing December 2, 1963, and ending June 30, 1964, with option for year-to-year renewal at \$1 per year)

Introduced by Shastid      Seconded by VanderWall

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Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None Absent: Hughes

Since the proposed transmitter sites will be located on City-County property, the staff was directed to obtain clearance from the County.

AGREEMENT - LOT SPLIT - NORTH SIDE OF YOSEMITE BOULEVARD, WEST OF SAN JUAN DRIVE, 4-79

The City Manager reported that Planning Commission Resolution No. 989 recommends that a lot split be approved on property located on the north side of Yosemite Boulevard, west of San Juan Drive, subject to the conditions that a 17-foot dedication of land be made along the 255.5 foot frontage of the property, and that approval of the lot split not become effective and no building permit issued until the deed conveying the right of way has been recorded.

The City Attorney outlined the terms of an agreement with Robert Bomberger covering curb, gutter and sidewalk requirements which are not feasible at the present time because street grades on Yosemite Boulevard have not as yet been established by the State. He said that the agreement would be recorded.

The binding qualities of the agreement were discussed.

A motion introduced by Councilman Shastid that the matter be held over for one week was withdrawn.

Robert Bomberger, applicant for the lot split, stated that he was bound by the contract whether or not the property reverted to other ownership.

RESOLUTION NO. 63-525

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT P. BOMBERGER, ET AL, SETTING FORTH CONDITIONS CONNECTED WITH A LOT SPLIT, BLOCK 2156, NORTH SIDE OF YOSEMITE BOULEVARD, 217 FEET MORE OR LESS, WEST OF SAN JUAN DRIVE

Introduced by VanderWall      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None Absent: Hughes

The City Attorney was directed to check into the binding qualities of future agreements of this kind.

RECOMMEND REZONING FROM C-1 to C-2, BOTH SIDES OF YOSEMITE BOULEVARD (SECTION MAPS 28, 33 ) (HARRY KULLIJIAN)

RESOLUTION NO. 63-526

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTIONS 28, AND 33 OF THE ZONING MAP (HARRY KULLIJIAN)

Introduced by Shastid      Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None Absent: Hughes

December 16, 1963, at 4:40 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROPRIATION TRANSFERS - NoneMATTERS FOR THE GOOD OF THE COMMUNITY - NoneREPORT FROM THE COUNTY OF STANISLAUS REGARDING APPOINTMENT OF LOCAL AGENCY FORMATION COMMISSION 5-60

The City Manager reported that the following have been appointed as members of the Local Agency Formation Commission:

Community representative: Walter C. LaCore, 1001 Norwegian Avenue, Modesto, one-year term;

City representatives: Brice Draper, Patterson, two-year term; H. Emory Bonander, Turlock, three-year term;

County representatives: Al Brink, three-year term, Robert Fahey, four-year term.

Councilman Tabbert has been appointed alternate City representative.

REPORT OF PUBLIC PROJECTS COMMITTEE RELATIVE TO ARCHITECT FOR FIRE STATION

Councilman Mitchell stated that the Public Projects Committee recommends that the proposal of Ray C. Abst for architectural services for the Northern Boulevard fire station be approved, the architectural fee to be 8% of the total cost of the project; any additional buildings using the same plans to be 4% of the total cost, plus additional costs for alterations to the drawings.

## MOTION

That the proposal of Ray C. Abst for architectural services for the Northern Boulevard fire station be approved as recommended by the Public Project Committee, and that the City Attorney prepare the necessary documents based on the proposal of the architect

Moved by VanderWall      Seconded by Shastid      Unanimously carried

The City Manager stated that it was hoped that the fire station would be completed by the time the fire pumpers are delivered, about July 1, 1964.

REPORT ON MEETING OF ECONOMIC DEVELOPMENT ACTION COMMITTEE - NOVEMBER 21, 1963 5-115

The City Manager reported that he attended a meeting of the Economic Development Action Committee in the absence of Councilman Shastid; that the Committee approved the final overall economic development program and was submitting it to the Board of Supervisors for final approval.

REQUEST FOR DRIVEWAY VARIANCE BY ROBERT BOMBERGER IN CONNECTION WITH LOT SPLIT APPROVED ON YOSEMITE BOULEVARD - UNANIMOUS CONSENT ITEM

Director of Public Works Campbell stated that since the construction of curb, gutter and sidewalks in connection with the lot split granted Robert Bomberger on the north side of Yosemite Boulevard has been postponed for an indefinite period, Mr. Bomberger has requested that the Council consider the granting of a variance to permit installation of temporary plant mix driveways on the property within the width requirements established by the Code until such time as the grades on Yosemite Boulevard are established by the State, and curbs, gutters and sidewalks are required on adjacent properties.

## RESOLUTION NO. 63-527

A RESOLUTION GRANTING A VARIANCE TO ROBERT BOMBERGER TO PERMIT INSTALLATION OF TEMPORARY BLACKTOP DRIVEWAYS (PROPERTY LOCATED ON YOSEMITE BOULEVARD)

Introduced by Patton      Seconded by VanderWall

Ayes: Mitchell Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

RECESS

## MOTION

That the meeting now in session recess until 7:30 P.M.

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting recessed at 5:20 P.M. and reconvened at 7:30 P.M.

Councilman Hughes was present at this session of the meeting.

Mayor Johansen introduced the following members of the Board of Supervisors present in the audience: James Franzen, Al Brink, Joe Domecq.

HEARING ON PROPOSED FORMATION OF A SANITARY SEWER DISTRICT

Mayor Johansen announced that the hour of 7:30 P.M. had arrived, the time set for consideration of the proposed formation of a sanitary sewer district in North Modesto, and opened the hearing.

The City Clerk reported that Resolution No. 63-466 adopted by the Council on October 14, 1963, describing the proposed sewer district area and setting the date for public hearing, was published in the Modesto Tribune twice, on October 24 and October 31, 1963, and copies posted in three designated public places within the proposed district; copies were mailed to all persons to whom land in the proposed district is assessed at the addresses as shown on the last equalized county assessment roll; a certified copy of the resolution filed with the Stanislaus County Board of Supervisors.

Introduced into the record were affidavits of posting in public places and mailing of notices to all interested parties; a notice postponing the regular meeting of November 25, 1963, at 7:30 P.M. to December 2, 1963, at 4:00 P.M.; a letter from Nathan Rowley, bond counsel, dated November 21, 1963.

The City Clerk reported that nine letters favoring the district and two letters opposing the district were filed; also filed were twenty-nine notices favoring the district, eleven of the notices giving the number of acres involved.

Deputy Manager Ray gave a brief history of the City's Sewage Treatment Plant facilities, and the result of studies made by the City during the past few years in connection with the North Modesto sewage problem. He said that last September word was received that Public Works Acceleration Funds were available in the amount of 50% of the cost of a sanitary sewer project in North Modesto; that an application for a federal grant was approved, providing that a method of financing the other half of the project could be secured; that on September 16, 1963, a citizens' committee recommended the formation of a municipal sewer district as a means of financing the project. . . .

Mr. Ray stated that because part of the proposed district is outside the city limits, prior approval of the County Board of Supervisors must be obtained before the district can be formed. Total cost of the project is estimated at \$1,462,000 with the federal government's share not to exceed \$718,000 towards construction costs. The bond issue, in the event the district is formed, will be \$800,000.

Director of Planning Fey outlined the reasons why the area for the proposed sanitary sewer district was chosen.

Director of Public Works Ross Campbell outlined the costs involved in providing the area with a lateral system and the connection of individual properties to the trunk system.

Director of Finance Bird illustrated on a chart the estimated income, costs, and a general financial plan to be followed.

The City Clerk read into the record the letters filed with the City Clerk, both favoring and protesting the proposed formation of the district.

Francis Ruggieri, County Supervisor, was introduced by Mayor Johansen.

The following spoke in opposition to the proposed sanitary sewer district: Robert Ewing, 1849 Paust Road; Frank Sharrar, 3409 West Point Drive; Walter Singler, 709 Colorado Avenue; H. R. Beachamp, 3205 Growdon Avenue.

Eugene Cosgrove, 2537 Woodland Avenue, asked for the exact location of a proposed lift station on Woodland Avenue, what type of construction was anticipated, and whether or not there would be odor problems. Mr. Cosgrove was directed to contact the Director of Public Works.

Homer Couchman, 1321 Floyd Avenue, owner of 50 acres of farmland, spoke in favor of the proposed sanitary sewer district.

Jack Lovett, 1502 Placer Avenue, stated that residents protesting odors from the sewage treatment plant were in the process of obtaining about 500 signatures on a petition protesting the formation of the North Sanitary Sewer District, until such time as the residents are assured that the plant odors will be eliminated.

Loren Hilts, 1906 Michael Avenue, asked whether or not connection would be mandatory in the event of formation of the proposed district. It was his opinion that a considerable portion of the opposition was due to presently existing odor problems at the Sewage Treatment Plant.

Mrs. Greenhaw, Claratina Road, stated that she did not live within the proposed sewer district, and asked whether or not her property taxes would be affected by the formation of the proposed sanitary sewer district. She pointed out the need for a sewer system in South Modesto.

Monte Lukov, Citizens' Committee Chairman, North Modesto Sanitary Sewer District, outlined the circumstances under which the committee was established.

Paul Birmingham, Civil Engineer, stated that percolation tests in the North Modesto area were passable; that residents in the area should give thought to the future when the septic tanks no longer operate.

Al Flory, 1406 East Orangeburg, building contractor, spoke in support of the proposed sanitary sewer district. It was his opinion that residents of the area should have an opportunity to vote on the issue.

The City Manager stated that a resolution from the Board of Supervisors indicated that the proposed district would be discussed at its December 10th meeting.

The proposed district was discussed by the Council.

MOTION

That the hearing be continued to December 16, 1963, at 4:30 P.M.

Moved by VanderWall      Seconded by Patton      Unanimously carried

The meeting recessed at 9:41 P.M. and reconvened at 9:47 P.M.

HEARING ON PROPOSED REZONING OF JUSTO FERRARIO PROPERTY, ZONING MAP 28  
(LAS FLORES AND LA SOMBRA) 15-90

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the southeast corner of Las Flores and La Sombra Avenues from R-1 to P-D, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 7, 1963, and notices posted and delivered in the area on November 13, 1963. A petition opposing the rezoning, signed by seventeen property owners in the area, was filed with the City Clerk.

The City Manager stated that Planning Commission Resolution No. 983, adopted October 15, 1963, recommends that the area be rezoned.

The reasons for the Planning Commission's recommendation that the area be rezoned and the conditions imposed were outlined by Planning Director Fey.

The City Clerk read the petition protesting the rezoning.

Justo Ferrario, owner of the property, spoke in favor of the proposed rezoning.

Wilbur Grant, 233 Las Palmas, spoke in favor of the proposed planned development.

The following residents in the area spoke in opposition to the proposed rezoning: Attorney A. M. Frad, 1115 Eye Street, representing Mr. and Mrs. Don Wright, Las Flores Avenue; Attorney Walter Crow, 218 Bonita, appearing on behalf of himself as an area resident; Sam Neesan, 305 Las Flores Avenue.

No one else in the audience wished to be heard, and Mayor Johansen declared the hearing closed.

The proposed rezoning was discussed by the Council.

## RESOLUTION NO. 63-532

A RESOLUTION DENYING THE APPLICATION OF JUSTO FERRARIO TO RECLASSIFY CERTAIN PROPERTY IN SECTION 28 OF THE ZONING MAP AND REQUESTING A FURTHER REPORT FROM THE PLANNING COMMISSION IN ACCORDANCE WITH SECTION 10-2.2114 OF THE MUNICIPAL CODE

Introduced by VanderWall      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

HEARING ON PROPOSED REZONING, RENEE MANOR NO. 1 SUBDIVISION (Klemm, Section 18 of the zoning map)      19-70

Mayor Johansen announced that the hour of 8:10 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on Rumble Road from R-1 to R-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 7, 1963, and posted and delivered in the area on November 13, 1963. No written protests were filed with the City Clerk. (Block 13204, Lots 1 to 9; Block 6649, Lot 1; Block 6648, Lot 13, Renee Manor No. 1 Subdivision)

The City Manager stated that Planning Commission Resolution No. 984 recommends that the property be rezoned.

The basis for the Planning Commission's recommendation for the rezoning was outlined by Planning Director Fey.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

## ORDINANCE NO. 629-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GEORGE KLEMM)"

was introduced and ordered published as required by the Charter.

Introduced by Patton      Seconded by Johansen

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

HEARING ON PROPOSED REZONING OF AMERICAN LUMBER CO. PROPERTY, ZONING MAP NO. 20

Mayor Johansen announced that the hour of 8:20 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the northwest corner of West Roseburg and Alma Avenues, from R-1 to R-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on November 7, 1963, and posted and delivered in the area on November 13, 1963. No written protests to the proposed rezoning were filed with the City Clerk.

The City Manager stated that Planning Commission Resolution No. 979 recommends that the parcel be rezoned.

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The basis for the Planning Commission's recommendation for rezoning was outlined by Planning Director Fey.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

ORDINANCE NO. 630-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (AMERICAN LUMBER COMPANY)"

Moved by Hughes      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

Noes: None      Absent: None

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by Patton      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 11:06 P.M.

ATTEST:

  
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 5:21 P.M. in the Council Chambers, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Johansen  
Absent: Councilmen: Hughes

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the regular meeting of November 18, 1963, and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM FRANK ANDREWS RE: FIRE DEPARTMENT

A letter from Frank Andrews dated November 29, 1963, subject, "Deplorable Blot-out of Important News - Request for Loud Speaker Permit, also Hand Bill - City," was summarized by the City Clerk. A clipping from the Fresno Bee entitled "Let's not monkey with our Fire Department," was attached to the letter. The letter was ordered filed.

LETTER FROM ROBERT T. MARTIN, ASSISTANT SECRETARY - CALIFORNIA HIGHWAY COMMISSION RE: MEETING CONCERNING STATE SIGN ROUTE 132, YOSEMITE BOULEVARD 6-52

A letter from Robert T. Martin, Assistant Secretary, California Highway Commission, dated November 26, 1963, announcing that a meeting of the Highway Commission and delegation from the City of Modesto concerning State Sign Route 132, Yosemite Boulevard, has been scheduled for 10:00 A.M., Wednesday, December 18, 1963, in the basement hearing room of the Public Works Building, 1120 N Street, Sacramento, was summarized by the City Clerk.

The City Manager stated that a meeting was being held in the City Hall December 6, 1963, at 3:00 P.M. with the Yosemite Boulevard group to discuss the presentation to be made. He invited interested Council members to attend the meeting.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF IMPROVEMENTS TO CALIFORNIA-FRANKLIN PARK - GENERAL CONSTRUCTION

By order of the Chair, this matter was held over.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF IMPROVEMENTS FOR CALIFORNIA-FRANKLIN PARK - SPRINKLER SYSTEM

By order of the Chair, this matter was held over.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF IMPROVEMENTS FOR CALIFORNIA-FRANKLIN PARK - LANDSCAPING INSTALLATION

By order of the Chair, this matter was held over.

CONTINUATION OF HEARING ON PROPOSED DEMOLITION OF DOROTHY PENFIELD PROPERTY AT 510 WEST FAIRMONT AVENUE 6-65

A memorandum from Fire Chief Wayne Everett dated November 22, 1963, subject, "Penfield Property - 510 W. Fairmont," was distributed to the Council, a copy of which is on file with the record of the minutes.

The memorandum outlined a schedule established by the Building Inspector, Health Department Sanitarian, and Fire Chief to remove all material on the property constituting a health and sanitation problem. When the Health Department has cleared the property (no later than March 1, 1964) the Fire Department and Building Inspection Department will consult with Miss Penfield regarding further removal of fire and building hazards existing at that time.

By order of the Chair, the staff was directed to remove the item from the agenda on the basis of the above memorandum.

ADOPTION OF ORDINANCE NO. 623-C.S. REZONING PROPERTY OF GENE CRISMON ON LAS FLORES AVENUE

ORDINANCE NO. 623-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GENE CRISMON)"

introduced on November 18, 1963, and having been published as required by the Charter, was moved and adopted.

Moved by VanderWall      Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

ADOPTION OF ORDINANCE NO. 624-C.S. REZONING PROPERTY OF JOE TROMBETTA ON CARVER ROAD

ORDINANCE NO. 624-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (JOE TROMBETTA)"

introduced November 18, 1963, and having been printed as required by the Charter, was moved and adopted.

Moved by VanderWall      Seconded by Patton

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

CONTRACT FOR GRANT TO ACQUIRE OPEN SPACE LAND UNDER TITLE VII OF THE HOUSING ACT OF 1961 (20% grant)

RESOLUTION NO. 63-528

A RESOLUTION APPROVING CONTRACT BETWEEN THE CITY OF MODESTO AND UNITED STATES OF AMERICA HOUSING AND HOME FINANCE AGENCY FOR GRANT TO ACQUIRE OPEN-SPACE LAND UNDER TITLE VII OF THE HOUSING ACT OF 1961 (Davis High School Community Park)

Introduced by Shastid      Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

APPROPRIATION TRANSFER - COUNTY TAXES

RESOLUTION NO. 63-529

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$958 FOR AN ADDITIONAL APPROPRIATION REQUIRED TO PAY COUNTY PROPERTY TAXES (To provide additional amounts estimated to be needed for 1963-64 property taxes)

Introduced by Shastid      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

APPROPRIATION TRANSFER - NORTHERN BOULEVARD AND TIMOTHY FIRE STATION

RESOLUTION NO. 63-530

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1000 FOR EXCHANGE OF PROPERTY BETWEEN CHESTER CHAMBERS AND THE CITY OF MODESTO (From Special Fund for Capital Outlay, General Reserve 321-600)

Introduced by VanderWall      Seconded by Tabbert

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

ADJOURNMENT OF MEETING IN HONOR OF THE MEMORY OF THE LATE PRESIDENT JOHN FITZGERALD KENNEDY

The proposed resolution was read by Mayor Johansen.

RESOLUTION NO. 63-531


A RESOLUTION ADJOURNING THE COUNCIL MEETING IN HONOR OF THE MEMORY OF THE LATE PRESIDENT JOHN FITZGERALD KENNEDY

Introduced by Mayor Johansen      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

The meeting adjourned at 5:33 P.M.

ATTEST:

  
\_\_\_\_\_  
REX E. GAILFUS, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M., as provided by Section 2-1.01 of the Modesto Municipal Code, in the Council Chambers at 801 11th Street, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor  
Johansen  
Councilman VanderWall arrived at 8:25 P.M.  
Absent: Councilmen: None

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

Reverend A. P. Gregory gave the invocation.

LETTER FROM OLIVER DEATSCH, SECRETARY, MODESTO BAND, INC., RE: PAYMENT OF BUDGETED ITEMS FOR 1963

A letter from Oliver Deatsch dated December 2, 1963, subject, "Modesto Band of Stanislaus County, Inc., requesting payment of \$1,550 budgeted by the Council for Municipal Band concerts and representation at the State Fair, was summarized by the City Clerk.

MOTION

That payment of budgeted items in the amount of \$1,550 be approved

Moved by Shastid      Seconded by Tabbert      Unanimously carried

LETTER REQUESTING A VARIANCE TO SIDEWALK REGULATIONS - MC HENRY VILLAGE, INC., 1700 MC HENRY AVENUE

A letter from Fred Seely, Vice President, McHenry Village, Inc., dated December 5, 1963, requesting permission to make repairs to blacktopped areas adjacent to the curb and in driveway areas in McHenry Village, was summarized by the City Clerk.

RESOLUTION NO. 63-520

A RESOLUTION GRANTING A VARIANCE TO MC HENRY VILLAGE, INC., TO REPAIR AND PATCH BLACKTOPPED AREAS ADJACENT TO THE CURB AND IN DRIVEWAY AREAS

Introduced by Hughes      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

LETTER FROM CITY OF BARSTOW RE H. R. 6457

A letter from Ida Pleasant, Mayor, City of Barstow, dated November 25, 1963, requesting that the Council oppose H. R. 6457 now before the 88th Congress of the United States, was summarized by the City Clerk.

No action was taken by the Council. The letter was ordered filed.

CONSIDER AWARD OF BID FOR CONSTRUCTION OF IMPROVEMENTS TO CALIFORNIA-FRANKLIN PARK - GENERAL CONSTRUCTION

The variance between the bid and the Engineer's estimate was discussed.

## RESOLUTION NO. 63-534

A RESOLUTION ACCEPTING THE BID OF WILLIAM M. MINENI FOR CONSTRUCTION OF IMPROVEMENTS FOR CALIFORNIA-FRANKLIN PARK - GENERAL CONSTRUCTION - IN THE AMOUNT OF \$35,205 (base proposal, less alternates)

Introduced by Mitchell      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen

Noes: None      Absent: VanderWall

CONSIDER AWARD OF BID FOR CONSTRUCTION OF IMPROVEMENTS TO CALIFORNIA-FRANKLIN PARK - SPRINKLER SYSTEM

## RESOLUTION NO. 63-535

A RESOLUTION ACCEPTING THE BID OF ALBERT M. BIEHL OF \$11,488 FOR CONSTRUCTION OF IMPROVEMENTS FOR CALIFORNIA-FRANKLIN PARK - SPRINKLER SYSTEM

Introduced by Mitchell      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen

Noes: None      Absent: VanderWall

CONSIDER AWARD OF BID FOR CONSTRUCTION OF IMPROVEMENTS TO CALIFORNIA-FRANKLIN PARK - LANDSCAPING INSTALLATION

## RESOLUTION NO. 63-536

A RESOLUTION ACCEPTING THE BID OF HARRY O. KLINE OF \$7,345 FOR CONSTRUCTION OF IMPROVEMENTS FOR CALIFORNIA-FRANKLIN PARK - LANDSCAPING INSTALLATION

Introduced by Mitchell      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen

Noes: None      Absent: VanderWall

APPROPRIATION TRANSFER - CALIFORNIA-FRANKLIN PARK 2-80

## RESOLUTION NO. 63-537

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4,438 FOR ADDITIONAL FUNDS FOR GENERAL CONSTRUCTION AT THE CALIFORNIA-FRANKLIN PARK

Introduced by Hughes      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen

Noes: None      Absent: VanderWall

CALL FOR BIDS FOR PREPARATION OF CODE SHEET CHANGES FOR CALENDAR YEAR 1964

## RESOLUTION NO. 63-538

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING REVISED OR SUPPLEMENTAL PAGES OF THE MODESTO MUNICIPAL CODE FOR CALENDAR YEAR 1964

Introduced by Shastid      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen

Noes: None      Absent: VanderWall

January 7, 1964, at 2:00 P.M., in the City Clerk's office was set as the time and place for opening bids.

ADOPTION OF ORDINANCE NO. 626-C.S. AMENDING MUNICIPAL CODE RELATING TO THE OPERATION OF LOCAL BUSES

ORDINANCE NO. 626-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 6-7.204, 6-7.206, 6-7.207, 6-7.208, 6-7.210 AND 6-7.211 OF ARTICLE 2 OF CHAPTER 7 OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO MOTOR BUSES"

introduced December 2, 1963, and having been published as required, was moved and adopted. (effective date, January 8, 1964)

Moved by Shastid      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

ADOPTION OF ORDINANCE NO. 627-C.S. AMENDING MUNICIPAL CODE RELATING TO OPERATION OF CLAIM PROCEDURE

ORDINANCE NO. 627-C.S. entitled

"AN ORDINANCE AMENDING SECTIONS 2-4.201 AND 2-4.202 OF ARTICLE 2 OF CHAPTER 4 OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO CLAIM PROCEDURE"

introduced December 2, 1963, and having been published as required, was moved and adopted. (effective date, January 8, 1964)

Moved by Mitchell      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

ADOPTION OF ORDINANCE NO. 628-C.S. RELATING TO ENGINEER SERVICE FEES

ORDINANCE NO. 628-C.S. entitled

"AN ORDINANCE ADDING ARTICLE 5 TO CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO FEES FOR SERVICES OF CITY ENGINEER"

introduced December 9, 1963, and having been published as required, was moved and adopted. (effective date, January 8, 1964)

Moved by Tabbert      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND EAST MODESTO INDUSTRIAL WASTE COMPANY TO LEASE 40 ACRES OF LAND AT THE MODESTO CITY-COUNTY AIRPORT (farming purposes and emergency percolation beds)

RESOLUTION NO. 63-539

A RESOLUTION APPROVING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND EAST MODESTO INDUSTRIAL WASTE COMPANY FOR LEASE OF LAND AT MODESTO CITY-COUNTY AIRPORT (For one year beginning January 1, 1964, \$1,000 per year payable upon execution of agreement)

Introduced by Shastid      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

ACCEPT IMPROVEMENTS IN NORTHWOOD ESTATES SUBDIVISION AS COMPLETE AND AUTHOR-  
IZE THE CITY CLERK TO RELEASE THE SUBDIVISION IMPROVEMENT BOND 2-105

RESOLUTION NO. 63-540

A RESOLUTION AUTHORIZING THE RELEASE OF THE GLENS FALLS INSURANCE COMPANY  
SUBDIVISION BOND FILED TO GUARANTEE IMPROVEMENTS INNORTHWOOD ESTATES  
SUBDIVISION (\$56,000)

Introduced by Hughes      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

CONSIDER PERSONNEL COMMISSION RECOMMENDATION CONCERNING RECRUITMENT OF  
CITY EMPLOYEES 3-112

Copies of a Modesto City Personnel Commission Resolution dated  
November 12, 1963, relating to recruitment of city employees were furnished  
the Council prior to the meeting, a copy of which is on file with the record  
of the minutes.

Conflict of the Charter and the proposed resolution was discussed.

No action was taken by the Council.

CONSIDER AGREEMENT WITH THE COUNTY OF STANISLAUS FOR ANNUAL RECREATION  
ALLOCATION 3-2

RESOLUTION NO. 63-541

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY  
OF STANISLAUS FOR ANNUAL RECREATION ALLOCATION (\$14,783.08)

Introduced by Mitchell      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

CONSIDER AGREEMENT BETWEEN CITY AND RAY C. ABST, ARCHITECT, FOR ARCHI-  
TECTURAL SERVICES - NORTHERN BOULEVARD FIRE STATION

RESOLUTION NO. 63-542

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RAY C.  
ABST, ARCHITECT, FOR ARCHITECTURAL SERVICES NEEDED FOR CONSTRUCTION OF  
NORTHERN BOULEVARD FIRE STATION

Introduced by Mitchell      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

APPROPRIATION TRANSFER - NORTHERN BOULEVARD FIRE STATION

RESOLUTION NO. 63-543

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$56,000 FOR CONSTRUCTION OF NORTHERN BOULEVARD FIRE STATION (from Special Fund for Capital Outlays)

Introduced by Mitchell      Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

CONSIDER REQUEST FROM F. A. KLINGER, INC., FOR WAIVER OF PENALTY AND INTEREST ON DELINQUENT BUSINESS LICENSE 3-20

Copies of a letter from F. A. Klinger, Inc., dated November 26, 1963, requesting waiver of penalty and interest charges incurred during fiscal years 1962-63 and 1963-64, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

## MOTION

That the request for waiver of penalty and interest charges be denied

Moved by Shastid      Seconded by Mayor Johansen      Unanimously carried

CONSIDER REQUEST OF SCHOOLS THAT CITY PARTICIPATE IN WORK EXPERIENCE EDUCATION 3-40

Copies of a letter from Norvin R. Spence, Supervisor of Work Experience Education, Modesto High Schools, dated November 19, 1963, relative to work experience education were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes.

Mr. Spence described the aspects of the educational program scheduled to begin in the Spring of 1964, and asked that the Council approve City participation.

The City Manager stated that the staff supported the proposed program.

Upon questioning, Mr. Spence stated that the nonpaid student workers would be covered by school insurance; paid student workers by workmen's compensation insurance.

## MOTION

That City cooperation with the proposed work experience education be approved

Moved by Shastid      Seconded by Mitchell      Unanimously carried

LETTER REQUESTING TERMINATION OF LEASE ON THE 14TH AND J STREET PARKING LOT

A letter from the law firm of McVay, Reid and Azevedo dated November 29, 1963, notifying the City of the present owners' intent to terminate their lease with the City for the 14th and J Street parking lot effective March 1, 1964, and asking that the City provide a demand of sums due the City resulting from termination of the lease by the lessors prior to the termination date of the agreement, was summarized by the City Attorney. Mr. Grimes stated that under the terms of the agreement, the lessors possessed the right to terminate the lease by giving the City at least 90 days notice prior to the date of termination.

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Director of Parking and Traffic Carmody stated that approximately \$3,100 would be paid to the City by the lessors.

MOTION

That receipt of the letter is acknowledged by the Council and the staff directed to answer the letter

Moved by Shastid      Seconded by Tabbert      Unanimously carried

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR THE ACQUISITION OF RIGHT OF WAY FROM JAMES CHESTER CHAMPION AND EULALA JO CHAMPION FOR WIDENING OF TULLY ROAD AND LEONARD AVENUE

RESOLUTION NO. 63-544

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES CHESTER CHAMPION, ET UX, FOR ACQUISITION OF RIGHT OF WAY FOR WIDENING OF TULLY ROAD AND LEONARD AVENUE

Introduced by Tabbert      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

CONSIDER APPROVAL OF RIGHT OF WAY CONTRACT FOR THE ACQUISITION OF RIGHT OF WAY FROM JAMES AND EULALA CHAMPION FOR WIDENING OF TULLY ROAD

RESOLUTION NO. 63-545

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES CHESTER CHAMPION, ET UX, FOR ACQUISITION OF RIGHT OF WAY FOR WIDENING OF TULLY ROAD

Introduced by Shastid      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
Noes: None      Absent: VanderWall

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 119 COLFAX AVENUE

The City Manager reported that this property was not contiguous to the City but that the usual agreement has been signed by the applicant.

MOTION

That the request for sewer service to property located at 119 Colfax Avenue be approved

Moved by Shastid      Seconded by Hughes      Unanimously carried

RECOMMENDED EXTENSION OF TIME FOR FILING OF MAP - FAIRWAY ESTATES UNIT NO. 1

The City Manager reported that Planning Commission Resolution No. 990 dated December 3, 1963, recommends that the request of the developer to extend the time of filing the final map of Fairway Estates No. 1 Subdivision to December 4, 1964, be approved.

## RESOLUTION NO. 63-546

## A RESOLUTION RECOMMENDING EXTENSION OF TIME FOR FILING THE FINAL MAP OF FAIRWAY ESTATES NO. 1 SUBDIVISION

Introduced by Mitchell      Seconded by Hughes

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
 Noes: None      Absent: VanderWall

APPROPRIATION TRANSFERS - None

ESTABLISHMENT OF PETTY CASH FUND FOR VALIDATED PARKING LOTS - UNANIMOUS CONSENT ITEM

## RESOLUTION NO. 63-547

A RESOLUTION AUTHORIZING ESTABLISHMENT OF A PETTY CASH ACCOUNT IN THE PARKING FUND ACCOUNT FOR PURPOSES OF MAKING CHANGE ON OFF-STREET PARKING LOTS WHICH ARE ATTENDANT OPERATED

Introduced by Mitchell      Seconded by Shastid

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen  
 Noes: None      Absent: VanderWall

MATTERS FOR THE GOOD OF THE COMMUNITY

Welcoming of students in audience

Mayor Johansen extended a welcome to various students in the audience.

Councilman VanderWall arrived at 8:25 P.M.

Helen Woods, 132 North Santa Ana, report of vicious dog in neighborhood

Mrs. Helen Woods complained of a vicious dog in her neighborhood which is permitted to run loose by its owner, terrorizing the neighborhood. She stated that last Saturday afternoon her dog was killed on her property by the vicious dog; that she has been informed by the Police Department that it is unable to do anything about the situation under the City's present Code. She asked that the Council take steps before children are attacked. Mrs. Woods said that she had made numerous complaints to the Police Department and pound man.

Alvin C. Rocha, 130 North Santa Ana Avenue, substantiated Mrs. Woods' story.

Enforcement of existing laws pertaining to dogs was discussed.

Chief Bowers gave a brief history of complaints received by the Police Department concerning the dog.

Mrs. Woods and Mr. Rocha stated that they were both willing to sign a criminal complaint against the owner of the dog in order to bring the matter into court.

By order of the Chair, the City Attorney was directed to investigate the methods and ways of other cities in handling problems of this kind, and the City Manager and City Attorney directed to report to the Council on this matter at the December 23rd meeting.

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College Avenue traffic problems - reported by Reverend A. P. Gregory

Reverend Gregory reported the increasing difficulty to get onto College Avenue from Morris Avenue, particularly during the school week, stating that he was calling this to the attention of the Council with the hope that something could be worked out to alleviate the problem.

Mayor Johansen suggested that Reverend Gregory meet with Director of Parking and Traffic Carmody to discuss the problem.

Mr. Carmody stated that signalization of Tully and Ninety-Nine is in the call for bid stage and when completed will divert a considerable amount of traffic from College Avenue.

Report by Councilman Mitchell - Consideration of North Modesto Sanitary Sewer District by Board of Supervisors

Councilman Mitchell reported that the proposed formation of the North Modesto Sanitary Sewer District would be considered by the County Board of Supervisors on December 10, 1963, at 11:00 A.M. He said that a suggestion had been made by one of the Board members that it would help to satisfy some of the county residents if the Board of Supervisors or a member of the Board could serve in a liaison or advisory capacity with a City committee on the formation of the district. He suggested that the City Manager and a council member appear before the Board at its meeting tomorrow to indicate the City's willingness to establish an informal committee of perhaps two Supervisors and two Councilmen.

## MOTION

That Councilmen Mitchell and Hughes and City Manager Keefe appear at the meeting of the Board of Supervisors December 10, 1963, at 11:00 A.M. and to set up an informal committee as recommended by Councilman Mitchell

Moved by Shastid      Seconded by Tabbert      Unanimously carried

REQUEST FOR VACATION - City Manager Keefe

## MOTION

That the City Manager's request for a vacation from December 19, 1963, through January 1, 1964, be approved

Moved by Shastid      Seconded by VanderWall      Unanimously carried

REQUEST FOR VACATION - City Attorney Grimes

## MOTION

That the City Attorney's request for a vacation between Christmas and New Year's Day be approved

Moved by Tabbert      Seconded by Shastid      Unanimously carried

PRESENTATION OF FINANCIAL REPORT FOR MONTH OF NOVEMBER, 1963

The financial report for the month of November, 1963, was presented to the Council and ordered filed.

REPORT OF SUPERINTENDENT OF STREETS ON COST OF CONSTRUCTION OF CURB AND GUTTER AT 1316 ROSEBURG AVENUE (LOT 5, BLOCK 935, OF COLLEGE GARDENS)

A report to the Council dated December 5, 1963, from the Director of Public Works indicating that the sum of \$171 is the amount of the assessment against property located at 1316 Roseburg Avenue (Lot 5, Block 935, of College Gardens) covering the work of installation of curbs and gutters, was filed with the City Clerk.

December 23, 1963, at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

APPROVAL BY CITY COUNCIL OF MAYOR PETER JOHANSEN'S LETTER REGARDING YOSEMITE BOULEVARD

A proposed letter from Mayor Johansen to Mr. John Erreca, Chairman, State Highway Commission and Commission members regarding the improvement of Yosemite Boulevard was read by Deputy City Manager Ray.

Mr. Ray said that it was also hoped that the letter would be signed by the Chairman of the Board of Supervisors and that if approved by the Council, the letter would constitute the first page of a brochure to be submitted to the Highway Commission at the December 18 meeting.

MOTION

That the letter from Mayor Johansen to Mr. John Erreca be approved for inclusion in the proposed brochure

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The City Manager stated that Councilman VanderWall would make the City's presentation at the December 18th meeting. Interested council members were invited to attend the meeting.

ADJOURNMENT

MOTION

That the meeting adjourn to executive session to consider personnel matters

Moved by VanderWall      Seconded by Hughes      Unanimously carried

The meeting adjourned at 9:18 P.M.

ATTEST:

  
Rex E. Gailfus, City Clerk

The Council of the City of Modesto met in regular session this date at 4:00 P.M. in the Council Chambers, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Hughes, Mitchell, Patton, Tabbert, VanderWall,  
Mayor Johansen  
Absent: Councilmen: Shastid

Reverend R. Truman Northup gave the invocation.

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

APPROVAL OF MINUTES OF PREVIOUS MEETING

Council members having received copies of the minutes of the regular meetings of November 25, 1963 and December 2, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

LETTER FROM S. RUDOLPH MARTIN, JR., TO EDITOR, THE MODESTO BEE - COPY TO  
MODESTO CITY COUNCIL RE: HUMAN RIGHTS COMMITTEE

A letter from S. Rudolph Martin, Jr., Modesto, California dated December 5, 1963 relative to the formation of the Modesto Human Rights Committee, a copy of which is on file with the record of the minutes, was summarized by the City Clerk. Mr. Martin expressed his approval of the formation of the Committee.

The letter was ordered filed.

LETTER FROM DR. EARLE D. VAN VALIN AND RANDOLPH SANDERS REGARDING MODESTO  
SEA SCOUTS AND BERTH OF 63-FOOT SEA SCOUT SHIP ON STOCKTON CITY PROPERTY

Copies of a letter from Dr. Earle Van Valin and Randolph Sanders dated December 2, 1963 were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. Dr. Van Valin and Mr. Sanders stated that for several years the City Council of Stockton has permitted the Modesto Sea Scouts to berth their 63-foot sea scout ship rent free on Stockton City property. They requested that the Modesto Council write a letter to the Stockton City Council expressing the organization's thanks and appreciation for use of the berthing space.

MOTION

That the Mayor write a letter of appreciation to the Stockton City Council as recommended

Moved by VanderWall    Seconded by Tabbert    Unanimously carried

COMMUNICATION FROM FRANK ANDREWS - "A REVIEW OF 1963 AND PLANS FOR 1964" 1-52

Copies of a letter from Frank Andrews dated December 11, 1963, subject, "A review of 1963 - and Plans for 1964," were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The letter was summarized by the City Clerk and ordered filed.

ADOPTION OF ORDINANCE NO. 629-C.S. RECLASSIFYING CERTAIN PROPERTY - MAP 18(KLEMM)

ORDINANCE NO. 629-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (GEORGE KLEMM)"

introduced December 2, 1963 and having been published as required, was moved and adopted. (effective January 15, 1964)

Moved by VanderWall      Seconded by Tabbert

Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Shastid

ADOPTION OF ORDINANCE NO. 630-C.S. RECLASSIFYING CERTAIN PROPERTY - MAP 20 (AMERICAN LUMBER COMPANY)

ORDINANCE NO. 630-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON(AMERICAN LUMBER COMPANY)"

introduced December 2, 1963 and having been published as required, was moved and adopted. (effective January 15, 1964)

Moved by Hughes      Seconded by Patton

Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Shastid

ORDINANCE AMENDING SECTION 3-1.229 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO FIRE PREVENTION (Liquefied Petroleum Gases)

ORDINANCE NO. 631-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-1.229 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO FIRE PREVENTION"

was introduced and ordered published as required by the Charter.

Moved by VanderWall      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Shastid

ORDINANCE AMENDING SECTION 2-1.07 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL ORGANIZATION AND PROCEDURE

ORDINANCE NO. 632-C.S. entitled

"AN ORDINANCE AMENDING SECTION 2-1.07 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL ORGANIZATION AND PROCEDURE"  
(requiring City Clerk to post notice of adjournment near door of meeting place within 24 hours after the time of adjournment)

was introduced and ordered published as required by the Charter.

Moved by Mitchell      Seconded by VanderWall

Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Shastid

AGREEMENT BETWEEN CITY OF MODESTO AND HAWAII AND SAN FRANCISCO INVESTMENT COMPANY WHEREBY CITY AGREES TO FURNISH SEWER SERVICE TO PROPERTY NOT WITHIN THE CITY LIMITS 1-95

At the request of the City Manager, and with the consent of the Council, this matter was held over.

CONSIDER REQUEST BY HUMBLE OIL COMPANY TO REPAIR PLANT-MIX DRIVEWAY AT SERVICE STATION LOCATED AT NORTHEAST CORNER OF MC HENRY AND DRAKE AVENUES

A letter from Humble Oil and Refining Company signed by Paul G. Wieseahn, dated December 12, 1963 requesting a variance to permit the repair of an asphalt driveway approach to the Enco Service Station located at 1500 McHenry Avenue, Modesto, was summarized by the City Manager.

RESOLUTION NO. 63-548

A RESOLUTION GRANTING A VARIANCE TO HUMBLE OIL AND REFINING COMPANY TO REPAIR BLACKTOPPED DRIVEWAY APPROACH AT 1500 MC HENRY AVENUE

Introduced by VanderWall      Seconded by Tabbert  
 Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Shastid

CONSIDER REQUEST FOR SEWER SERVICE TO PROPERTY AT 128 EAST ROSEBURG AVENUE 1-103

The City Manager stated that a request has been received for sewer service to property located on the south side of Roseburg Avenues, east of McHenry Avenue; that a line exists to serve the property. It is not contiguous to the city limits. The usual agreement has been signed by the property owner.

MOTION

That the request for sewer service to property located at 128 East Roseburg Avenue be approved

Moved by Mitchell      Seconded by Tabbert      Unanimously carried

REPORTS FROM THE PLANNING COMMISSION - None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Councilman Mitchell complimented Fire Chief Everett for the very fine display organized and presented to visitors from Modesto's Sister City, Barranquilla, last Wednesday.

PROGRESS REPORT ON FREEWAY CONSTRUCTION

A memorandum from the Director of Parking and Traffic dated December 10, 1963, subject, "Freeway Progress Report," indicating that Tuolumne Boulevard will be opened to traffic some time in late December or early January, weather permitting, was filed with the record of the minutes. The first phase of the freeway construction program should be completed around February 1, 1964.

REPORT ON APPOINTMENT OF MARY GROGAN AS DIRECTOR OF PARKS AND RECREATION  
EFFECTIVE DECEMBER 10, 1963

The City Manager announced the appointment of Mary Grogan as Director of Parks and Recreation effective December 10, 1963.

MATTERS FOR THE GOOD OF THE COMMUNITY (Continued)

Resolutions - County Board of Supervisors

Entered into the record were the following documents received from the County Board of Supervisors: Resolution dated December 10, 1963, "Conclusion of Consideration of Modesto Municipal Sewer District"; Resolution dated December 10, 1963, "Approving Lease of Airport Property to Federal Government"; Resolution dated December 10, 1963, "Approving Brochure on Yosemite Boulevard Improvement."

A copy of the brochure prepared by the city staff to be presented to the State Highway Commission in connection with the proposed widening of Yosemite Boulevard was shown to the Council.

PRESENTATION OF FORWARD MODESTO COMMITTEE '62 FINAL REPORT 2-33

Paul Birmingham, General Chairman of the Forward Modesto Committee '62 activated by the Council about one and one-half years ago, presented copies of the summary Committee report to the Council. He briefly reviewed the function of the subcommittees established under the Committee. He said that the complete file, containing the various subcommittee reports, would be filed with the City Clerk at a later date.

Mr. Birmingham stated that all of the members of the Forward Modesto Committee '62 were available to appear before the Council to discuss their particular phase of the report.

Mayor Johansen expressed the Council's gratitude to Mr. Birmingham and the entire Committee for a job well done.

After discussion, the Council determined that Council discussions of the various phases of the report would be held at afternoon meetings whenever possible, with the chairmen of the subcommittees present to discuss their own reports. Mr. Birmingham stated that he would be willing to help schedule the Council discussions.

RESOLUTION NO. 63-549

A RESOLUTION OF THE MODESTO CITY COUNCIL ACCEPTING THE REPORT OF THE FORWARD MODESTO COMMITTEE '62 AND EXPRESSING THE COUNCIL'S APPRECIATION FOR THE WORK OF THE COMMITTEE

Introduced by VanderWall      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Shastid

The City Clerk was directed to set the first meeting on February 3, 1963, an afternoon meeting, for a general discussion of the report with members of the Executive Committee present.

The staff was directed to notify Mr. Birmingham two weeks in advance of hearings scheduled which will require the presence of committee chairmen.

MATTERS FOR THE GOOD OF THE COMMUNITY (continued)Complaint - entrances - 9th Street Lot

Mr. Cleveland Stockton, representing Mr. Lee and Mr. Wong, operators of the Lotus Cafe, which is adjacent to the 9th and J Street Parking Lot, registered a complaint that the closing of the J Street entrance of the parking lot has resulted in a loss of business to the Lotus Cafe and other businesses in the area, by depriving them of patronage of southbound Highway 99 traffic and J Street traffic, and has resulted in traffic congestion in the area of the only entrance to the lot on 9th Street.

Councilman Patton stated that he had received several calls from businessmen who stated that customers had complained about the difficulty of getting into the parking lot, and suggestions made that either the I Street or J Street entrances be opened and more exits provided.

Director of Parking and Traffic Carmody stated that the lot averaged over 1,000 cars on the first three days' operation, against an average of 850 cars per day prior to establishment of validation. He said that there was no congestion getting into the lot, but that some congestion arose in the exit of the cars from the lot. He said that it was possible to have additional entrances and exits, but each entrance would require the services of an additional man on a 13-hour schedule. Mr. Carmody explained that the loss of business by the Lotus Cafe could possibly be attributed to the inability of transients to enter a crowded parking lot.

Carl Lewis, owner of the lot, said his principal concern was the fact that southbound traffic on Highway 99 could no longer turn onto J Street and enter the parking lot in order to patronize the Lotus Cafe; that this was also true of cars coming west on J Street. He asked that the J Street entrance to the parking lot be opened.

Mr. Lewis discussed the difficulty of parking in the area of the lot adjacent to the Lotus Cafe, and asked that the Council consider changing the angle of the spaces to facilitate parking.

Upon questioning, Mr. Carmody stated that validation tickets had been sold to about 45 merchants.

**MOTION**

That the J Street entrance of the 9th Street lot be opened with an additional man hired for the period between now and the first of the year (no additional house or time clock, and to be used for entrance purposes only)

The staff was directed to work on the angle of the parking spaces adjacent to the Lotus Cafe.

CONTINUATION OF HEARING ON NORTH MODESTO SANITARY SEWER DISTRICT

Mayor Johansen announced that the hour of 4:30 P.M. had arrived, the time set for continuation of the hearing on the proposed North Modesto Sanitary Sewer District No. 1, and opened the hearing.

The City Manager read a resolution dated December 10, 1963 received from the Board of Supervisors which indicated that the proposal died for lack of a second and was considered rejected for want of affirmative action. The Board

decided that a committee comprised of representatives of the City Council, Board of Supervisors and interested citizens should be named to study the entire problem of sewage disposal in the Greater Modesto Area including, but not limited to, the inclusion of additional territory in any proposed district, and the ability of the present sewage treatment plant to handle the additional load which would be placed upon it.

Supervisors Domecq and Ruggieri were appointed by the Chairman to serve as a nominating committee to prepare a list of possible nominees for this study committee for presentation to the Board at its meeting on January 7, 1964.

#### MOTION

That the hearing on the proposed North Modesto Sanitary Sewer District be continued until January 20, 1964 at 4:30 P.M.

Moved by VanderWall      Seconded by Hughes      Unanimously carried

#### MOTION

That the Mayor write a letter to the Board of Supervisors advising it of the Council's action in continuing the hearing and informing the Board that the Council is awaiting the action of the committee to be appointed by the Board of Supervisors with the hope that a report can be obtained prior to January 20, 1964

Moved by VanderWall      Seconded by Patton      Unanimously carried

#### HEARING ON PROPOSED REZONING OF PROPERTY ON YOSEMITE BOULEVARD, SECTION MAY 28 AND 33 - KULLIJIAN 6-110

Mayor Johansen announced that the hour of 4:40 P.M. had arrived, the time set for consideration of the proposed rezoning of property located on the north side of Yosemite Boulevard between Las Flores and Santa Barbara Avenues, and on the south side of Yosemite Boulevard between Santa Rosa Avenue and the alley in Block 2053 from Neighborhood Commercial Zone, C-1 to General Commercial Zone, C-2, and opened the hearing.

The City Clerk reported that notice of the hearing was published in the Modesto Tribune on December 5, 1963 and notices posted and distributed in the area on the same date. No written protests were filed with the City Clerk.

The City Manager reported that Planning Commission Resolution No. 988 recommends the rezoning of the area from C-1 to C-2.

Ralph Reynolds, Ceres, spoke in favor of the rezoning.

No one else in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

#### ORDINANCE NO. 633-C.S. entitled

"AN ORDINANCE AMENDING SECTION MAPS 28 AND 33 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HARRY KULLIJIAN)"

was introduced and ordered published as required by the Charter.

Moved by VanderWall      Seconded by Mitchell  
 Ayes: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Shastid

FURTHER DISCUSSION, BROCHURE, TO BE PRESENTED TO STATE HIGHWAY COMMISSION

At the suggestion of Councilman Hughes, the City Manager stated that it might be possible to include more pictures of the condition of Yosemite Boulevard in the brochure which is to be presented to the State Division of Highways at the December 18th meeting.

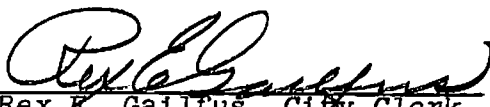
ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Johansen      Unanimously carried

The meeting adjourned at 5:42 P.M.

ATTEST:   
Rex E. Gallus, City Clerk

The Council of the City of Modesto met in regular session this date at 7:30 P.M. in the Council Chambers, 801 11th Street, as provided by Section 2-1.01 of the Modesto Municipal Code, Mayor Johansen presiding.

The City Clerk called the roll:

Present: Councilmen: Mitchell, Shastid, Tabbert, VanderWall,  
Mayor Johansen  
Councilman Patton arrived at 7:35 P.M.  
Councilman Hughes arrived at 8:05 P.M.  
Absent: Councilmen: None

Reverend Bernard Den Ouden gave the invocation.

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

#### APPROVAL OF MINUTES

Council members having received copies of the minutes of the regular meeting of December 9, 1963 and the same being available for public inspection, and there being no objections, the minutes were approved.

#### PRESENTATION OF SUGGESTION AWARDS

Mayor Johansen presented \$10 suggestion awards to the following city employees: Mel Williams, Office Services Division, for suggesting the use of pre-printed masters; Loy J. Nicholes, Parks and Recreation Department, for suggesting the use of a tree removal tool; John Mosely, Public Works Department, for suggesting the use of a rust preventive applicator at the Sewage Treatment Plant.

#### LETTER - TOMY OSTERMAIER - REQUESTING TO BE HEARD CONCERNING LONG-TERM TENANCY AT MUNICIPAL AIRPORT

A letter from Tomy Ostermaier dated December 17, 1963 asking that he be permitted to present facts concerning a situation which has arisen concerning his long-term tenancy at the Municipal Airport, was read by the City Clerk.

With the consent of the Council, this matter was held over to the January 6, 1964 meeting.

#### LETTER REGARDING USE OF McHENRY LIBRARY BY CHILDREN'S THEATER

Copies of a letter from Robert C. Bienvenu et al dated December 13, 1963 requesting the use of the basement of McHenry Library for the organization's activities were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The letter was summarized by the City Clerk.

#### MOTION

That the matter be referred to the Board of Library Trustees for investigation, report and recommendation

Moved by Mitchell      Seconded by VanderWall      Unanimously carried

LETTER FROM ULRICH SHOPPING CENTER MERCHANTS' ASSOCIATION REGARDING ANNUAL CHRISTMAS DECORATION FUND

Copies of a letter from Jack A. Ulrich, Ulrich Shopping Center Merchants' Association dated December 13, 1963 requesting \$200 to be applied to the shopping center's Christmas street decorations in spite of the expiration of the deadline for such requests, were furnished the Council prior to the meeting, a copy of which is on file with the record of the minutes. The letter was summarized by the City Clerk.

A memorandum from Director of Finance Bird dated December 19, 1963, subject, "Christmas Decorations for Big U Company," indicating that Council Resolution No. 62-401 relating to the allocation of funds for Christmas decorations, contains a condition that all requests for funds for Christmas decorations must be submitted prior to April 1 preceding the fiscal budget year and that the Big U Merchants' Association failed to do so, was summarized by Acting Manager Ray.

A motion proposed by Councilman Shastid, seconded by Councilman Patton denying the request, failed to carry, with Councilmen Mitchell, Tabbert, VanderWall and Mayor Johansen dissenting.

**MOTION**

That the request of Ulrich Shopping Center Merchants' Association for \$200 for Christmas decorations be approved, with the source of funds to be determined at the next meeting

Moved by Mitchell      Seconded by Tabbert

The motion carried, Councilmen Patton and Shastid dissenting.

APPROVE SPECIFICATIONS AND AUTHORIZE CALL FOR BIDS FOR 30 VEHICLES BUDGETED FOR FISCAL YEAR 1963-64**RESOLUTION NO. 63-550**

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR 30 VEHICLES BUDGETED FOR FISCAL YEAR 1963-64

Introduced by VanderWall      Seconded by Shastid

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

January 14, 1964 at 2:00 P.M. in the City Clerk's office was set as the time and place for opening of bids.

CONSIDER ACCEPTANCE OF \$766 FOR SALE OF WRECKED POLICE CARS FROM FIEZ AUTO WRECKERS**RESOLUTION NO. 63-551**

A RESOLUTION ACCEPTING THE BID OF FIEZ AUTO WRECKERS FOR TWO WRECKED POLICE CARS(\$766)

Introduced by Shastid      Seconded by VanderWall

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

**APPROVE SPECIFICATIONS FOR REPAINTING OF SUBMERGED METAL AND CONCRETE SURFACES OF WORK PERFORMED UNDER DANIELS CONSTRUCTION COMPANY CONTRACT FOR SEWAGE TREATMENT PLANT ENLARGEMENTS**

Acting City Manager Ray stated that the proposed call for bids for repainting the submerged metal and concrete surfaces of the work performed under Daniels Construction Company's contract for Sewage Treatment Plant enlargements was for two purposes - to determine the actual cost of the repainting under the original specifications, such cost to be furnished the Court in connection with litigation involving the City and Daniels Construction Company for allegedly defective work; the repainting is needed to protect the structure from sewage wastes. Mr. Ray stated that a decision would probably be rendered by the Court by January 13, 1964; that no funds are budgeted for the repainting.

**RESOLUTION NO. 63-552**

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REPAINTING OF SUBMERGED METAL AND CONCRETE SURFACES - SEWAGE TREATMENT PLANT**

Introduced by Shastid      Seconded by Mitchell

Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

January 7, 1964 at 2:15 P.M. in the City Clerk's office was set as the time and place for opening of bids.

**ADOPTION OF ORDINANCE NO. 631-C.S. - FIRE PREVENTION**

ORDINANCE NO. 631-C.S. entitled  
"AN ORDINANCE AMENDING SECTION 3-1.229 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO FIRE PREVENTION"

Introduced December 16, 1963 and having been published as required, was moved and adopted. (effective January 22, 1964)

Moved by VanderWall      Seconded by Tabbert  
Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

**ADOPTION OF ORDINANCE NO. 632-C.S. - COUNCIL PROCEDURE 2-77**

ORDINANCE NO. 632-C.S. entitled  
"AN ORDINANCE AMENDING SECTION 2-1.07 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL ORGANIZATION AND PROCEDURE"

Introduced December 16, 1963 and having been published as required, was moved and adopted. (effective January 22, 1964)

Moved by VanderWall      Seconded by Tabbert  
Ayes: Mitchell, Patton, Tabbert, Shastid, VanderWall, Mayor Johansen  
Noes: None      Absent: Hughes

**AGREEMENT BETWEEN CITY OF MODESTO AND HAWAII AND SAN FRANCISCO INVESTMENT COMPANY - SEWER SERVICE, SCENIC DRIVE**

Acting Manager Ray stated that the proposed agreement provides that the City furnish sewer service to a six-acre parcel of property located on the north side of Scenic Drive between Brighton and Rose Avenues,

outside the city limits, subject to the Hawaii and San Francisco Investment Company dedicating and improving at its own expense the adjoining major street right of way on Scenic Drive, dedication of 90 feet for the proposed Brighton Avenue extension if alignment is located on said property, and construction of a six-foot block wall along Brighton Avenue.

RESOLUTION NO. 63-553

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HAWAII AND SAN FRANCISCO INVESTMENT COMPANY WHEREBY CITY AGREES TO FURNISH SEWER SERVICE TO PROPERTY LOCATED ON SCENIC DRIVE

Introduced by VanderWall      Seconded by Mitchell  
 Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Hughes

HEARING ON COST OF CONSTRUCTION OF CURB AND GUTTER AT 1316 ROSEBURG AVENUE 2-102

Mayor Johansen announced that the hour of 8:00 P.M. had arrived, the time set for consideration of the cost of construction of curb and gutter at 1316 Roseburg Avenue, and opened the hearing.

The City Clerk reported that the owner was notified of the hearing and a report submitted by the Director of Public Works indicating the cost of the work to be \$171, the amount to be assessed against the property.

No one in the audience asked to be heard, and Mayor Johansen declared the hearing closed.

RESOLUTION NO. 63-554

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF CURB AND GUTTER ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF THE AMOUNT OF SAID LIEN (1316 ROSEBURG AVENUE)

Introduced by VanderWall      Seconded by Tabbert  
 Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Hughes

RESOLUTION APPROVING BUDGET PROPOSALS FOR ENGINEERING FUNDS - SECTION 2107-5 STREETS AND HIGHWAYS CODE - \$6,000

RESOLUTION NO. 63-555

A RESOLUTION APPROVING BUDGET PROPOSAL BETWEEN THE CITY OF MODESTO AND STATE DIVISION OF HIGHWAYS FOR ENGINEERING FUNDS, FISCAL YEAR 1963-64

Introduced by Shastid      Seconded by Tabbert  
 Ayes: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen  
 Noes: None      Absent: Hughes

Councilman Hughes arrived at 8:05 P.M.

CONSIDER P.U.C. REQUEST THAT CITY PAY ITS SHARE OF CROSSING GATES AT THE B STREET CROSSING

Copies of a memorandum from Parking and Traffic Director Carmody dated December 16, 1963 subject, "B Street - Southern Pacific Crossing Protection," with copies of a letter from the Public Utilities Commission dated December 9, 1963 same subject, were furnished the Council prior to the meeting, copies of which are on file with the record of the minutes. The P.U.C. asked if the Council was willing to participate in the cost of the installation of crossing gates at the B Street crossing. (Estimated cost to City, about \$3,292).

**MOTION**

That the request of the Public Utilities Commission for city participation in the installation of crossing gates at the B Street crossing be denied

Moved by Shastid      Seconded by VanderWall      Unanimously carried

FINAL ACCEPTANCE OF TRAFFIC SIGNALS AND STREET LIGHTING AT TULLY AND ORANGEBURG

A memorandum from Director of Parking and Traffic Carmody dated December 18, 1963 reported that all work in connection with the installation of traffic signals and street lighting at Tully and Orangeburg Avenue has been completed by the contractor; that it would be in order for the Council to accept the work as complete and authorize the City Clerk to file a notice of completion. Total cost of work done, \$7,574.

**RESOLUTION NO. 63-556**

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNALS AND STREET LIGHTING AT TULLY AND ORANGEBURG AVENUE**

Introduced by Shastid      Seconded by Tabbert  
 Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor  
       Johansen  
 Noes: None      Absent: None

REPORT ON CORRESPONDENCE WITH PERSON AND WIK, INC., REGARDING INVESTIGATION OF CITY HALL BUILDING

Copies of correspondence between the city staff and the firm of Person and Wik regarding work allegedly performed for the City in the amount of \$575 in connection with the condition of the brick in the City Hall building were furnished the Council prior to the meeting, copies of which are filed with the record of the minutes.

Acting Manager Ray said it was the opinion of the staff that the bill was not just and valid, and suggested that it be referred to the Public Projects Committee for study and recommendation.

**MOTION**

That the statement for \$575 from Person and Wik, Inc., be rejected

Moved by Shastid      Seconded by Mitchell      Unanimously carried

RESOLUTION SETTING DATE FOR HEARING ON APPEAL BY W. S. TICKLE, 820 HAMPSHIRE COURT, FROM THE DECISION OF THE BOARD OF ZONING ADJUSTMENT RESOLUTION NO. 235

RESOLUTION NO. 63-557

A RESOLUTION FIXING THE TIME AND PLACE FOR A PUBLIC HEARING ON THE APPEAL OF MR. W. S. TICKLE TO CONDITIONAL USE PERMIT GRANTED BY BOARD OF ZONING ADJUSTMENT TO MODESTO COVENANT CHURCH

Introduced by VanderWall      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Johansen

Noes: None      Absent: None

January 13, 1964 at 8:00 P.M. in the Council Chambers, City Hall, was set as the time and place of hearing.

CONSIDER INSTALLATION OF STREET LIGHTING AT POLICE-COMMUNICATIONS BUILDING 3-52

Acting Manager Ray stated that no street lighting exists in the area where the Police-Communications Building and Fire Station are located, and that street lighting at this location would be desirable. Cost of installation is estimated at \$1,700. He stated that conduit for the lighting has already been installed.

The staff was directed to check if other property owners in the area were interested in installation of street lighting adjacent to their properties.

MOTION

That action on this matter be postponed until budget hearings are underway

Moved by VanderWall      Seconded by Patton      Unanimously carried

CONSIDER REQUEST FOR SEWER SERVICE TO THE COOPER PROPERTY ON SCENIC DRIVE WEST OF ROSE AVENUE

Acting Manager Ray stated that the property is located on the north side of Scenic Drive just west of Rose Avenues and is outside the city limits. A line must be constructed by the owner to serve the property.

MOTION

That the staff be directed to prepare an agreement imposing certain conditions, including the dedication of right of way for the widening of and the improvement of Scenic Drive, as recommended by the Acting City Manager

Moved by Shastid      Seconded by Patton      Unanimously carried

REPORTS FROM THE PLANNING COMMISSION

(a) RECOMMENDATION REVERSING A FORMER DECISION TO REZONE FROM R-1 TO P-D (16) PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LAS FLORES AND LA SOMBRA AVENUES AND RESCINDING RESOLUTION NO. 983 (Ferrario)

Acting Manager Ray stated that Planning Commission Resolution No. 994

reverses the Planning Commission's former decision to rezone this property from R-1 to P-D (16), and recommends that the application be denied.

RESOLUTION NO. 63-558

A RESOLUTION REMOVING THE SUSPENSION OF RESOLUTION NO. 63-532 DENYING THE APPLICATION OF JUSTO FERRARIO TO RECLASSIFY CERTAIN PROPERTY IN SECTION 28 OF THE ZONING MAP

Introduced by Shastid      Seconded by Mitchell

Ayes: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall,  
Mayor Johansen

Noes: None      Absent: None

APPROPRIATION TRANSFERS - None

MATTERS FOR THE GOOD OF THE COMMUNITY

Monte Lukov - Invitation to Council to attend American Legion Post No. 74 function

Monte Lukov extended an invitation to Council members to attend a dinner to be given by the American Legion Post No. 74 on January 8, 1964 at the American Legion Hall, the National Commander of the American Legion to be present. Mayor Johansen was invited to attend the press conference to be held at 4:00 P.M. at the Seely Towers. Mr. Lukov said that a formal invitation would be forthcoming.

The Council was also invited to attend the Home Builders Association installation dinner to be held January 20, 1964.

The City Clerk was directed to remind the Council of the above dates.

REQUEST FOR SEWER SERVICE BY MARSHALL LAZAR, VALLEY REALTORS, TO PROPERTY LOCATED AT 329 EL VISTA

Acting Manager Ray stated that the usual agreement has been signed by the property owner agreeing to annex. The property is contiguous to the city limits.

MOTION

That the request of Marshall Lazar for sewer service to property located at 329 El Vista Avenue be approved

Moved by Mitchell      Seconded by Shastid      Unanimously carried

SEWAGE TREATMENT PLANT PROGRESS REPORT

Director of Public Works Campbell stated that a report on odors at the Sewage Treatment Plant would be presented to the Council at the January 13, 1964 meeting. He said that the Water Pollution Control Board has asked city representatives to be present at a meeting to be held some time in January, at which time the odor problems will be discussed.

PRELIMINARY REPORT BY CITY ATTORNEY RELATING TO DOG REGULATIONS

The City Attorney reported that a number of sample ordinance were received from other cities relating to the handling of dangerous or vicious dogs and referred to the Chief of Police for review; that Chief Bowers and the Poundman have asked that the Council consider a combination of two different provisions from ordinances received from

Manhattan Beach and San Anselmo, California, namely, "that it shall be unlawful for any person owning, possessing or having the custody or control of any dangerous or vicious dog to allow or permit such dog to be or go at large within the City," and a provision making owners of dangerous and vicious dogs subject to misdemeanor action. Samples of the ordinances are on file with the record of the minutes.

Mr. Mortimer, 1610 Oakwood Drive, asked the Council what steps could be taken to protect the public from barking dogs. He was told that the problem of barking dogs would probably be covered in a later report by the City Attorney.

By order of the Chair, the City Attorney was directed to submit a draft of an ordinance at the January 13th meeting prepared in accordance with the recommendations of the Chief of Police and Poundman.

COMMUNICATIONS FROM LEAGUE OF CALIFORNIA CITIES RE SERVICES BY MODESTO CITY OFFICIALS ON STATE-WIDE LEAGUE OF CALIFORNIA CITIES COMMITTEES

Acting Manager Ray stated that letters from Noel E. Porter, Past President, League of California Cities, dated December 9, 1963 expressing appreciation for their service as members of League Committees during 1962-63 were received by the following: Councilman VanderWall, League Resolutions Committee; Councilman Mitchell, League International Municipal Cooperation Committee; City Attorney Grimes, Municipal Affairs and Police Power Committee; Acting Manager Ray, Water Pollution Control Committee.

REPORT ON HEARING OF CALIFORNIA STATE HIGHWAY COMMISSION ON YOSEMITE BOULEVARD HELD DECEMBER 18, 1963

Councilman VanderWall complimented the staff on its presentation at the meeting held in Stockton December 18, 1963. He said that he believed that the presentation was well received, and that an agreement between the City, County and State would probably be signed within three or four months for the widening of Yosemite Boulevard; that Mr. Womack pointed out that plans should also be made to budget \$1,250,000 to include the construction of a bridge at Jennie Street.

ADJOURNMENT

MOTION

That the meeting now in session be adjourned

Moved by VanderWall      Seconded by Tabbert      Unanimously carried

The meeting adjourned at 8:36 P.M.

ATTEST:

  
REX E. GAILFUS, City Clerk